

# 820 WEST MACARTHUR BOULEVARD PROJECT CEQA ANALYSIS

City of Oakland

September 2021

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## ACRONYMS AND ABBREVIATIONS

1,2-DCE	1,2-dichloroethene
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit
ACDEH	Alameda County Department of Environmental Health
ACMs	asbestos-containing materials
ACPWA	Alameda County Public Works Agency
ADA	Americans with Disabilities Act
AMI	Area Median Income
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BERD	Built Environmental Resource Database
bgs	below ground surface
BMP	Best Management Practice
Cal/OSHA	California Occupational Safety and Health Administration
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CGS	California Geological Survey
cis-1,2-DCE	cis-1, 2-Dichloroethene
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
COPC	Chemicals of Potential Concern
CRHR	California Register of Historical Resources
CQA/QC	Construction Quality Assurance/Quality Control
CUPA	Certified Uniform Program Agency
dBA	A-weighted decibel
DDT	dichlorodiphenyltrichloroethane
DRO	Diesel Range Organics
DTSC	Department of Toxic Substances Control
EBMUD	East Bay Municipal Utility District
ECAP	2030 Equitable Climate Action Plan

ACRONYMS AND ABBREVIATIONS

EIR	Environmental Impact Report
ESA	Environmental Site Assessment
ESL	Environmental Screening Level
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
GHG	greenhouse gas
GRO	gasoline range organics
HASP	Health and Safety Plan
HPE	Historic Preservation Element
HSA	High School Attendance Area
ITE	Institute of Transportation Engineers
LBP	lead-based paint
LOP	Local Oversight Program
LOS	Level of Service
LUTE	Land Use and Transportation Element
MBTEX	benzene, toluene, ethylbenzene and xylenes
mgd	million gallons per day
MLK	Martin Luther King Jr.
MM	Mitigation Measures
MSL	mean sea level
MTBE	methyl tert-butyl ether
MTC	Metropolitan Transportation Commission
MTS	Metropolitan Transportation System
NAHC	Native American Heritage Commission
NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
OARB	Oakland Army Base
OSCAR	Open Space, Conservation, and Recreation General Plan Element
OUSD	Oakland Unified School District
PAHS	polyaromatic hydrocarbons
PCB	polychlorinated biphenyl
PCE	petroleum and tetrachloroethene
PM <sub>10</sub>	particulate matter less than 10 µm in diameter
PRC	Public Resources Code
REC	Recognized Environmental Condition
RM	Mixed Housing Type Residential

ROG	reactive organic gases
RU-4	Urban Residential-4 zoning district
RU-5	Urban Residential-5 zoning district
RWQCB	Regional Water Quality Control Board
SAP	Sampling and Analysis Plan
SB	Senate Bill
SCA	Standard Conditions of Approval
SCAMMRP	Standard Conditions of Approval and Mitigation Monitoring and Reporting Program
SCH	State Clearinghouse
SGMP	Soil and Groundwater Management Plan
SIMP	Soil Import Management Plan
SMP	Site Management Plan
SVOC	Semivolatile Organic Compound
TAC	toxic air contaminant
TAZ	Transportation Analysis Zone
TCE	trichloroethene
TCM	Transportation Control Measure
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TIRG	Transportation Impact Review Guidelines
TPH	total petroleum hydrocarbons
TPH-D	total petroleum hydrocarbons-diesel
TPH-G	total petroleum hydrocarbons-gasoline
trans-1,2-DCE	trans-1,2-dichloroethene
UST	underground storage tank
VIMS	Vapor Intrusion Mitigation System
VMEC	Vapor Mitigation Engineering Controls
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
WORP	West Oakland Redevelopment Plan

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**820 West MacArthur Boulevard Project  
CEQA Analysis**

**Pursuant to California Resources Code Sections 21083.3, 21094.5.5,  
and 21166 and State CEQA Guidelines Sections 15183 and 15183.3**

Date: September 17, 2021  
 Project Address: 820 West MacArthur Boulevard, Oakland CA  
 Project Number: PLN 19-247  
 Zoning: Urban Residential (RU-5)  
 Urban Residential (RU-4)  
 General Plan: Urban Residential  
 APNs: 012-0959-009-03  
 Lot Size: 0.52 acre  
 Plan Area: West Oakland Redevelopment Plan  
 Project Sponsor: Riaz Capital  
 2744 East 11<sup>th</sup> Street  
 Oakland, CA 947601  
 Attn: Lisa Vilhauer 925.858.4724  
 Staff Contact: Maurice Brenyah-Addow 510.238.6342  
 Brenyah-Addow@oaklandca.gov

**I. EXECUTIVE SUMMARY**

The purpose of this California Environmental Quality Act (CEQA) document is to analyze the development proposed at 820 West MacArthur Boulevard to determine whether it is covered by a previously prepared Environmental Impact Report (EIR), qualifies for an addendum, and/or meets the criteria for an eligible infill exemption, such that no additional environmental review is required. The project sponsor, Riaz Capital, is proposing to develop one parcel located at 820 West MacArthur Boulevard within the Longfellow neighborhood in Oakland. The site is located within the West Oakland Redevelopment Plan (WORP or Plan) project area (Project Area) and within the West MacArthur Hoover subarea of the WORP. The 0.52-acre project site is developed with a former tire sales and auto service station that was constructed in 1975 and has been vacant since 2018.

The 820 West MacArthur Boulevard Project (proposed project) would include construction of a 5-story, 72,750-square-foot residential building containing a total of 92 residential

I. EXECUTIVE SUMMARY

dwelling units. The proposed building would include a mix of studio units and 2-bedroom units. The proposed project would have a maximum height of approximately 60 feet.

The WORP EIR<sup>1</sup> analyzed environmental impacts associated with adoption and implementation of the WORP and provided a program-level CEQA review of reasonably foreseeable projects, programs, and other activities. Program-level analysis allows the use of CEQA streamlining and/or tiering provisions for projects that are developed under the WORP. In addition, the project is consistent with the land use and development strategies for project site as presented in the Land Use and Transportation Element of the General Plan (the LUTE). A program EIR was prepared and certified by the City for the LUTE (the LUTE EIR) and the project is consistent with the development assumptions of that prior LUTE EIR.

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

1. **Community Plan Exemption.** Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183(a) 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 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 EIR need not be prepared for the project solely on the basis of that impact.”
2. **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and State 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 State 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 or standards would substantially mitigate such effects.

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<sup>1</sup> Lamphier-Gregory. 2003. West Oakland Redevelopment Plan, Draft Environmental Impact Report. SCH No. 2002072065. Available at the Planning & Building Department at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612 or online at: <http://www2.oaklandnet.com/view/DOWD006180>. Accessed May 25, 2021.

The CEQA Checklist provided below evaluates the potential project-specific environmental effects of the proposed project and whether such impacts were adequately covered by the WORP EIR and LUTE 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 WORP EIR and LUTE EIR. Mitigation measures identified in the WORP EIR and LUTE 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 WORP EIR and LUTE EIR as well as applicable City of Oakland (City) Standard Conditions of Approval (SCAs); therefore, the measures and SCAs are herein assumed to be included as part of the proposed project (see Attachment D).

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

- **Community Plan Exemption.** As stated in Section 1.2.1 of the WORP EIR, subsequent specific projects and actions that may be implemented within the Project Area over time may rely on the WORP EIR for subsequent environmental review. Projects are evaluated for consistency with the basic framework of the Redevelopment Plan. Therefore, consistent with Section 1.2.1 of the WORP EIR and State CEQA Guidelines Section 15183, this CEQA Analysis satisfies, based on the analysis conducted in this document, the requirements for a community plan exemption. Further, the project is consistent with the land use and development strategies for the project site as presented in the LUTE. A program EIR was prepared and certified by the City for the LUTE and the proposed project is consistent with the development assumptions of that prior LUTE EIR. The proposed project is permitted in the Urban Residential-5 (RU-5) and Urban Residential-4 (RU-4) zoning districts where the project site is located and is generally consistent with the bulk, density, and land use standards envisioned in the RU-5 and RU-4 zones. The applicant is requesting a 50 percent density bonus over the base unit count of 61 units based on the provisions of State Assembly Bill 2345 (AB 2345) by providing 27 units as deed-restricted for moderate income households. Because the applicant is providing moderate income units, the applicant is requesting waivers from: parking requirements, open space requirements, and 1-foot to 1-foot Stepping Setback requirements adjacent to an RM zone in accordance with Sections 17.107.095A and 17.107.040(A) of the Oakland Planning Code. 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 WORP EIR or LUTE EIR; or (3) were previously identified as significant but later found to have a more severe adverse impact than that discussed in the WORP EIR and LUTE EIR. Findings regarding the proposed project's consistency with the Oakland Planning Code and Oakland General Plan are included as Attachment D to this document.

I. EXECUTIVE SUMMARY

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

The proposed project is in the West MacArthur/Hoover subarea of the WORP Project Area. The WORP was intended to implement the LUTE, and no land use changes were proposed as part of the WORP. While the WORP includes projections of all development anticipated to occur within the WORP Project Area, these projections were based on development assumptions that are consistent with development under the LUTE. For the West MacArthur/Hoover subarea, development of a total of 210 residential units, 477 residential population, and 178 employees were projected through a 20-year planning horizon. As shown in Table 1, the proposed project would include 92 units and corresponding residential population of 209 people on a site that currently consists of former tire sales and auto service station (vacant since 2018). The proposed project is consistent with the type of development envisioned in the West MacArthur Hoover Subarea Subdistrict 1.

**Table 1 Comparison of WORP, West MacArthur/Hoover Subarea, and Proposed Project**

Development Characteristics	Total WORP <sup>a</sup>	West MacArthur/Hoover Subarea <sup>a</sup>	Proposed Project
Residential Units	1,830	210	92 <sup>b</sup>
Population	4,209	477	209 <sup>c</sup>
Employment	3,184	178	N/A

Notes:

<sup>a</sup> WORP EIR, Table 1-1, Summary of Projected Growth and Development within the West Oakland Redevelopment Project Area.

<sup>b</sup> Includes 50 percent affordable housing density bonus by providing 27 units as price-restricted for moderate income households.

<sup>c</sup> Based on a factor of 2.27 persons per household for the West MacArthur/Hoover subarea.

Source: City of Oakland. 2003. West Oakland Redevelopment Plan. 2003.

Examination of the analysis, findings, and conclusions of the WORP EIR, as summarized in the CEQA Checklist below, indicates that the WORP 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.

Similarly, the CEQA Checklist below demonstrates that the proposed project would not result in significant impacts that were not previously identified as significant project-level,

cumulative or off-site effects in the LUTE EIR, and that the proposed project would not result in any new or more severe environmental effects than previously disclosed in the LUTE EIR. The proposed project's potentially significant effects have already been addressed as such in the LUTE EIR and would be substantially mitigated by the imposition of SCAs.

Based on these environmental conclusions, the proposed project is eligible for CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183, which provide for streamlined review when a project is consistent with a Community or General Plan, and the environmental impacts of that Plan have been analyzed in a certified program EIR (i.e., the WORP EIR and LUTE EIR). As such, no further environmental documents are required of the project, in accordance with CEQA Guidelines Section 15183.

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## II. PROJECT DESCRIPTION

### Project Location and Surrounding Land Uses

The project site is located in the West Oakland area of the City of Oakland as shown in Exhibit 1, Regional Location Map. More specifically, as depicted on Exhibit 2, Local Vicinity Map, the project site is at the northwest corner of West MacArthur Boulevard and West Street within the Longfellow neighborhood. The project site is approximately 1.5 blocks west of Highway 24 and the MacArthur Bay Area Rapid Transit (BART) station, two block north of Interstate 580 (I-580) and two blocks east of the Oakland/Emeryville boundary at Adeline Street. The project site is a former tire sales and auto service station that has been vacant since 2018.

In this area, West MacArthur Boulevard is an urban, mixed residential and commercial corridor between Highway 24 and the City of Emeryville. Nearby land uses along the MacArthur Boulevard corridor include single-family, two-family, and multi-family facilities, multiple motels, auto repair shops, and convenience markets. Land uses along West Street are primarily one- and two-story residential homes, with convenience commercial uses at major intersections. The Longfellow School and Oakland Military Institute are larger institutional land uses within one block of the project site.

The project site has abundant access to multiple transit options. Regional access is provided by the MacArthur BART station, Transbay Lines, Alameda-Contra Costa Transit (AC Transit) routes, I-580, and Highway 24. AC Transit bus routes within 0.25 mile of the project site include Route 88 along Market Street (1 block to the west) providing service between Downtown Berkeley and Downtown Oakland/Chinatown, Route 18 along Martin Luther King Jr. (MLK) Boulevard (1 block to the east) providing service between University Village Albany and Downtown Oakland, and Route 57 along 40<sup>th</sup> Street (1.5 blocks to the north) providing service between Public Market Emeryville to Foothill Square Oakland. The nearest bus stop for the Route 57 line is at 40<sup>th</sup> Street and West Street (approximately 950 feet from the project site). Route 88 line is at MacArthur Boulevard/Market Street and the nearest bus stop for the Route 18 line is at MacArthur Boulevard/MLK Boulevard, both less than a 1,000-foot walking distance to the project site. Transbay Line F (Adeline - Market Transbay) provides express service to San Francisco. The closest stop is at Market Street and 40<sup>th</sup> Street, approximately 1,760 feet to the northwest of the project site. The MacArthur BART Station lies approximately 1,500 feet to the northeast of the project site, or approximately 0.5-mile walking distance along West Street to 40<sup>th</sup> Street.

Bicyclists ride in the roadway and/or on sidewalks along the streets within the immediate vicinity. The closest bicycle lanes are West MacArthur Boulevard, designated as a Buffered Bike Lane between Market Street and Telegraph Avenue, and West Street, designated as a Bike Lane from 52<sup>nd</sup> Street to San Pablo Avenue.

II. PROJECT DESCRIPTION

### Existing Conditions

The project site is a single parcel, identified as Alameda County Assessor's Parcel Number (APN) 012-0959-009-03, located at 820 West MacArthur Boulevard. This parcel is 22,679 square feet (or approximately 0.52 acre). The project site is located at approximately 60 feet above mean sea level (MSL) and slopes gently toward the southwest.

The project site was most recently developed as a tire sales and auto service station with two existing buildings, a 1-story main sales shop of 5,714 square feet and a 1-story service bay of 510 square feet, both constructed in 1975. Former operations at the project site consisted of general office use, routine automotive and tire service, warehousing of tires, and routine facility maintenance. As shown on Exhibit 3, the buildings are currently vacant and covered in graffiti. The project site remains covered in impervious concrete and asphalt, and is surrounded by a temporary chain link fence. There are four existing curb cuts that previously provided vehicle access to the project site: two curb cuts on West MacArthur Boulevard and two curb cuts on West Street. There are four existing street trees along the West MacArthur Boulevard frontage, and two street trees along the West Street frontage. A row of vegetation, including several large trees that appear to be on the neighboring property, is located between the project site and its residential neighbor to the west.

As shown on Exhibit 4, the properties immediately adjacent to the project site include a mix of single-family and medium density residences to the north along West Street, and single-family and medium density residences to the west along West MacArthur Boulevard. The opposite corner properties at the MacArthur Boulevard/West Street intersection include an auto service and oil change shop at the northeast corner, an automobile fuel station at the southeast corner, and an auto mechanics shop on the southwest corner.

The Oakland General Plan Land Use Diagram designates the project site as Urban Residential (see Exhibit 5). The Urban Residential classification allows for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services, and is intended to create, maintain, and enhance areas of the City appropriate for these types of multi-unit residential structures.

Zoning of the project site is also split between two zoning districts (see Exhibit 6). The easterly approximately 75 percent of the project site is zoned as Urban Residential-5 (RU-5), which is intended to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high-rise residential structures and ground floor neighborhood businesses on the City's major corridors. The westerly approximately 25 percent of the site is zoned Urban Residential-4 (RU-4). RU-4 is similar to RU-5, lacking only the intent for ground floor business along major roadway corridors. The established building height limit for the site is 60 feet. According to Table 17.19.04 of the City's Planning Code, the maximum residential density for the RU-4 and RU-5 zones (at a 60-foot height limit) is 1 unit per 375 square feet of lot area, which would permit a maximum of 61 units on the 22,697-square-foot site



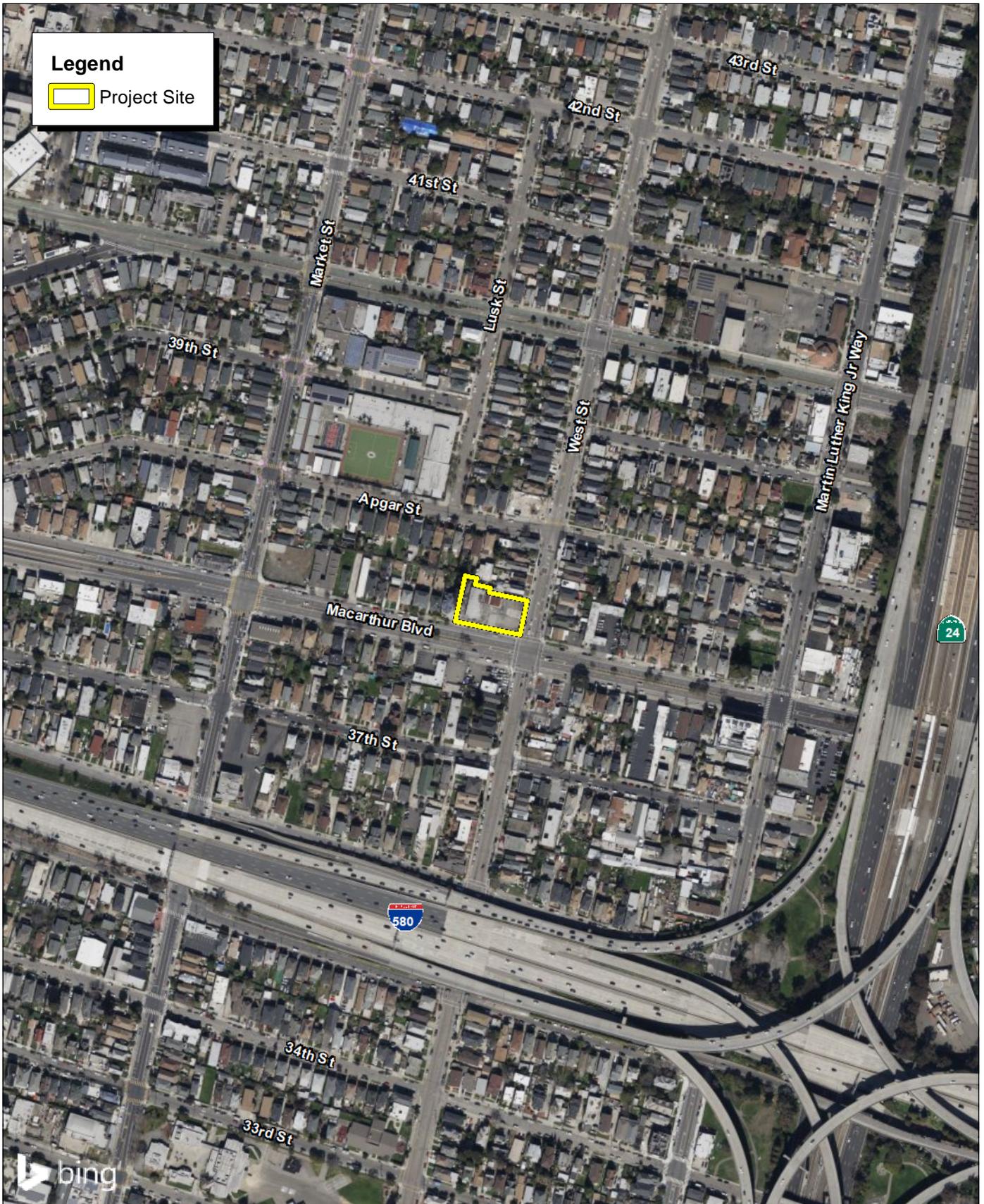
Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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## Exhibit 1 Regional Location Map

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Source: Bing Aerial Imagery.

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## Exhibit 2 Local Vicinity Map

II. PROJECT DESCRIPTION

**Project Characteristics**

The proposed project would redevelop the site with a 5-story, 72,750-square-foot residential building containing a total of 92 residential dwelling units. A summary of the project’s overall development plan is shown in Table 2.

**Table 2 Project Characteristics**

<b>Description</b>	<b>Project Total</b>
Lot Area	22,679 square feet (0.52 acres)
Dwelling Units/(Density)	92 (Includes 50% affordable housing density bonus)
Building Area	72,750 square feet
Building Area First Floor	15,060 square feet
Building Area Second Floor	15,040 square feet
Building Area Third Floor	15,040 square feet
Building Area Fourth Floor	14,330 square feet
Building Area Fifth Floor	13,280 square feet
Building Height	60 feet
Number of Stories	5
Non-Residential Space <sup>1</sup>	Approximately 2,700 square feet
Common Open Space	2,990 square feet
Vehicle Parking Spaces	None
Bicycle Parking Spaces	28 (5 short-term, <sup>2</sup> 23 long-term)

<sup>1</sup> Includes building manager’s office, resident lounge space, resident gym, mail room, trash and utility rooms.

<sup>2</sup> Each bicycle parking rack provides parking for two bicycles for a total of 10 bicycles.

Source: Levy Design Partners 2021.

The proposed project is primarily a residential structure with five floors of residential use that would provide a mix of 2-bedroom and studio units and an affordable housing component. Non-residential uses are anticipated to include office space, lounge areas, a manager’s office, mail room, and trash and utility rooms.

### Affordable Housing, Density Bonus and Concessions

The project applicant requests a density bonus based on Assembly Bill 2345 (AB 2345).<sup>2</sup> The project applicant proposes<sup>3</sup> that 27 units within the project site (7 studio units and 20 two-bedroom units) would be price-restricted as affordable units for moderate income households<sup>4</sup>. These 27 deed-restricted affordable units represent 44 percent of the base development density of 61 units, thus qualifying the proposed project for a 50 percent density bonus under AB 2345.

In total, by providing 27 of the proposed units as price-restricted for moderate income households, the project applicant requests<sup>5</sup> the following density bonuses, incentives and concessions:

- A 50 percent density bonus, increasing the allowable number of units from 61 units to 92 units.
- An exemption from all parking requirements of the RU-4 and RU-5 zone (which otherwise requires one space per dwelling unit), instead providing no off-street parking spaces. The project is located within 0.35 mile of the major transit stop at the MacArthur BART station and there are no obstructions or impediments between the project site and this BART station.
- A waiver from the otherwise applicable open space requirements of the RU-4 and RU-5 zone (which, at 150 square feet per unit, would require 13,800 square feet of open space), instead providing for approximately 2,990 square feet of group open space in a central courtyard, rooftop open space and landscaping around the perimeter of the proposed building (see Exhibit 7).
- A waiver from the otherwise applicable 1-foot to 1-foot stepped setback above a 30-foot building height for buildings that are adjacent to an RM zone (as stated in Table 17.19.04, note 2 of the Planning Code); however, the building height is stepped down to 30 feet (3 stories) adjacent to the RM zone (see Exhibit 8). Although the building height adjacent to the RM zone (at the northwest corner of the site) may increase 1-foot per each 1-foot setback, the 30-foot building height does not increase for an additional 25 feet from the setback. The remainder of the proposed project is designed at the maximum allowable height of 60 feet and the proposed design jogs the building with the property line to maintain an equal setback distance on all sides.

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<sup>2</sup> AB 2345 amended Sections 65400 and 65915 of the California Government Code relating to housing and was approved by the Governor and filed with the Secretary of State on September 28, 2020.

<sup>3</sup> See Attachment A, City of Oakland Supplemental Form for Affordable Housing Density Bonus.

<sup>4</sup> Defined as households making between 81 percent and 120 percent of the Area Median Income (AMI).

<sup>5</sup> See Attachment B, Applicant's Justification for Waivers and Concessions.

II. PROJECT DESCRIPTION

Pedestrian, Bicycle, and Vehicle Access

The project site is immediately accessible by vehicle from West MacArthur Boulevard and West Street. However, the project does not propose to provide any off-street parking, so vehicle access onto the site would be restricted. The four existing driveways (two on West Street and two on West MacArthur Boulevard) would be closed, creating four additional on-street parking spaces and improved perimeter access for pedestrians.

For pedestrian access, the proposed project would replace the existing sidewalks along West MacArthur Boulevard and West Street, and the new sidewalks would provide pedestrian access to the project site. As shown on Exhibit 9, the lobby entrance on West MacArthur Boulevard is approximately 2.5 feet higher than the sidewalk along the site frontage, so a short, 6-step staircase and an Americans with Disabilities Act (ADA)-accessible ramp would provide pedestrian access to the lobby. Stairwell and elevator access would be provided on each level.

The proposed project would also provide 23 long-term bicycle parking spaces and five short-term bicycle parking spaces. As also shown on Exhibit 9, the long-term bicycle parking is provided in a Bike Storage area that is accessed through the lobby and entrance off West Street. Access to the long-term bicycle parking would be controlled by key fobs issued to the residents. The long-term bicycle storage area would consist of vertical wall mounts. Residents would be required to provide their own bicycle locks. Short-term bicycle parking is provided off West MacArthur Boulevard.

For transit access, existing City sidewalks provide pedestrians access to the nearest bus stops. The nearest bus stop is located approximately 840 feet from the project's lobby entry, at the corner of West MacArthur Boulevard and Market Street, serving AC Transit Bus Route 88. The next closest bus stop is approximately 890 feet from the project's lobby entry, at the corner of West MacArthur Boulevard and MLK Boulevard, serving AC Transit Bus Route 18. Also nearby is AC Transit Bus Route 57, located approximately 950 feet from the project's lobby entry, at West Street and 40<sup>th</sup>. Transbay Line F, is located approximately 1,760 feet from the project's lobby entry at Market Street and 40<sup>th</sup> Street. The MacArthur BART Station is located less than 0.5-mile walking distance from the project lobby, via sidewalks on West Street to 40<sup>th</sup> Street.

Utilities and Stormwater Control

The proposed project includes other associated improvements such as storm drain and utility connections. On-site utilities would include electricity, domestic water, wastewater, and storm drainage, all connected to existing utility mains within the public right-of-way.

- For water supply, a new irrigation line, new domestic water line, and new fire water line would connect from the project site to the existing water main within the West Street right-of-way.

- For wastewater disposal, a new sanitary sewer line would collect all waste flows from the project site and convey those flows to a new connection to the existing sanitary sewer main within the West Street right-of-way, including a new manhole.
- Following on-site water quality treatment, storm drainage flows would be collected near the corner of West MacArthur Boulevard and West Street, and conveyed to an existing connection point (with manhole) within the West Street right-of-way.

All on-site utilities would be designed and constructed in accordance with applicable codes and current engineering practices. The proposed project would also incorporate green building features such as energy-efficient lighting, and would be GreenPoint rated in compliance with the City's Green Building Ordinance, with a total of 33 Green Points targeted as compared to the 23 Green Points required under current Code.

Stormwater runoff from the project site would be managed pursuant to the project's Preliminary Stormwater Control Plan (see further discussion in the Hydrology section of the following CEQA Checklist) to provide source control measures to limit pollutants, efficient irrigation controls and sustainable landscape practices, as well as low-impact site design measures (i.e., pervious pavers and vegetated areas), and water quality treatment filtration designed to accommodate stormwater flows from impervious areas.<sup>6</sup>

#### Landscape Plan

As shown on Exhibit 10, the proposed project would include a fully landscaped outdoor environment surrounding the new building.

Along the West MacArthur frontage, the proposed project would provide a new concrete sidewalk with a minimum width of 12.5 feet at the westerly edge of the site, widening to just over 15.5 feet at the West Street intersection. Within this sidewalk, the four existing street trees would be saved and protected, and two new street trees would be added. Between the sidewalk and the face of the new building would be a landscaped area including bioretention planters, and an ADA accessible ramp and staircase with landings of permeable pavers providing access to the lobby located at the intersection corner. Five 2-bike parking racks would also be provided within the sidewalk right-of-way along West MacArthur Street. Along West Street frontage, the proposed project would provide a new 10.5-foot-wide concrete sidewalk. Within this sidewalk, the two existing street trees would be saved and protected, and one new street tree would be added. The planter area of the new street tree would also serve as a bioretention area for stormwater treatment. Between the sidewalk and the face of the new building would be a landscaped area including bioretention planters. Four 2-bike parking racks (eight locking bike parking spaces) would also be provided within the sidewalk right-of-way along West Street.

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<sup>6</sup> Water quality treatment filtration sizing would be based on the Alameda Countywide Clean Water Program's C-3 Stormwater Treatment Guidance. Website: <https://www.cleanwaterprogram.org/>. Accessed May 26, 2021.

II. PROJECT DESCRIPTION

Toward the rear of the parcel, the proposed project would provide an approximately 2,250-square-foot common open space area that includes a pergola, a patio constructed of pervious pavers, outdoor furniture, and landscaping. Along the front of the parcel at West MacArthur Boulevard, the proposed project would provide an approximately 740-square-foot common rooftop open space area accessed from the fifth floor that includes a patio constructed of pervious pavers, outdoor furniture, and landscaping.

Along the rear property line and along the side yard adjacent to the neighboring property on West MacArthur Boulevard, the proposed project would install a 6-foot-tall wood fence. From West Street, the rear yard would include a concrete ramp that provides ADA access to the rear common open space, with access from the ramp to the open space area via a 6-foot-tall wooden gate. The common open space area would also be accessible from the lobby and then through the interior corridor that is part of the gym.

Exterior Plans

As shown on Exhibit 11, the proposed project's easterly elevation fronting onto West Street provides for a rectangular profile, 5-story building of 60 feet in height, setback from West MacArthur Boulevard by approximately 2-5 feet. An entry overhang would be provided at the lobby entry. The easterly elevation provides for a stepdown to 4 stories (or approximately 46 feet) near the northerly project site boundary adjacent to the neighboring 2-story raised single-family residence, with a pedestrian alley and 6-foot-tall wooden fence at the property line. The primary façade material is colored cement plaster, with stone tile accenting the ground floor.

As also shown on Exhibit 11, the proposed project's southerly elevation fronting onto West MacArthur Boulevard provides for a rectangular profile, 5-story building of 60 feet in height, fronting directly onto the West Street right-of-way. This larger façade is broken down into five sections by a series of vertical columns corresponding to the internal unit layout, with a prominent decorative façade at and above the front lobby. The primary façade material is a checkerboard of alternating colored cement plaster, with horizontal lap siding of fiber cement accenting the westerly portion of the building, the lobby entrance, and the ground floor. Each of the windows along the southerly façade provide for an architectural projection slightly outward of the building façade.

Corrective Actions

The project site is listed on the California State Water Resources Control Board (State Water Board) GeoTracker website as an "Open Case under Site Assessment" as of January 29, 2019.<sup>7</sup> The Alameda County Department of Environmental Health (ACDEH) is conducting regulatory oversight for the investigation and cleanup of the site to facilitate

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<sup>7</sup> California State Water Resources Control Board (State Water Board). GeoTracker. 2021. Website: [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T10000012542](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012542). Accessed May 26, 2021.

redevelopment. From July 2018 to April 2020, environmental investigations were conducted on- and off-site to assess the type and extent of contamination in soil, soil gas (air in between soil particles) and groundwater from historic land uses. Investigations found on-site presence of elevated levels of total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs) and metals, including lead, and off-site VOCs, which exceeded Tier 1 screening levels. Therefore, the ACDEH requested on-site corrective actions to reduce the human health exposure to soil impacts and meet regulatory guidelines that are protective of human health based on future residential land uses. These corrective actions are detailed in the Corrective Action Plan (dated April 27, 2020). Proposed corrective activities would include:

- Excavating the upper one to two feet of soil on portions of the project site to remove shallow lead impacts and prepare for redevelopment.
- Excavating soil to depths of five to 10 feet in a limited area to remove TPH and VOC impacts.
- Transporting soil contaminated with TPH and VOCs to a licensed, off-site disposal facility.
- Consolidating and backfilling soil with lead impacts along with clean fill into excavation areas.
- Installing a sub-slab barrier and vapor collection system beneath the planned building to prevent any remaining VOCs from entering indoor air.
- Capping the entire site with a concrete floor slab to prevent exposure to any remaining contaminants at the site.

To ensure long-term protection of future residents and the surrounding community, crews will conduct sampling after excavation activities which may lead to deeper excavations in some locations. On August 27, 2020, a community meeting was held, where the applicant and ACDEH presented the site investigative findings and corrective measures. This meeting was attended by one neighbor. The applicant has had ongoing discussions with the adjacent neighbors regarding specific testing and cleanup. Notes from these discussions were provided to ACDEH. The ACDEH reviewed and considered public comments on these corrective actions before making a final decision on the Corrective Action Plan. Should the Corrective Action Plan be approved, the project applicant anticipates beginning environmental site work in conjunction with redevelopment and construction of the proposed project. This topic is more fully discussed in the Hazards section of the following CEQA Checklist.

II. PROJECT DESCRIPTION

## Construction

The proposed project is currently in the design development phase, and therefore no detailed construction schedule of activities is available. For the purpose of this analysis, all on-site construction work is expected to span approximately 18 months following approval of Corrective Action Plan and required pre-construction document submittals and approvals by ACDEH. Construction work include demolition; limited excavations for the foundation, footings, and utility services; grading and surface preparation; utility connections; and building construction. The first two months of construction activities would consist of demolition, grading, and site preparation. The remainder of the construction period would consist of installing utilities, building construction, site paving, and implementing the landscape plan.

Typical equipment used during construction may include an excavator, backhoe, trencher, forklift, grade-all, and paving equipment. Staging would occur as much as possible within the project site. Street frontages and parking lanes are restricted, but these areas would need to be used at times for deliveries and removals of materials and equipment, subject to City review and approvals.

## Project Approvals

### Actions by the City of Oakland

The proposed project will require several discretionary actions and approvals, as well as administrative and ministerial City permits, including without limitation:

- Regular Design Review for new building construction.
- Encroachment permits for work within and close to public right-of-way (Chapter 12.08 of the Oakland Municipal Code).
- Demolition, grading, and building permits.

### Actions by Other Agencies

A number of other public agencies' approval and authorization will or may be required to implement the proposed project. These agencies and their approvals include:

- East Bay Municipal Utility District (EBMUD)–Approval of new service requests and water meter installation.
- 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 Department of Environmental Health–Approval for all required corrective and remedial actions and required environmental clearances.



Photograph 1: View of the project site from the northeast corner of the project site; looking southwest.



Photograph 2: View of the project site from the southeast corner of the project site; looking northwest.



Photograph 3: View of the project site from the southwest corner of the project site; looking northeast.



Photograph 4: View of the project site from the southern boundary the project site; looking north.

Source: FirstCarbon Solutions, 2021.

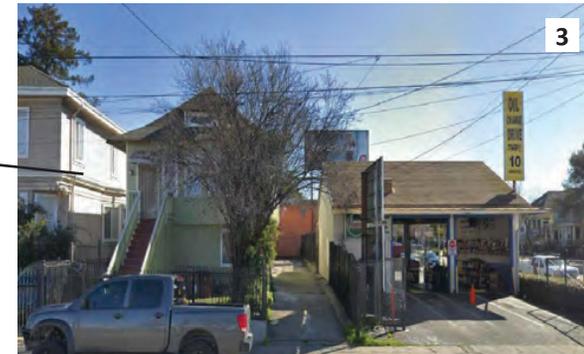
**FIRSTCARBON**  
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## Exhibit 3 Photographs of the Project Site

CITY OF OAKLAND  
820 WEST MACARTHUR BOULEVARD  
CEQA ANALYSIS

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Source: Lamphier Gregory.

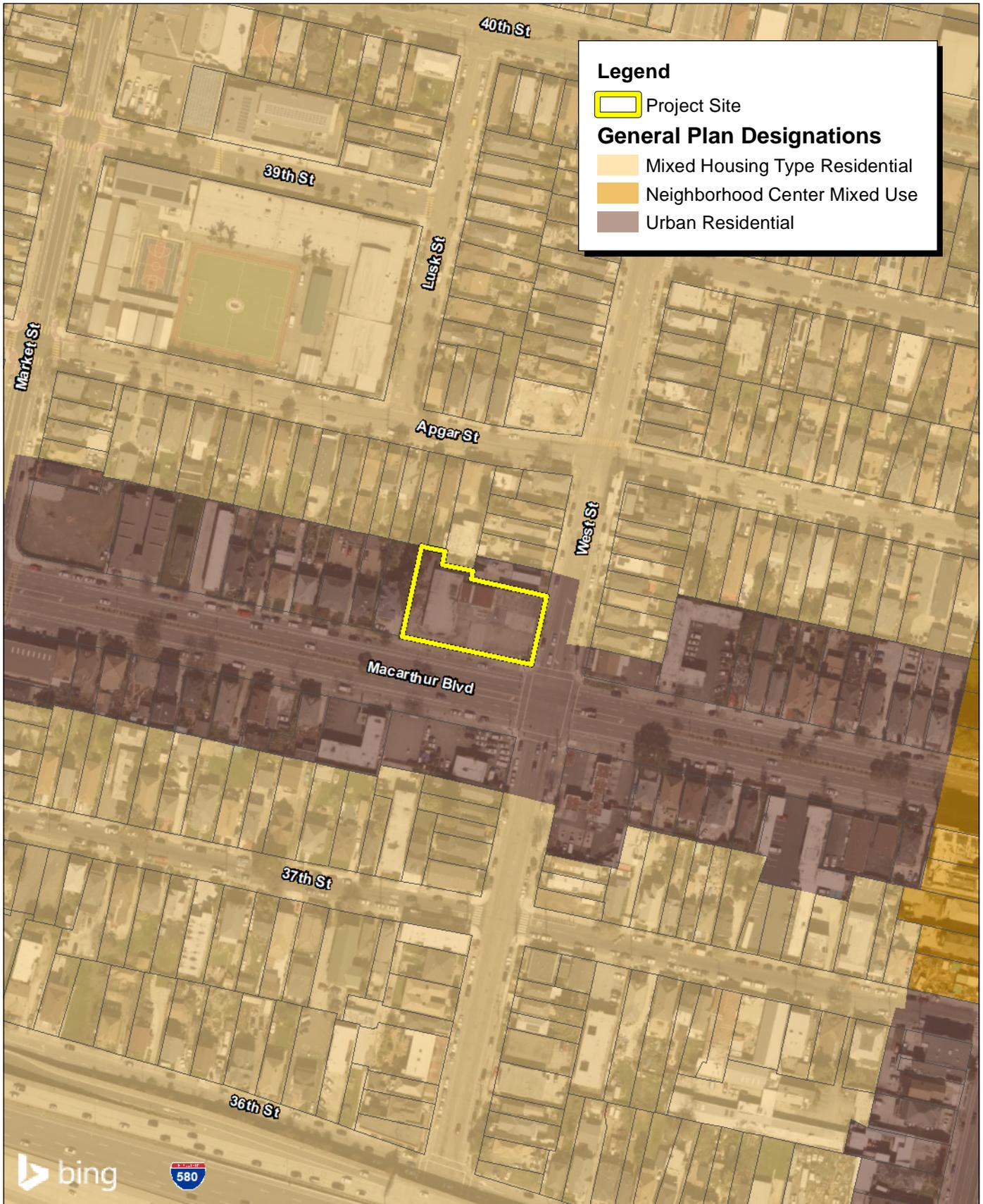
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## Exhibit 4 Photographs of Adjacent Land Uses

CITY OF OAKLAND  
820 WEST MACARTHUR BOULEVARD  
CEQA ANALYSIS

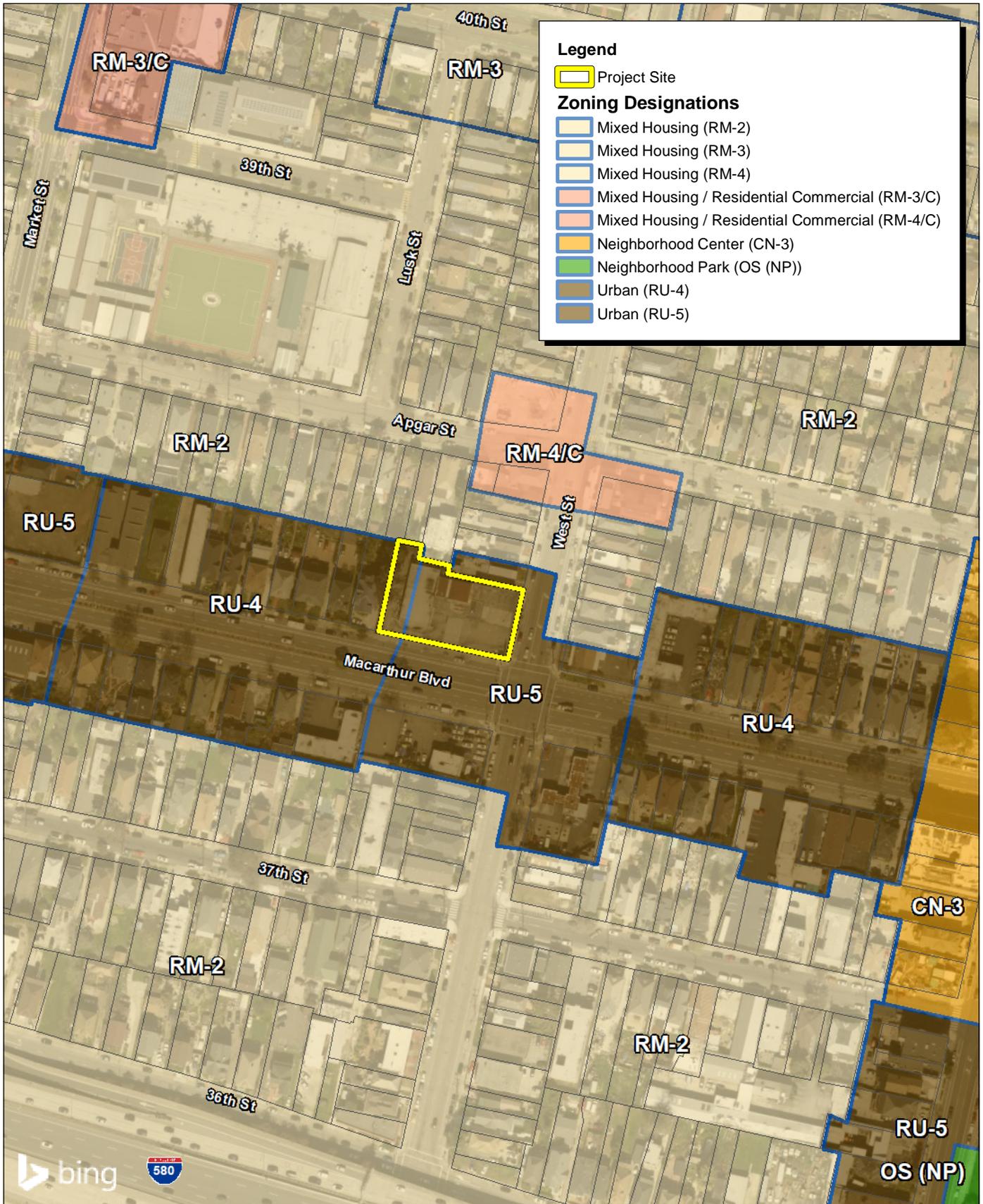
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Source: Bing Aerial Imagery. City of Oakland.



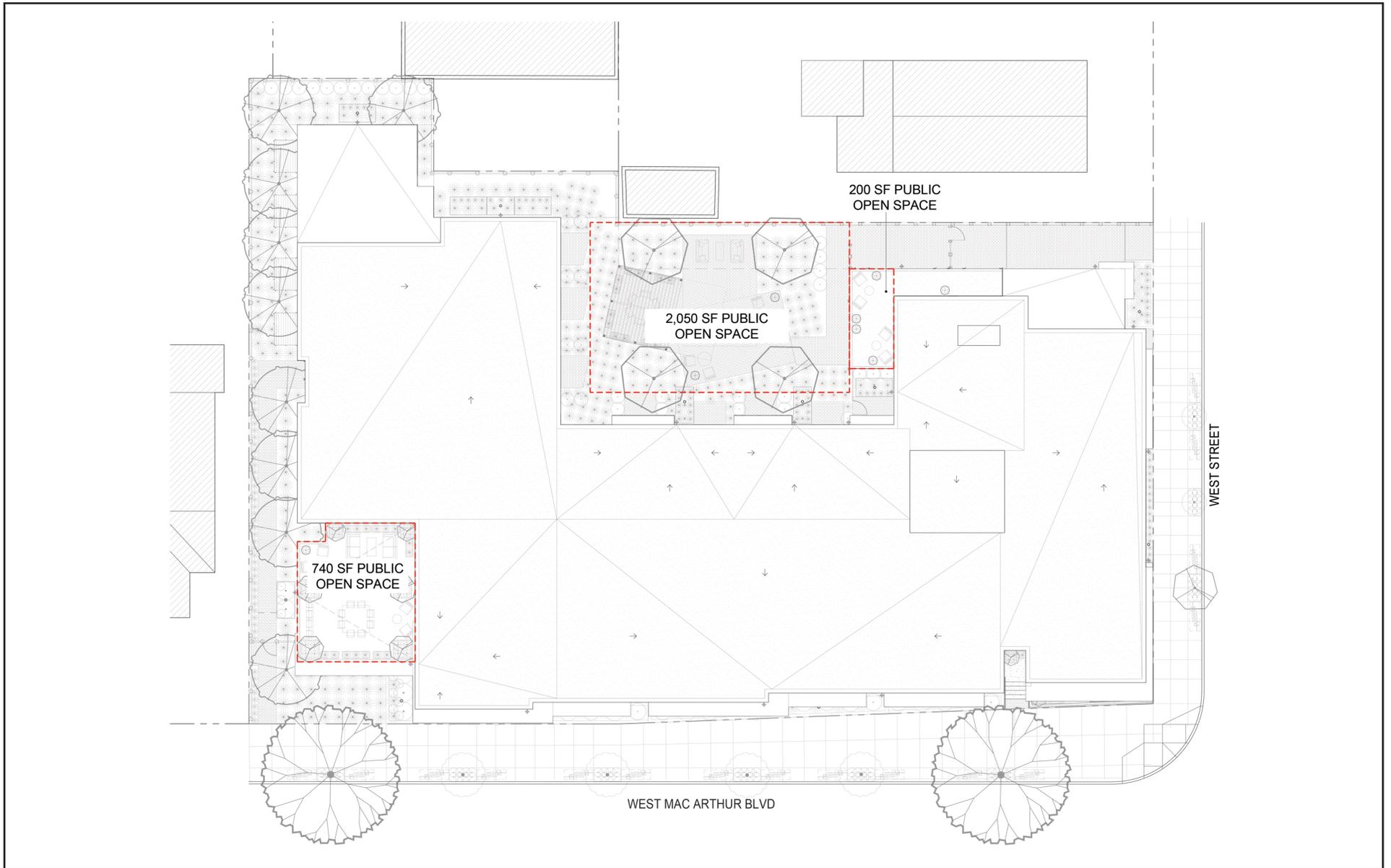
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Source: Bing Aerial Imagery. City of Oakland.

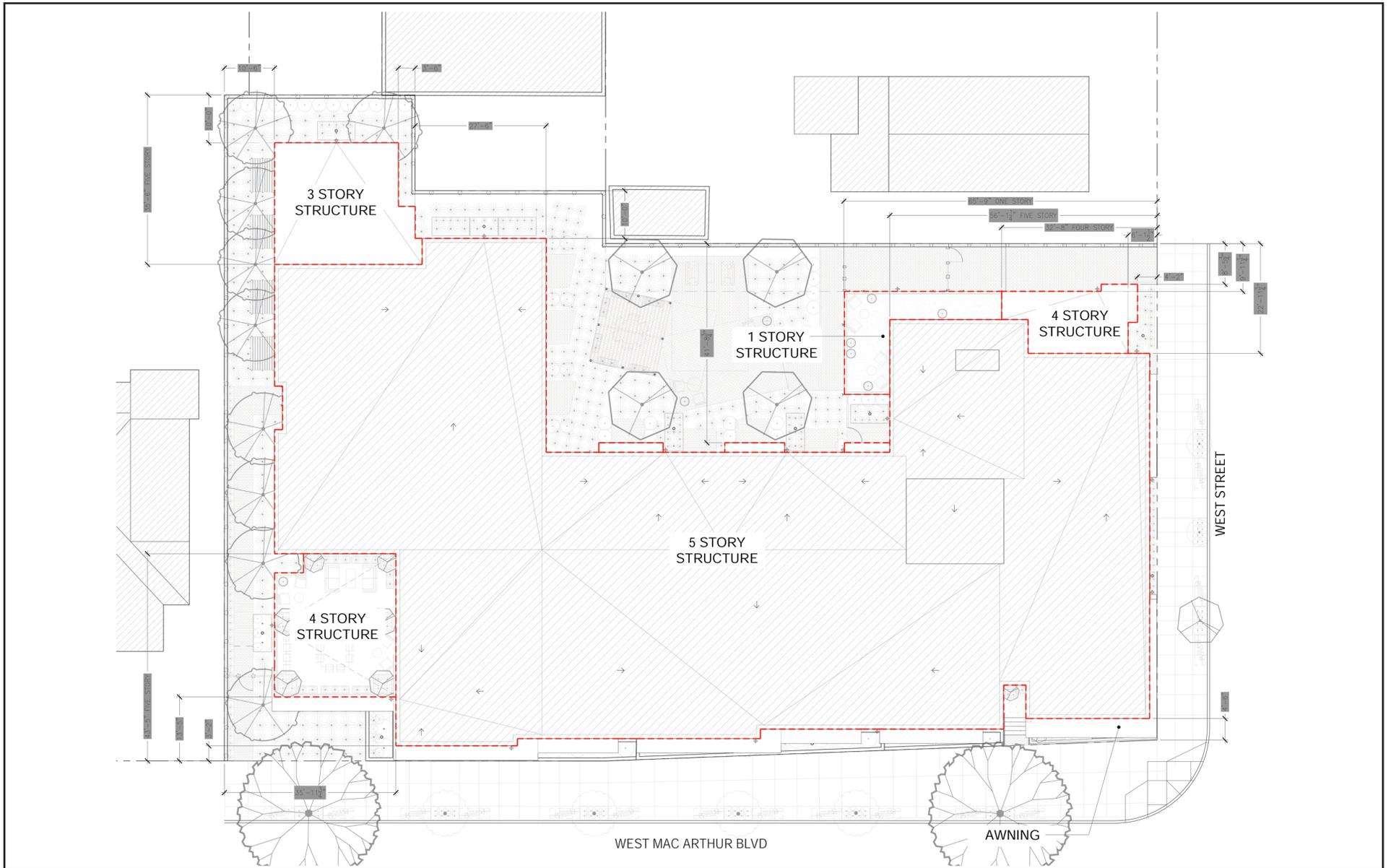


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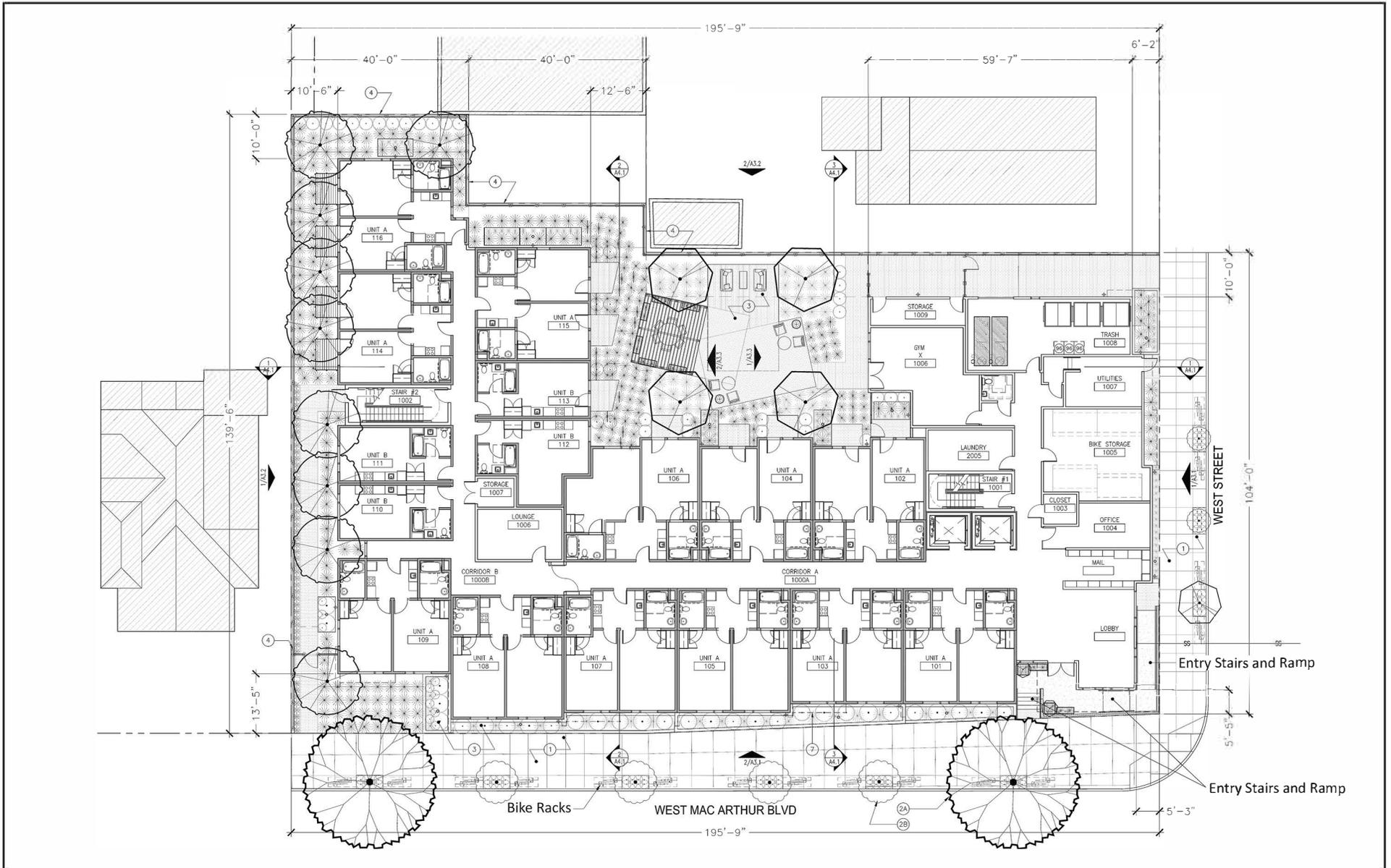
Source: Lamphier Gregory. Levy Design Partners, 3-29-2021.

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Source: Lamphier Gregory, Levy Design Partners, 3-29-2021.

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Source: Levy Design Partners Architecture, 03/29/2021.

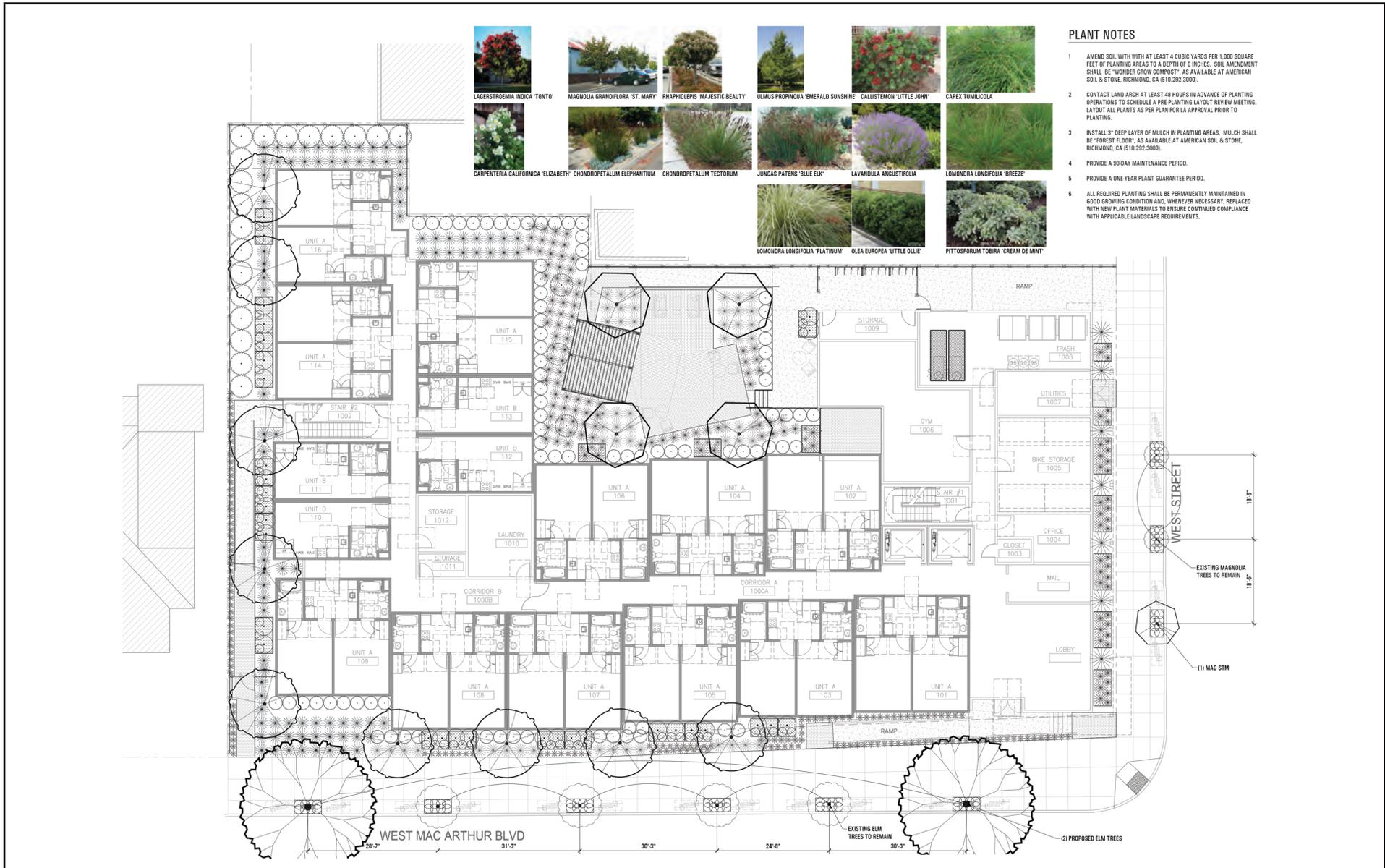
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55750002 • 08/2021 | 9\_Proposed Ground Floor Plan.cdr

## Exhibit 9 Proposed Ground Floor Plan

CITY OF OAKLAND  
820 WEST MACARTHUR BOULEVARD  
CEQA ANALYSIS

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Source: Lamphier Gregory, CFLA, Landscape Architects, October 29, 2020

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West Street (easterly) Elevation



West MacArthur Boulevard (southerly) Elevation

Source: Lamphier Gregory, Levy Design Partners, 03-29-2021.

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### III. WORP AND LUTE EIRS

#### WORP EIR

The WORP provides a framework for future growth and redevelopment within its boundaries. The WORP Project Area is approximately 1,546 acres. As shown on Exhibit 12, the WORP Project Area is bounded on the north by 40<sup>th</sup> Street and the Oakland/Emeryville city limits; on the east by I-980 and Union Street; on the south by 18<sup>th</sup> Street and Middle Harbor Road; and on the west by Pine and Wood Streets. As also depicted on Exhibit 12, the West MacArthur Hoover subarea is located in the northern portion of the WORP Project Area and is generally bounded by I-980 on the east, San Pablo Avenue to the west, and 40<sup>th</sup> Street to the north. This subarea is predominately residential (approximately 68 percent) with the remainder commercial, institutional, and government uses. According to the WORP Land Use Map, the land use designation for the 820 West MacArthur Boulevard Project site is Mixed Housing Type Residential (see Exhibit 13). As described in the WORP EIR, this classification allows for a mix of single-family homes, townhouses, and small multi-unit buildings. It is intended to create, maintain, and enhance residential areas typically located along major arterial roads and applies to almost all of the West MacArthur/Hoover subarea.

The WORP Redevelopment Plan does not contain specific development proposals for individual sites, rather it includes a broadly defined list of potential programs and projects intended to reduce blight. The basis for future redevelopment activity within the WORP Project Area is to address community revitalization and to implement and conform to the City of Oakland General Plan. As such, potential programs and projects under the WORP are consistent with the Oakland General Plan, including the LUTE, and are intended to enhance the WORP Project Area's function, appearance, and economic vitality. These programs can generally be grouped in the following categories:

- Affordable housing and general housing improvements
- Public and civic infrastructure and environmental improvements
- Improvements to commercial and industrial areas and business activities, and increased opportunities to foster environmentally sound businesses
- Incentive-based development programs.

The WORP EIR identifies an increase in 1,830 households, 4,209 residents, and 3,184 employees within the Project Area. As described above, the WORP EIR analyzed the environmental impacts of adoption and implementation of the WORP at a program level.

The final EIR for the WORP was certified in 2003. The WORP 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 (most of which are functionally equivalent to and supersede the project-

## CEQA ANALYSIS

## III WORP AND LUTE EIRS

level mitigation measures identified in the WORP EIR): aesthetics; agricultural resources; air quality (except for compatibility of project-related population increases and regional air quality emissions); biological resources; cultural and historic resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise (except for cumulative traffic noise increases); population and housing; public services; recreational facilities; transportation (except for traffic volumes at Study Area intersections and potential parking shortages); and utilities and service systems.

The WORP EIR determined that implementation of the WORP would have significant unavoidable impacts related to air quality (compatibility of project-related population increases), and cumulatively considerable contributions to the following identified cumulative impacts: traffic volumes at Study Area intersections, potential truck-related parking shortages, regional air quality emissions, and cumulative traffic noise increases.

Because of the potential for significant unavoidable impacts, a Statement of Overriding Considerations with findings was adopted as part of WORP approval.

**LUTE EIR**

The LUTE identifies policies to guide land use changes in the City and sets forth an action program to implement the land use policy through development controls and other strategies. The City approved the LUTE and certified the LUTE EIR in 1998. The LUTE EIR is a program EIR as defined under CEQA Guidelines Section 15168 and Section 15183. As such, subsequent activities pursuant to the LUTE are subject to requirements under these CEQA sections.

Applicable mitigation measures identified in the LUTE EIR are functionally equivalent to the City's current Standard Conditions of Approval.

A summary of the environmental effects identified in the LUTE EIR include the following:

- No impacts were identified for agricultural or forestry resources, and mineral resources.
- The LUTE EIR found less than significant impacts for the following topics: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions in downtown, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use projects and near transit); noise (roadway noise downtown and citywide, multi-family near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand).

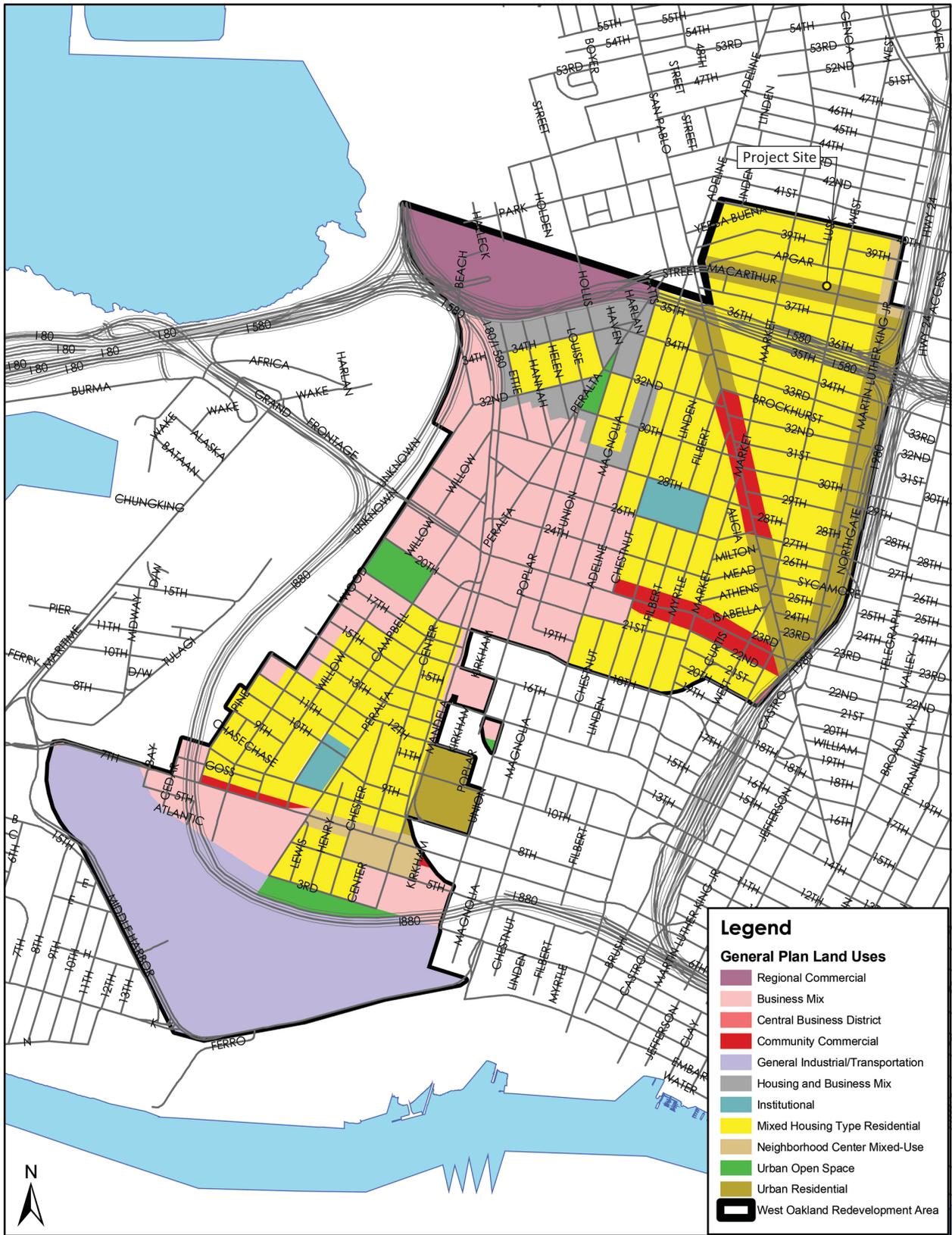
- The LUTE EIR determined that development consistent with the LUTE would result in impacts that would be reduced to a level of less than significant with implementation of mitigation measures for the following topics: aesthetics (views, architectural compatibility, and shadow only); air quality (construction dust and emissions Downtown, odors); cultural resources (except those specific impacts identified above as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); noise (use and density incompatibilities); population and housing (induced growth, policy consistency/clean air plan); public services (except as noted below as significant); and transportation (intersection operations Downtown).
- Significant and unavoidable impacts were identified for the following environmental topics in the LUTE EIR: air quality (regional emissions, roadway emissions in the downtown, and inconsistency with the Clean Air Plan); noise (construction noise and vibration in downtown); public services (fire safety); transportation/circulation (roadway segment operations); and wind hazards Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approval of the LUTE.

Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

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Source: The Redevelopment Agency of the City of Oakland.

Exhibit 13

West Oakland Redevelopment  
Project Area Land Use Map



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#### IV. Standard Conditions of Approval

The City has established its SCAs in 2008, and most recently revised on December 16, 2020.<sup>8</sup> The City's SCAs are incorporated into new and changed projects as conditions of approval regardless of a project's environmental determination. The SCAs incorporate policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection Ordinance, Stormwater Water Management and Discharge Control Ordinance, Oakland Protected Trees Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code and Uniform Fire Code, and the 2030 Equitable Climate Action Plan (ECAP), among others). These SCAs have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved by the City and are designed to substantially mitigate environmental effects.

Consistent with the requirements of CEQA, a determination of whether the project would have a significant impact must occur prior to approval of the project. Where applicable, SCAs have been identified that will mitigate such impacts and will be incorporated into the project. In some instances, exactly how the SCAs identified will be achieved awaits completion of future studies, an approach that is legally permissible where SCAs 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 project commits to developing measures that comply with the requirements and criteria identified.

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<sup>8</sup> City of Oakland, Department of Planning and Building, Bureau of Planning. 2020. Standard Conditions of Approval. Website: <https://cao-94612.s3.amazonaws.com/documents/Standard-Conditions-of-Approval-December-2020.pdf>. Accessed May 26, 2021.

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## V. SUMMARY OF FINDINGS

An evaluation of the proposed project is provided in the CEQA Checklist below. This evaluation provides substantial evidence that the proposed project qualifies for an exemption/addendum from additional environmental review. The proposed project was found to be consistent with the development density and land use characteristics established by the LUTE, as implemented by the WORP. The WORP EIR accounted for the construction and operational impacts from the development proposed within the WORP Project Area. Potential environmental impacts associated with the proposed project's development were adequately analyzed and covered by the analysis in the WORP EIR. The proposed project would be required to comply with the applicable mitigation measures identified in the WORP EIR, as well as any applicable City of Oakland SCAs. 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 WORP EIR or any new significant impacts that were not previously identified in the WORP EIR.

In accordance with Public Resources Code Sections 21083.3, 21094.5, and 21166 and State 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 WORP EIR or LUTE EIR; or (3) were previously identified as significant but—as a result of substantial new information that was not known at the time the WORP 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 WORP EIR and LUTE EIR or result in more significant impacts than those that were previously analyzed in the WORP EIR and LUTE EIR. The effects of the proposed project have been addressed in the WORP EIR and LUTE EIR, and no further environmental documents are required, in accordance with Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3.
- The analyses conducted and the conclusions reached in the WORP EIR and LUTE EIR 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

**CEQA ANALYSIS**

**V. SUMMARY OF FINDINGS**

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 State CEQA Guidelines Section 15164.

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

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**Ed Manasse**  
**Environmental Review Officer**

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**Date**

## VI. CEQA CHECKLIST

### Overview

This CEQA Checklist provides a summary of the potential environmental impacts that may result from approval and implementation of the proposed project. It evaluates those potential environmental impacts in relation to the impacts evaluated in the prior program EIRs (i.e., the WORP EIR and LUTE EIR). Potential environmental impacts of development under the WORP and LUTE were analyzed and covered by the WORP EIR and LUTE EIR, and the program EIRs identified mitigation measures, where needed, to reduce or avoid identified impacts. The City also requires SCAs<sup>9</sup> to further reduce or avoid potential environmental impacts, which in most cases are functionally equivalent to and supersede the mitigation measures presented in the EIRs.

This CEQA Checklist hereby incorporates by reference the program 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 WORP EIR and LUTE EIR.

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

- Equal or Less Severity of Impact Previously Identified in the program EIRs;
- Substantial Increase in Severity of Previously Identified Significant Impact in the program EIRs; or
- New Significant Impact.

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

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<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 and 15183.3. 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 applied, based on the zoning district, applicable plans, 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.

## CEQA ANALYSIS

## VI. CEQA CHECKLIST

- Peculiar to project or project site (pursuant to CEQA Guidelines Sections 15183 or 15183.3);
- Not identified in the previous EIRs (pursuant to CEQA Guidelines Sections 15183 or 15183.3), including off-site and cumulative impacts (pursuant to CEQA Guidelines Section 15183);
- Due to substantial changes in the project (pursuant to CEQA Guidelines Section 15162);
- Due to substantial changes in circumstances under which the project will be undertaken (pursuant to CEQA Guidelines Section 15162); or
- Due to substantial new information not known at the time the program EIRs were certified (pursuant to CEQA Guidelines Sections 15162, 15183, or 15183.3).

None of these conditions were found for the proposed project, as demonstrated throughout the following CEQA Checklist.

Several SCAs would apply to the proposed project because of the project's characteristics. The proposed project is required to comply with applicable mitigation measures identified in the WORP EIR and LUTE EIR, and with the City's SCAs. The City of Oakland has revised its SCAs over time, and the most current SCAs are identified in this CEQA Checklist. All mitigation measures identified in the program EIRs that would apply to the project that have not been superseded by the City's SCAs are also identified. The project applicant 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 C, and is incorporated by reference into the CEQA Checklist analysis. If the CEQA Checklist 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 C) is inaccurately transcribed, the language of the mitigation measure as set forth in the WORP 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 has occurred prior to the approval of the proposed project and, where applicable, SCAs and/or mitigation measures in the WORP EIR or LUTE 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.

**1. Aesthetics, Shadow, and Wind**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
<p>Would the project:</p> <p>a. Have a substantial adverse effect on a public scenic vista;</p> <p>substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway;</p> <p>substantially degrade the existing visual character or quality of the site and its surroundings; or</p> <p>create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;</p>	☒	☐	☐
<p>b. 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</p> <p>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;</p>	☒	☐	☐
<p>c. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or,</p> <p>Cast shadow on a historical resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource’s historic significance;</p>	☒	☐	☐

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
d. Would the project:  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	☒	☐	☐
e. 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.	☒	☐	☐

**LUTE and WORP EIR Aesthetics Impacts Summary**

Aesthetics: Scenic Vistas, Scenic Resources, Visual Character, Light and Glare, Shadows, Wind (Criteria 1a-1e)

The LUTE EIR concluded that new development could potentially degrade or destroy existing scenic resources in the City, including hillsides, ridges, canyons, trees and riparian areas. However, the LUTE EIR concluded that existing policies in the Open Space, Conservation, and Recreation (OSCAR) Element provide mitigation of visual impacts, and with implementation of these policies, the LUTE EIR found impacts to scenic resources would be less than significant, and no further mitigation measures were required. The LUTE EIR also concluded that policies of the LUTE would encourage midrise, pedestrian-scale mixed-use development along transit-oriented corridors within the City, but that development of this scale would generally have positive visual impacts, even though it may interrupt views and create the potential for architecturally incompatible development. The LUTE EIR identified mitigation measures related to urban design guidelines, building heights and view corridors that are functionally equivalent to current SCAs to reduce these potential effects to less than significant. The LUTE EIR concluded that potential impacts

related to light and glare would be less than significant, based on the City's Initial Study. The LUTE EIR found that development pursuant to the LUTE could cause changes in wind speeds at certain locations in the Downtown Showcase District. The LUTE EIR identified mitigation measures that require project sponsors to incorporate specific design elements in the final siting and designs for high-rise buildings that could reduce ground level winds within the Downtown Showcase District (now required pursuant to City SCAs). The LUTE EIR concluded that shadow impacts would be less than significant.

The Initial Study prepared for the WORP EIR determined that potential impacts to scenic vistas and resources, visual character, shadows, lighting and glare, and winds from development under the WORP would be less than significant, and that no mitigation measures were necessary. 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.

Further, under Public Resources Code Section 21099(d), aesthetics of “a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area” shall no longer be considered significant impacts on the environment.

## **Project Analysis and Conclusion**

### Criteria 1a and 1d

The proposed project would contribute to the creation of a coherent, well-defined, and active public realm that supports pedestrian activity and social interaction. The proposed project would include streetscape improvements along the West MacArthur Boulevard and West Street frontages including new sidewalks, new street trees, landscaping and bioretention planters, and bike racks. Toward the rear of the parcel the proposed project would provide approximately 2,250 square feet of common open space area that would include a pergola, a patio constructed of pervious pavers, outdoor furniture, and landscaping. The proposed project requires design review approval, pursuant to Section 17.136.050.A, Regular Design Review Criteria of the City's Planning Code. The proposed project would conform the applicable design review criteria for residential facilities:

#### **1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures:**

The proposed project would remove the existing vacant structures associated with former tire sales and auto service station and develop the site with a 5-story, 72,720-square-foot residential building on an approximately 0.52-acre parcel, located at the corner of West MacArthur and West Street. The project site is located within an area of the City that has a residential and commercial mixed neighborhood context east of the San Pablo Avenue

corridor and West of Martin Luther King Jr. Way. The density increases to the west of the site toward San Pablo Avenue with smaller scale residential back into the neighborhood toward 40th Street. In addition, there are a mix of housing types within these blocks consisting primarily of two to three-story multi-family residential buildings and two to three-story commercial buildings and motels. The project site sits as a transition from the smaller scale properties to the larger scale mid-rise buildings. As shown in Exhibit 11, Proposed Elevation Drawings, the proposed project would construct a mid-rise multi-family apartment building with primary orientation toward the West MacArthur Boulevard frontage. The proposed design is compatible in height and composition and integrates character defining architectural elements found in multi-family buildings in Longfellow North Oakland neighborhood. The proposed design applies a combination of materials including smooth cement plaster and fiber cement siding, high quality windows and railings and a variation of colors to integrate the development with the neighboring structures along West MacArthur Boulevard. To minimize perceived bulk, the design applies a series of “boxed-in” building volumes with varying heights. To create a transition onto the adjacent residential buildings, the project steps to the sides and rear creating successful transitions into lower building heights and achieves a hierarchy of volumes and proportions that relate well to the neighborhood.

**2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;**

The proposed design incorporates flat roofs, exterior siding, architectural projections, and a mix of windows styles to enhance the neighborhood characteristics of the mixed housing types and commercial buildings. In addition, the proposed project would maintain setbacks compatible with the neighborhood context and consistent with the corridor design guidelines.

**3. That the proposed design will be sensitive to the topography and landscape.**

The project site is a relatively flat lot located in a built-out urban area. Grading would be minimal due to the flatness of the lot. There is minimal existing landscaping on the site.

**4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

This criterion is not applicable to the project site.

**5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

The property is primarily located in the Urban Residential land use designation of the Oakland General Plan. The classification recognizes the importance of high-density residential development. The intent of the designation is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services. The proposed design for a multi-family facility and site is, therefore, consistent with the intent and desired character and uses of the General Plan as well as the following Policies:

**Policy N3.2 Encouraging Infill Development.** In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

**Policy N3.8 Required High-Quality Design.** High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

**Policy N6.1 Mixing Housing Types.** The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

**Policy N7.1 Ensuring Compatible Development.** New residential development in Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

The proposed project is a residential in-fill development project that would enhance an area of the City with a building that would complement the existing mixed-use multi-family buildings and mix of residential and commercial types in the area.

As part of the design review process, the proposed project will be reviewed by the City to ensure high quality design that is 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.

#### Criteria 1b, 1c, and 1e

The proposed project would not result in any shadows on any solar collectors or public or quasi-public park, lawn, garden, or open space as there are none adjacent to the project site. The 60-foot-tall building would cast shadows on adjacent residential areas, however, none of these are considered historic resources. As stated under Criterion 1e, a wind analysis is required if a building height is 100 feet or greater. At 60-feet tall, the proposed project would not be subject to the requirements of a wind analysis and no impact regarding winds would occur.

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Consistent with the findings of the WORP EIR and associated initial study, the proposed 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. No impacts would occur regarding shadows or winds.

The proposed project would be required to implement SCAs related to trash and blight removal, graffiti control, landscape plan, landscape installation, landscape maintenance, and lighting, as identified in Attachment C at the end of the CEQA Checklist (SCA-AES-1: *Trash and Blight Removal* [City SCA 16], SCA-AES-2: *Graffiti Control* [City SCA 17], SCA-AES-3: *Landscape Plan* [City SCA 18], and SCA-AES-4: *Lighting* [City SCA City SCA 19]).

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**2. Air Quality**

Would the project:	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
<p>a. 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>;</p> <p>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>; or 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</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. 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</p> <p>expose new sensitive receptors to substantial ambient levels of 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
Would the project:			
c. Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours, and 20 ppm for one hour?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**LUTE EIR and WORP EIR Air Quality Impacts Summary**

Construction and Operational Emissions (Criterion 2a)

*Construction Emissions*

The LUTE EIR found that construction activities associated with downtown projects in the Downtown and Coliseum Showcase Districts would generate dust (including the respirable fraction known as PM10) and combustion emissions. Mitigation measures requiring implementation of Basic Control Measures (which are substantially similar to current City SCAs) at all construction sites was found to reduce this impact to less than significant levels.

The WORP EIR determined that construction activities associated with the Redevelopment Plan’s implementation projects, programs, and other activities would generate dust emissions and combustion emissions from construction equipment and vehicles (such as heavy equipment and delivery/haul trucks, air compressors, and generators). As shown in Table 6-8 of the WORP EIR, although construction emissions, in combination with other existing emission sources, would temporarily contribute to local air quality degradation, these emissions would be less than significant and would typically not exceed Bay Area Air Quality Management District (BAAQMD) thresholds. However, NOx and PM10 thresholds could be exceeded with development of a project that covers an area larger than two acres, or simultaneous development of more than one future project. With implementation of General Plan OSCAR Element Policy CO-12.6, that requires construction, demolition, and grading practices which minimize dust emissions and Mitigation Measure 6.4.5 (now applied citywide as City SCA 20), presented below, construction-related air quality impacts would be less than significant.

- **WORP EIR, Mitigation Measure 6.4.5: Construction Emission Controls:**  
Contractors for future development projects pursuant to implementation of the Redevelopment Plan shall implement BAAQMD dust control and exhaust emission measures as outlined in BAAQMD CEQA Guidelines (1999) or any subsequent applicable BAAQMD updates. These measures include the following:

#### Basic Control Measures

The following Basic Control Measures shall be implemented at all construction sites:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

#### Enhanced Control Measures

In addition to the above, the following Enhanced Control Measures shall be implemented at all construction sites when more than four acres are under construction at any one time:

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

#### Exhaust Emission Control Measures

In addition to the above dust control measures, the following exhaust emission control measures shall be implemented at all construction sites:

- Use alternative fueled construction equipment.
- Minimize idling time (e.g., five-minute maximum).
- Maintain properly tuned equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

### *Operational Emissions*

The LUTE EIR determined that the LUTE would not be consistent with population and Vehicle Miles Traveled (VMT) assumptions used at that time for regional air quality planning. The LUTE EIR concluded that the projected population resulting from implementation of the LUTE would exceed Association of Bay Area Governments (ABAG's) population estimate by year 2020. Since the Clean Air Plan's emissions inventory was based on ABAG's population projections, exceeding ABAG's population projections was found to generate population-based emissions that would be greater than that assumed in the Clean Air Plan, and attainment of the State air quality standards could be delayed. The LUTE EIR also found that the projected VMT growth rate pursuant to the LUTE would exceed the projected population growth rate, thereby hindering progress toward achieving VMT performance objectives. The LUTE EIR recommended mitigation requiring, to the extent permitted by law, that large new development within the City be required to implement Transportation Control Measures (TCMs) as recommended by the BAAQMD, but this measure was not found to reduce impacts to less than significant levels.

The WORP EIR determined that traffic increases associated with growth and development within the WORP Project Area, as may be facilitated through its implementation would not exceed BAAQMD thresholds for daily regional emissions (as shown in Table 6-6 of the WORP EIR). Therefore, the implementation of the WORP would have a less than significant impact on regional air quality.

As also analyzed in the WORP EIR, traffic generated within the WORP Project Area would have a less than significant impact on local CO emissions along roadways and at intersections within the WORP Project Area (see Table 6-7 in the WORP EIR).

The WORP EIR also determined that implementation of the WORP, in conjunction with the Port's Vision 2000 Program and the adjacent Oakland Army Base (OARB) Area Redevelopment Project would cumulatively exceed BAAQMD significance criteria for NO<sub>x</sub> and PM<sub>10</sub> (see Table 6-9 of the WORP EIR). Even with implementation of General Plan policies contained in the OSCAR and LUTE elements and the Vision 2020 AQMP, cumulative impacts on local air quality NO<sub>x</sub> and PM<sub>10</sub> emissions would remain significant and unavoidable.

### Toxic Air Contaminants (Criterion 2b)

The 1998 LUTE EIR did not quantify or address toxic air contaminants (TACs) or related health risks. It did conclude that implementation of the LUTE would result in traffic increases along roadways in the City and that traffic could result in localized air quality impacts, but no additional mitigation measures were required.

The WORP EIR stated that identified TACs levels would not exceed significance criteria and therefore this impact would be less than significant. However, the WORP did state that

projected population growth in the WORP Project Area would increase more than projected citywide growth. This disproportionate increase could result in more residents being located in proximity to existing toxic air contaminants, pollutant, and odor emissions. This land use conflict was determined to be significant and unavoidable even with implementation of adopted city ordinances, the Vision 2000 AQMP, the Port's Criteria Pollutant Reduction Program (as part of the Oakland Army Base [OARB] Reuse Plan) and the WORP mitigation measures presented below. Mitigation Measures 6.4.6A and 6.4.6B are functionally equivalent to SCA 79, which requires payment of a Transportation Impact Fee and substantially overlaps with SCA 78, which requires Transportation and Parking Demand Management for projects that generate 50 or more net new AM or PM peak-hour vehicle trips. Mitigation Measure 6.4.6C is functionally equivalent to SCA 23, which addresses exposure to TACs.

- **WORP EIR, Mitigation Measure 6.4.6A:** Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall fund on a fair share basis (as appropriate) some or all of the following BAAQMD-recommended feasible Transportation Control Measures (TCMs) for reducing vehicle emissions from commercial, institutional, and industrial operations. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implements these measures.
  - a) Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc. Improve transit bus service within the Project Area.
  - b) Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.
  - c) Provide shuttle service between the West Oakland BART station and any future major employers or high-density residential developments.
  - d) Encourage future business uses to use car pools, vanpools, and public transit by providing incentives.
  - e) Provide on-site shops or provide convenience services (i.e., cafeteria, bank, dry cleaners, convenience market, etc.) nearby for employees.
  - f) Provide on-site childcare, or contribute to off-site childcare within walking distance.
  - g) Establish mid-day shuttle service from worksites to food service establishments/commercial areas.
  - h) Provide preferential parking for carpool and vanpool vehicles.

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- i) Implement parking fees for single occupancy vehicle commuters.
  - j) Provide secure, weather-protected bicycle parking for employees.
  - k) Provide safe, direct access for bicyclists to adjacent bicycle routes.
  - l) Provide showers and lockers for employees bicycling or walking to work.
  - m) Provide direct, safe, attractive pedestrian access between new developments and transit stops.
  - n) Provide neighborhood serving shops and services within or adjacent to residential areas.
- **WORP EIR, Mitigation Measure 6.4.6B.** Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall fund on a fair share basis (as appropriate) some or all of the following Clean Air Plan Transportation Control Measures. These measures have been identified by the BAAQMD as appropriate for local implementation. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implements these measures.
    - a) Support Voluntary Employer-Based Trip Reduction Programs: Promote transit use and support employer-based trip reduction programs through development incentives such as density bonuses, reduced parking requirements, incentives for permanent bicycle facilities, etc. Encourage development of transit transfer stations near employment concentrations.
    - b) Improve Bicycle Access and Facilities: Encourage employers and developers to provide permanent bicycle facilities.
    - c) Improve Arterial Traffic Management. Improve roadways and intersections to operate at City-standard LOS, to facilitate traffic flow and avoid unnecessary queueing.
    - d) Local Clean Air Plans, Policies and Programs: Redevelopment projects should incorporate measures that reduce the number and length of single-occupant automobile trips.
    - e) Conduct Demonstration Projects: Using development incentives, encourage implementation of demonstration projects for low emission vehicle fleets and LEV refueling infrastructure.

- f) Pedestrian Travel: Promote development patterns that encourage walking and circulation policies that emphasize pedestrian travel; modify the zoning ordinance to include pedestrian-friendly design standards.
- g) Promote Traffic Calming Measures: Redevelopment will include traffic calming measures to the extent appropriate, consistent with the General Plan and sound traffic management of the Project Area.

These TCMs shall be coordinated with Transportation Demand Management (TDM) measures listed under Mitigation Measure 6.4.6A as well as similar measures to be implemented pursuant to the OARB Reuse Plan.

- **WORP EIR, Mitigation Measure 6.4.6C: Upgraded Ventilation Systems.** Future residential development within the Project Area shall be developed with upgraded ventilation systems to minimize exposure of future residents to odors and pollutant emissions. In addition, future development should limit outdoor use areas where these uses are located in proximity to emission sources.

#### Carbon Monoxide Concentrations (Criterion 2c)

The 1998 LUTE EIR did not quantify or specifically address carbon monoxide (CO) emissions but did conclude that implementation of the LUTE would result in traffic increases along roadways in the City and that traffic could result in localized air quality impacts, but no additional mitigation measures were required.

The WORP EIR determined that traffic generated by projected growth and development within the Project Area would not significantly increase CO emissions along roadways and intersections within the Project Area or vicinity. In addition, cumulative CO levels would not exceed CO ambient air quality standards, Therefore, project and cumulative CO impacts would be less than significant.

#### Objectionable Odors (Criterion 2d)

The LUTE EIR concluded that the mix of commercial and residential uses could result in odor nuisance problems at residential receptors. The LUTE EIR recommended mitigation whereby residential development would be located above commercial uses, parking garages or any other uses with a potential to generate odors, the odor-generating use should be properly vented (e.g., located on rooftops) and designed (e.g., equipped with afterburners) so as to minimize the potential for nuisance odor problems. This measure was found to reduce odor impacts to levels of less than significant.

The Initial Study prepared for the WORP EIR concluded that impacts regarding objectionable odors affecting a substantial number of people would be less than significant.

## Project Analysis and Conclusion

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

Project construction would take place over 18 months and would include demolition, excavation, grading, and construction activity that would result in the generation of dust and vehicle exhaust. Construction-related emissions from the project are not peculiar because the project would use standard construction equipment similar to other projects under construction in Oakland. The site's proximity to sensitive receptors is also typical of other construction in Oakland. The BAAQMD has published screening criteria for air quality emissions resulting from construction.<sup>10</sup> Those projects that do not exceed the screening criteria are presumed to have less than significant air quality effects. The construction period criteria pollutant emissions screening criteria for mid-rise apartment projects is 240 dwelling units. The project would develop a 5-story building with 72,750 square feet and total of 92 dwelling units, far below the applicable construction screening level.

The proposed project would include a demolition permit and the potential simultaneous occurrence of construction phases (e.g., grading, building construction, and paving) and as a result, it would be required to implement SCA-AIR-4-Asbestos in Structures (City SCA 26 and the basic and enhanced controls for emissions of dust and equipment exhaust under SCA-AIR-1: *Dust Control - Construction Related* (City SCA 20), as well as SCA-AIR-2: *Criteria Air Pollutant Controls - Construction Related* (City SCA 21) to reduce emissions of criteria air pollutants and TACs during construction. Additionally, SCA-AIR-5 (City SCA 22) would ensure that diesel fueled construction equipment used during construction would be Tier 4 compliant, which would further reduce particulate matter emissions during construction. These SCAs would reduce construction emissions of ROG, NO<sub>x</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> and as a result, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the WORP EIR, nor would it result in new significant air quality impacts that were not identified in the WORP EIR.

BAAQMD has also published screening criteria for air quality emissions typically resulting from project operations. Those projects that do not exceed the screening criteria are presumed to have less than significant air quality effects. The BAAQMD's operational emissions screening criteria for mid-rise apartment projects is 494 dwelling units. The proposed project, at only 91 units, would not exceed applicable operational screening level sizes for criteria pollutants, and thus would not exceed threshold levels. Impacts related to operational criteria pollutant emissions would be less than significant.

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<sup>10</sup> BAAQMD, CEQA Guidelines, May 2017.

Toxic Air Contaminants (Criterion 2b)*Health Risks from Project Construction to Existing Receptors*

TACs are defined as substances in the air that may cause or contribute to an increase in deaths or in serious illness, or that may pose a present or future hazard to human health. Health effects from carcinogenic air toxins are typically described in terms of increased cancer risk, and those TACs that do not have carcinogenic effects (but that can result in chronic health effects such as asthma) are assessed based on the relative health index (or HI) rating. Some land uses are considered more sensitive to toxic air pollution than others due to the types of population groups affected, or activities involved. Children, pregnant women, older adults and people with existing health problems are especially vulnerable to the effects of toxic air pollution and TACs. Accordingly, land uses where these sensitive-receptor population groups are likely to be located (including hospitals, medical clinics, schools, playgrounds, childcare centers, residences, and retirement homes) are considered especially sensitive receptors.

As discussed previously in Impact 2a, project construction would take place over 18 months and would include demolition, excavation, grading, and construction activity that would result in the import and export of soils and potential emissions of TACs near existing sensitive receptors. Additionally, no back-up diesel generators would be used during operation, which would further reduce potential emissions of TACs. There is nothing particular or unusual about the project that would cause it to generate uncharacteristically high diesel particulate matter or PM<sub>2.5</sub> emissions during construction levels. The proposed project would include a demolition permit and the potential simultaneous occurrence of construction phases (e.g., grading, building construction, and paving) and as a result, it would be required to implement both the basic and enhanced controls for emissions of dust and equipment exhaust under SCA-AIR-1: *Dust Control-Construction Related* (City SCA 20) and SCA-AIR-2: *Criteria Air Pollutant Controls - Construction Related* (City SCA 21) to reduce emissions of criteria air pollutants and TACs during construction. Moreover, the proposed project would be required to implement SCA-AIR-4: *Asbestos in Structures* (City SCA 26), which stipulates the compliance with all applicable laws and regulations regarding demolition and renovation of asbestos-containing material, further reducing potential TAC impacts to nearby sensitive receptors during project construction.

Furthermore, WORP EIR MM 6.4.5: *Construction Emission Controls*, which is the functional equivalent of the City's SCAs 20 and 21, stipulates the use of alternatively fueled construction equipment among other requirements, which will contribute substantially to reductions in TAC emissions generated by construction equipment during project construction. Project construction impacts related to emission of TACs near existing sensitive receptors was considered in the WORP EIR and as a result, project impacts were already analyzed in the WORP EIR. Construction-related and operational TAC emissions from the project would be reduced to less than significant levels with implementation of required City of Oakland SCAs.

*Health Risks from Existing Sources to Project Receptors*

The proposed project would introduce new sensitive receptors (residents) to the project site, and is within 1,000 feet of several major roadways with significant traffic (at least 10,000 vehicles per day) and other sources of TACs (backup generators). The closest major roadways are I-580, 775 feet south, and SR-24, approximately 1,050 feet east of the project site. Consistent with Table 1-1 of the Air Resources Board Air Quality and Land Use Handbook, the project would not site new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.

Furthermore, the proposed project would be required to comply with SCA-AIR-3: *Exposure to Air Pollution (Toxic Air Contaminants)* (City's SCA 23). Pursuant to SCA-AIR-3, project applicants may choose to prepare a project-specific Health Risk Assessment (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. MERV-16 filtration systems contribute to substantial reductions in indoor suspended particulates, which would help reduce potential TAC impacts on project receptors.

As stated in the WORP EIR, development within the plan area would not violate State and federal 1-hour ambient standards for CO at study intersection during worst-case atmospheric conditions. Furthermore, project trip generation would be minimal and not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour consistent with BAAQMD CEQA Guidelines.

Additionally, the proposed project is consistent with City SCAs 79 and 78, which are similar to and supersede WORP EIR, Mitigation Measure 6.4.6B: *Clean Air Plan (Transportation Control Measures)*, because the project includes new sidewalks and pedestrian infrastructure as well as 23 long-term bicycle parking spaces and 5 short-term bicycle parking space.

However, the project would be required to comply with City SCA 23, which is functionally equivalent to Mitigation Measure 6.4.6C: *Upgraded Ventilation Systems* and the requirements of Title 24 of the California Building Code. The required upgraded ventilation systems would ensure that potential impacts of exposure of future residents to odors and pollutant emissions would be reduced to less than significant.

Carbon Monoxide Concentrations (Criterion 2c)

Pursuant to BAAQMD CEQA Guidelines, localized CO concentrations should be estimated for projects that would a) generate traffic volumes that would conflict with an applicable Congestion Management Program, or (b) would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (or 24,000 vehicles per hour where

vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below-grade roadways). As detailed in the W-Trans Transportation Study (Attachment K) prepared for the proposed project, the intersection studied for transportation impacts—West MacArthur Boulevard and West Street—is estimated to experience approximately 18,400 average daily vehicles under existing conditions. As provided in the Transportation Study, the proposed project would generate an estimated 266 daily vehicle trips, resulting in up to 18,666 daily vehicle trips at the study intersection of West MacArthur Boulevard and West Street. Under a worst-case scenario where all daily vehicle trips in this intersection were to occur during either the AM or PM peak-hour, the resulting vehicle trips would be below the BAAQMD’s screening threshold for localized CO hotspots. As such, the proposed project would have less-than-significant impacts related to CO emissions.

Objectionable Odors (Criterion 2d)

As stated in the BAAQMD 2017 Air Quality Guidelines, odors are generally regarded as an annoyance rather than a health hazard and the ability to detect odors varies considerably among the populations and overall is subjective. The BAAQMD does not have a recommended odor threshold for construction activities. However, the BAAQMD recommends operational screening criteria that are based on distance between types of sources known to generate odor and the receptor. For projects within the screening distances, the BAAQMD has the following threshold for project operations:

An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a significant impact on receptors within the screening distance shown in Table 3-3 [of the BAAQMD’s guidance].

Two circumstances have the potential to cause odor impacts:

- A source of odors is proposed to be located near existing or planned sensitive receptors, or
- A sensitive receptor land use is proposed near an existing or planned source of odor.

Projects that would site an odor source or a receptor farther than the applicable screening distance, shown in Table 3 below, would not likely result in a significant odor impact.

**Table 3 Odor Screening Distances**

Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile

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Land Use/Type of Operation	Project Screening Distance
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile

Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19. Website: [https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a\\_-proposed-final-cap-vol-1-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en). Accessed August 26, 2021.

Project Construction

Diesel exhaust and ROG's would be emitted during construction of the project, which are objectionable to some; however, emissions would disperse rapidly from the project site and therefore would not create objectionable odors affecting a substantial number of people. As such, construction odor impacts would be less than significant.

Project Operation*Project as an Odor Generator*

Land uses typically considered associated with odors include wastewater treatment facilities, waste disposal facilities, or agricultural operations.

The proposed project is a residential development project and is not expected to produce any offensive odors that would result in odor complaints. During operation of the project, odors would primarily consist of passenger vehicles traveling to and from the site. These occurrences would not produce objectionable odors affecting a substantial number of people; therefore, operational impacts associated with the project's potential to create odors would be less than significant.

*Project as a Receptor*

As a residential project, the proposed project has the potential to place sensitive receptors near existing odor sources. However, the project site is not located within the project

screening distances for potential sources of odor, as defined in Table 3. Considering no potential sources of odors exist within the screening distances and the surrounding area is almost entirely made up of residential uses, the uses in the project vicinity would not expose future receptors introduced by the proposed project to substantial odor impacts.

Based on these findings, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the program EIRs, nor would it result in new significant impacts related to air quality that were not identified in the program EIRs. The proposed project would still be required to implement applicable SCAs related to construction emissions and air filtration.

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**3. Biological Resources**

Would the project:	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
<p>a. 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;</p> <p>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;</p> <p>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;</p> <p>b. 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;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan;</p> <p>Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code [OMC] Chapter 12.36) by removal of protected trees under certain circumstances; or</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
Would the project: Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.			

**LUTE EIR and WORP EIR Biological Resources Impacts Summary**

Species, Habitats, Wetlands, Habitat Conservation Plan, and Tree Protection Ordinance (Criteria 3a and 3b)

The LUTE EIR determined that development consistent with the LUTE could damage or remove potential habitat for special status species on undeveloped parcels within the City, particularly at the military bases, along the Estuary, and at Leona Quarry. It also determined that development consistent with the LUTE could affect the habitat of certain special status plants and result in the loss of special status plant species. This was concluded to be a less than significant impact due to existing policies in the OSCAR Element, proposed policies in the LUTE and CEQA requirements for subsequent environmental review. The LUTE EIR also determined that development consistent with the LUTE could trigger impacts on adjacent lands designated for Resource Conservation (including riparian habitats, wetlands and sensitive natural communities). Greater levels of noise, traffic, lighting, urban runoff and human activity on lands adjacent to waterfront parks could reduce the value of these areas as wildlife habitat. This was concluded to be a less than significant impact with implementation of policies included in the City’s OSCAR General Plan Element. Furthermore, the LUTE EIR determined that development consistent with the LUTE could result in the loss of mature trees on new development sites. Related impacts could include direct mortality of resident species due to construction activity, habitat loss or degradation, and disturbance of nests. These impacts were concluded to be less than significant based on project-specific mitigation to be implemented as future development is proposed on specific sites.

The Initial Study prepared for the WORP EIR determined that potential impacts to biological resources from development under the WORP would be less than significant, and that no mitigation measures were necessary.

The WORP Plan Area is in and is surrounded by a fully developed urban environment and does not contain any creeks, protected trees, wetlands or sensitive habitats. The nearest sensitive habitat is San Francisco Bay, located approximately 1.1 miles to the west.

Development in the WORP Plan Area would be required to comply with existing City policies and regulations related to removal and replacement of trees; 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. In addition, other City policies and regulations pertaining to hazardous materials management, and stormwater and erosion control would reduce any potential impacts on water quality during construction and operation.

### **Project Analysis and Conclusion**

The approximately 0.52-acre project site, currently developed with a vacant former tire sales and auto service station, is in a highly urbanized and built-up environment located near the junction of SR-24 and I-580. No special status species are expected to occur at the project site due to its highly disturbed and developed nature. The proposed project's potential impact on special status species is considered less than significant.

The proposed project's impact on riparian habitat, wetlands, sensitive natural communities, and habitat or natural community conservation plans, is also considered less than significant. The project site is entirely covered by impervious surfaces. The closest sensitive habitat is San Francisco Bay, located approximately 1.1 miles to the west. However, the Bay is not within the boundary of the Plan Area or the proposed project site. There are no wildlife movement corridors or streams within the project vicinity. There are no habitat conservation plans or natural community conservation plans that apply to the WORP Plan Area or project site.

This project is not expected to increase stormwater runoff because the surrounding area is already fully developed with impervious surfaces. Stormwater would be treated consistent with C.3 requirements for on-site treatment, including bioretention basins, landscaping, and permeable pavers. Implementation of the proposed project would decrease the amount of impervious surface on the project site.

The proposed project would save and protect the existing street trees and plant three additional trees along the street frontages (two along the West MacArthur frontage and one along the West Street frontage). Should any street trees require removal, the proposed project would incorporate SCA-BIO-1: *Tree Removal During Bird Breeding Season* (City SCA 29), which would ensure that the tree removal impacts to nesting birds would not be significant. The project applicant would incorporate SCA-BIO-2: *Tree Permit* (City SCA 30), to protect trees during construction, to install new trees, or if any on-site trees require removal.

Therefore, based on an examination of the analysis, findings, and conclusions in the program EIRs, implementation of the proposed project would not substantially increase the severity of the significant impacts identified in the program EIRs, nor would it result in

new significant impacts related to biological resources that were not identified in the program EIRs. The WORP EIR did not identify any mitigation measures related to biological resources, and none would be needed for the proposed project. SCAs related to tree removal, tree permits, City of Oakland Tree Protection Ordinance, and construction activity and operations, identified in Attachment C at the end of the CEQA Checklist, would apply to the proposed project (SCA-BIO-1: *Tree Removal During Bird Breeding Season* and SCA-BIO-2: *Tree Permit*).

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**4. Cultural Resources**

	Would the project:	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
a.	Cause a substantial adverse change in the significance of a 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 a 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 a 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);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.				
c.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disturb any human remains, including those interred outside of formal cemeteries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## LUTE EIR and WORP EIR Cultural Resources Impacts Summary

### Historical Resources (Criterion 4a)

The LUTE EIR identified potentially significant impacts to historic and archaeological resources, and identified mitigation measures (now applied uniformly as SCAs) to reduce these impacts to less than significant.

The WORP EIR found that future projects, programs and other implementation activities may accelerate pressures to alter or replace existing buildings within the WORP Project Area, including historic properties. The WORP EIR identified 0 resources within the WORP Project Area itself and 41 properties within a 0.5-mile radius of the WORP Project Area that are formally listed as Local Listings, National Register Listings, and Determinations of Eligibility. The Historic Preservation Element (HPE) includes policies and actions to reduce the potential impact of redevelopment activities on historic structures. With adherence to the following policies included in the HPE, potential impacts on historic resources would be less than significant:

#### *HPE Policies*

- Policy 1.3, Using Survey information to support designation of Landmarks, Preservation Districts, and Heritage Properties.
- Policy 2.6, Preservation Incentives for Designated Historic Properties.
- Policy 3.1, The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions. Policy 3.1 is a general policy which is expressed more specifically in this Chapter's other policies and their related actions.
- Policy 3.5, Historic preservation and discretionary permit approvals, establishes design review findings for alterations and demolitions of PDHPs, and directs that design guidelines be developed.
- Policy 3.8 defines the City's Local Register of Historical Resources, impacts, and mitigations for purposes of environmental review under CEQA, as discussed above ("Local Register of Historical Resources"). This defines the minimum universe of historic resources that require consideration in environmental review and declares that complete demolition of a historic resource cannot normally be mitigated to a level of insignificance.
- Policy 3.9 promotes consistency of zoning with existing or potential historic districts and recommends including a historic preservation component in areawide and specific plans.

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

The WORP EIR did not identify any known archaeological resources within the WORP Project Area. However, implementation of the WORP could result in the discovery of potential archaeological resources during construction-related excavation. HPE Policy 4.1, would further protect significant archaeological resources. With implementation of HPE Policy 4.1 and Mitigation Measure 11.4.1, (which is functionally equivalent to City SCA 32) impacts on archaeological resources would be less than significant.

The WORP EIR did not identify any unique paleontological resources within the WORP Project Area. However, because the bedrock (where fossils may be encountered) is overlain with alluvial, sand, and marine and marsh deposits, excavation associated with redevelopment activities is unlikely to disturb the bedrock. If any broad, deep cuts in the bedrock are anticipated with a specific development project than fossils may be encountered. With implementation of Mitigation Measure 11.4.1, (which is functionally equivalent to City SCA 32) impacts on paleontological resources would be less than significant.

- **WORP EIR, Mitigation Measure 11.4.1: Halt Construction/Evaluate Find.** In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area and an immediate evaluation of the find should be conducted by a qualified archaeologist or qualified paleontologist. If the find is determined to be a historic or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation to protect, preserve, remove or restore the artifacts uncovered should be available. Work may continue on part of the building site while historic or unique archaeological resource mitigation takes place.

**Human Remains (Criterion 4d)**

Although unlikely, construction-related excavation activities associated with the implementation of the WORP could have the potential to uncover human remains, most likely from the pre-American settlement era. This impact on human remains would be less than significant with implementation of Mitigation Measure 11.4.2 (which is functionally equivalent to City SCAs 34) presented below.

- **WORP EIR, Mitigation Measure 11.4.2: Halt Construction/Evaluate Remains.** In the event that any human remains are uncovered within the Project Area during future construction activity associated with the implementation of the project, there should be no further excavation or disturbance of the site or any nearby area until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required or such investigation has occurred and appropriate actions have been taken, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s)

have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

**Project Analysis and Conclusion**

Historic Architectural Resources Within the Project Area.

The current two buildings on the project site were developed as a tire sales and auto service station in 1975. They consist of a one-story main sales shop of 5,714 square feet and a 1-story service bay of 510 square feet. Former operations at the site consisted of general office use, routine automotive and tire service, warehousing of tires, and facility maintenance. The buildings are not listed on the California Register of Historical Resources (CRHR) or the Built Environmental Resource Database (BERD). Although the buildings are over 45 years old, the provenance, use, ownership, architectural integrity, and history of the buildings do not appear to reach the threshold of significance as a historical resource under the four criteria of the CRHR.

Archaeological and Paleontological Resources and Human Remains.

The proposed project qualifies for a CEQA exemption, and therefore, does not require a paleontology report. Table 3 lists cultural resources within 0.5 miles of the project site, and Table 4 lists previous investigations covering areas within 0.5 miles of the project site, as provided by the California Historical Resources Information System. The project site does not contain any known archaeological sites.

**Table 4 Cultural Resources within 0.5 miles of the Project Area**

Resource No.	Resource Description	Date Recorded
P-01-000764	Resource Name - Serial No. 1202; Other - S and N Market; OHP Property Number - 092851; OHP PRN - 4623-4426-0000; OHP PRN - 4623-1119 -0000; OTIS Resource Number - 489774; Other - Richards (Arthur A.) store building, Historic Age Building	1994
P-01-000838	Resource Name - Straub (E.J) Building-Fair Deal Meat Co.; OHP PRN - 4623-1193-0000; OHP PRN - 4623-4493-0000; Other - Serial No. 1304; OHP Property Number - 092960, Historic Age Building	1994
P-01-000839	Resource Name - Jones (Bessie)- Wagner & Stini Poultry Market; OHP PRN - 4623-1194-0000; OHP PRN - 4623-4494-0000; Other - Serial No. 1327, Historic Age Building	1994
P-01-000840	Resource Name - Toscana Bakery; OHP PRN - 4623-1195-0000; Other - Serial No. 492, Historic Age Building	1994
P-01-000933	Resource Name - Falkinham (J.O.) - Snyder (E.E.) Garage; OHP PRN - 4623-1288-0000; OHP PRN - 4623-5460-0000; Other - Serial No. 1184; OHP Property Number - 093088, Historic Age Building	1994
P-01-000934	Resource Name - Romano (James) Pattern Shop; OHP PRN - 4623-1289-0000; OHP PRN - 4623-4561-0000; Other - Serial No. 1185; OHP Property Number - 093089; OTIS Resource Number - 489987, Historic Age Building	1994
P-01-000935	Resource Name - Elliott (Emma) - Ace Welding Works Shop; OHP PRN - 4623-1290-0000; OHP PRN - 4623-4562-0000; Other - Serial No. 1190; OHP Property Number - 093090, Historic Age Building	1994

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Resource No.	Resource Description	Date Recorded
P-01-001002	Resource Name - Leiter (E.T.) - Weinstein (J.) Garage; OHP PRN - 4623-1357-0000; OHP PRN - 4623-4619-0000; Other - Serial No. 1265; OHP Property Number - 093163; OTIS Resource Number - 490033; Other - 3420 Telegraph Avenue, Historic Age Building	1994
P-01-001003	Resource Name - Wigmore (A.E.) - Battery Service Co. Station; OHP PRN - 4623-1358-0000; OHP PRN - 4623-4620-0000; Other - Serial No. 1295; OHP Property Number - 093164; OTIS Resource Number - 490034, Historic Age Building	1994
P-01-001004	Resource Name - Booth (Charles S.) - Williams Dairy Garage; OHP PRN - 4623-1359-0000; OHP PRN - 4623-4621-0000; Other - Serial No. 1307; OHP Property Number - 093165; OTIS Resource Number - 490035, Historic Age Building	1994
P-01-001005	Resource Name - Pioneer Memorial Methodist Episcopal Church; OHP PRN - 4623-1360-0000; OHP PRN - 4623-4622-0000; Other - Serial No. 306; OHP Property Number - 093166; OTIS Resource Number - 490036; Other - First African Methodist Episcopal Church, Historic Age Building	1994
P-01-001006	Resource Name - Robins (Percy) Store building; OHP PRN - 4623-1361-0000; OHP PRN - 4623-4623-0000; Other - Serial No. 1317; OHP Property Number - 093167; OTIS Resource Number - 490037; Historic Age Building	1994
P-01-001007	Resource Name - Nunes (Geo. W.) - Hagstrom Store Building; OHP PRN - 4623-1362-0000; OHP PRN - 4623-4624-0000; Other - Serial No. 1386; OHP Property Number - 093168; OTIS Resource Number - 490038; Historic Age Building	1994
P-01-001008	Resource Name - Weber (Henry/Kate/Al) Bakery/ Stores/Flat; OHP PRN - 4623-1363-0000; OHP PRN - 4623-4625-0000; Other - Serial No. 1390; OHP Property Number - 093169; Historic Age Building	1994
P-01-001009	Resource Name - Fitzgerald (J.H) Stores and Apartments; OHP PRN - 4623-1364-0000; OHP PRN - 4623-4626-0000; Other - Serial No. 1401; OHP Property Number - 093170; OTIS Resource Number - 490040, Historic Age Building	1994
P-01-004665	Resource Name - California Hotel; OHP Property Number - 011705; National Register - NPS-88000969- 0000; OHP PRN - Tax Cert. 537.9-01- 0152; OHP PRN - Tax Cert. 537.9-01- 0045; OHP PRN - 4623-0259-0000; OHP PRN - 4623-0378-0000; OHP PRN - 4623-3616-0000; OHP PRN - DOE-01-87-0001- 0000; OHP PRN - HUD870929A; Other - Serial Number: A-224, Historic Age Building	1988, 1988, 1990
P-01-004968	OHP PRN - 4623-0251-0108; OHP Property Number - 12011; Resource Name - Proper Grinding Works, Historic Age Building, Element of district	1988
P-01-004969	Resource Name - McGee (Edward) - Schaackey (John) House; OHP Property Number - 012012; OHP PRN - 4523-0251-0109; OTIS Resource Number - 414798, Historic Age Building, Element of district	1988
P-01-005013	OHP Property Number - 12057; Resource Name - 1170 34th Street; OHP PRN - 4623-0251-0154, Historic Age Building, Element of district	1988
P-01-005014	OHP Property Number - 12058; Resource Name - 1178 34th Street; OHP PRN - 4523-0251-0155, Historic Age Building, Element of Building	1988
P-01-005015	Resource Name - Spooner (Mary) House; OHP PRN - 4623-0251-0156; OHP Property Number - 12059, Historic Age Building, Element of district	1988
P-01-005016	Resource Name - Tucker (David) - Cassell (Rufus) House; OHP PRN - 4623-0251-00157; OHP Property Number - 12060, Historic Age Building, Element of district	1988
P-01-005017	Resource Name - Unknown, later Abraham (Anthony) House; OHP PRN - 4623-0251-0158; OHP Property Number - 12061, Historic Age Building, Element of district	1988
P-01-005018	Resource Name - Unknown, later Brackins (Timothy) House; OHP PRN - 4623-0251-0159; OHP Property Number - 12062, Historic Age Building, Element of district	1988
P-01-005024	Resource Name - Clawson Neighborhood ASI; Other - Watts Tract (portion); Other - Peralta Homestead Tract (portion); OHP Property Number - 12068; OHP PRN - 4623-0251-9999; Historic Age Building, District	1988
P-01-007240	Resource Name - Sandstrom (Charles) Flats; OHP Property Number - 83676; OHP PRN - 4623-0368-0000; Other - A-161; Historic Age Building	1990
P-01-007241	Resource Name - Sandstrom (Fannie) House; OHP PRN - 4623-0369-0000; OHP Property Number - 83677; Other - A-162, Historic Age Building	1990

Resource No.	Resource Description	Date Recorded
P-01-007242	Resource Name - Sandstrom (Fannie) House; OHP PRN - 4623-0369-0000; OHP Property Number - 83677; Other - A-162, Historic Age Building	1990
P-01-007243	Resource Name - Davis (Susan) - DelVecchio (Alex) House; OHP Property Number - 83679; OHP PRN - 4623-0371-0000; Other - A-164, Historic Age Building	1990
P-01-007343	Resource Name - Complete Mobile Rejuvenating; Other - B-42; OHP Property Number - 84061; OHP PRN - 4608-0017-0000, Historic Age Building	1990
P-01-007344	OHP Property Number - 84062; Resource Name - 3616 Peralta Street; OHP Property Number - 84062; OHP PRN - 4608-0018-0000, Historic Age Building	1990
P-01-007345	OHP Property Number - 84063; Resource Name - 3618 Peralta Street; OHP PRN - 4608-0019-0000, Historic Age Building	1990
P-01-007346	Resource Name - Old Dominion Hall; OHP PRN - 4608-0020-0000; Other - Young's Hall-Savoy HallHank Davis Café; Other - Aaron's Furniture; OHP PRN - FHWA 900927X; OHP PRN - 4623-3617-0000; Historic Age Building	1990, 1995
P-01-007356	OHP Property Number - 84155; Resource Name - 1160 36th Street; OHP PRN - 4608-0026-0000; Other - B-52; Historic Age Building	1990
P-01-007357	Resource Name - Arrow Towel and Laundry; Other - Pacific Spas; Other - New Method Laundry; Other - B-53; OHP Property Number - 84156; OHP PRN - 4608-0027-0000; Historic Age Building	1990
P-01-010301	Resource Name - New Method Laundry Plant; Other - Ambassador Laundry; OHP Property Number - 122806; OHP PRN - 4623-3630-0000; Historic Age Building	1995
P-01-010360	Resource Name - 3120 Linden Street; OHP Property Number - 124653; OHP PRN - DOE-01-00-0013- 0000; OHP PRN - HUD000508B; Historic Age Building	2000
P-01-010689	Resource Name - McCollum (Edward B.) Apartments; OHP PRN - DOE 01-02-0007-0000; OHP PRN - FCC 010816B; Historic Age Building	2002, 2009
P-01-010864	Resource Name - 3601 Telegraph Avenue; Other - Calif. Highway Patrol Oakland Firing Range; Historic Age Building	2007
P-01-010916	Resource Name - Standard Beverages Ltd. Bottling Plant; Other - Acucare Oriental Spa; Other - Graffic Traffic; Other - Cut Hair Studio; Other - Car Restoration Service; Historic Age Building	2007
P-01-010963	Resource Name - Walter N. Boysen Company Building, Historic Age Building	2009

Source: NWIC Records Search. June 15, 2021.

**Table 5 Previous Investigations within 0.5-mile Radius of the Project Area**

Report No.	Report Title/Project Focus	Author	Date
S-012289	Archaeological Survey Report, I-880/Cypress Replacement Project	Donna M. Garaventa, Michael R. Fong, Sondra A. Jarvis, and Angela M. Bane	1990
S-029666	Roof Mounted Antennas and New Equipment Lease Area Inside Existing Storage Area with Building	Lorna Billat	2004
S-031997	Historic Property Survey Report, BART Seismic Retrofit Project, Berkeley Hills Tunnel to Montgomery Street Station	David Stone and Karen Foster	2005
S-033504	Historic Property Survey Report, Seismic Retrofit of BART Aerial Structures and Stations Along Concord, Richmond, Daly City and Fremont Lines, Alameda, Contra Costa, and San Mateo Counties	Cameron Bauer and Heather Price	2007
S-034672	A Cultural and Paleontological Resources Study for the Macarthur Transit Village Project, Oakland, Alameda County, California	E. Timothy Jones and Michael Hibma	2007
S-035189	A Cultural and Paleontological Resources Study for the 39th and Adeline Mixed-Use Project, Emeryville and Oakland, Alameda County, California	Michael Hibma and E. Timothy Jones	2007

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Report No.	Report Title/Project Focus	Author	Date
S-036331	Cultural Resources Investigation for Verizon Site #185595 "Market Macarthur" 1001 42nd Street, Emeryville, Alameda County, California, 94608	Carolyn Losee	2009
S-036528	Colocation ("CO") Submission Packet, FCC Form 621	Brian Hatoff	2005
S-037362	Historic Property Survey Report for the Proposed I-880 Reconstruction Project in the Cities of Oakland and Emeryville, Alameda County	California Department of Transportation, District 4	1990
S-038249	Historic Property Survey Report, the Alameda County Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro	Suzanne Baker	2010
S-043428	Cultural Resources Records Search and Site Visit Results for AT&T Mobility, LLC Candidate CNU3980 (580 San Pablo), 3601 San Pablo Avenue, Oakland, Alameda County, California	Carrie D. Wills and Kathleen A. Crawford 1994	2013
S-045212	Historic and Cultural Resources Evaluation, Historic Resources Evaluation for Section 106 Review, Mixed-Use Affordable Housing Project, 3706 San Pablo Avenue, Emeryville, CA 94608	AEM Consulting 1988, 1988, 1990	2014
S-045454	An Architectural Survey for a Mixed Use Affordable Housing Project at 3706 San Pablo Avenue, Emeryville, Alameda County, California	Vicki R. Beard 1988	2014
S-047078	Historic Property Survey Report, Streetscape Improvements to Martin Luther King Jr. Way between West Grand Avenue and 40th Street, Alameda County, California	Suzanne Baker 1988	2015
S-048011	FCC Form 621, Collocation Submission Packet: SF71207M (SF1207 - 580/980), 650 34th Street, Oakland, Alameda County, CA	Carrie D. Wills and Kathleen Crawford 1988	2015
S-051164	Alameda County Seismic Retrofit Project, Results of Test Excavations at Bent SE91	Grace Ziesing 1988	1996

Source: NWIC Records. June 15, 2021.

### Tribal Cultural Resources

On June 5, 2021, FCS sent a request to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on June 17, 2021, indicating that the Sacred Lands File search produced a positive result for Native American cultural resources in the Project Area. The NAHC included a list of 11 tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that may be affected by implementation of the proposed project are addressed, FCS sent letters to all 11 tribal representatives on June 21, 2021, on behalf of the City of Oakland. These letters provided a brief description of the proposed project, a map showing the project location, and the results of the Sacred Lands File search. The letters requested comments, concerns or information regarding cultural resources or sacred sites within the Project Area that should be considered in preparation of this CEQA Analysis. As of publication of this document (after the 30-day response period) no responses to these letters were received.

The proposed project would be required to implement SCAs related to the discovery of archaeological and paleontological resources during construction and the discovery of human remains during construction, as identified in Attachment C 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*), which would reduce any potential impacts to a less than significant level.

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**5. Geology and Soils**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
a. Would the project: <ul style="list-style-type: none"> <li data-bbox="289 579 786 642">Expose people or structures to substantial risk of loss, injury, or death involving:</li> <li data-bbox="289 684 786 877">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;</li> <li data-bbox="289 919 659 951">Strong seismic ground shaking;</li> <li data-bbox="289 993 786 1087">Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or</li> <li data-bbox="289 1129 423 1161">Landslides;</li> </ul>	☒	☐	☐
b. <ul style="list-style-type: none"> <li data-bbox="289 1171 786 1308">Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property; or</li> <li data-bbox="289 1350 786 1446">result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.</li> </ul>	☒	☐	☐
c. <ul style="list-style-type: none"> <li data-bbox="289 1457 786 1692">Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property, or be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?</li> </ul>			
d. <ul style="list-style-type: none"> <li data-bbox="289 1713 786 1871">Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</li> </ul>			

## **LUTE EIR and WORP EIR Geology and Soils Impacts Summary**

### Surface Faults and other Seismic-Related Hazards (Criterion 5a)

The LUTE EIR concluded that, in the event of an earthquake, damage from surface fault rupture could affect structures, foundations, and underground utilities, and that damage from strong ground shaking or ground failure (liquefaction, densification, or landsliding) could affect structures, foundations, and underground utilities. Human injury and life also could be risked. This was determined to be a less than significant impact with implementation of existing regulations and existing policies including the Seismic Hazards Mapping Act and related regulations contained in Title 24 of the California Code of Regulations, the Uniform Building Code and the Unreinforced Masonry Program.

The LUTE EIR also found that development of many areas of the City would be subject to geologic hazards including steep slopes, high erosion potential, and landsliding and mud sliding. This impact was found to be less than significant with required implementation of policies related to soil loss at new development sites, soil-related development controls, slide hazards, and graded slope and retaining wall maintenance requirements (now all incorporated into City SCAs).

The Initial Study prepared for the WORP EIR determined that very strong ground shaking and associated liquefaction in certain soils could expose people to injury or harm during earthquakes.

Development proposed under the WORP 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 obtaining all construction-related permits, the preparation of a soils report, the preparation of a geotechnical report for projects located within a Seismic Hazard Zone, and geotechnical reports specifying generally accepted and appropriate engineering techniques would reduce potential impacts to less than significant levels.

### Soil Erosion (Criterion 5b)

The LUTE EIR found that new development that requires grading and earthmoving activities, especially in hillside areas, could increase the potential for erosion that could cause clogging of local culverts, decrease downstream channel capacity, and degrade water quality. This was found to be a less than significant impact with required implementation of policies related to hillside cuts and fills, grading ordinance requirements and grading guidelines (now incorporated into City SCAs)

The Initial Study prepared for the WORP EIR identified no impacts related to substantial soil erosion or loss of topsoil, because the WORP 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.

Landfills, Well, Pit, Swamp, Mound, Tank Vault, Unmarked Sewer Line (Criterion 5c)

The LUTE EIR and WORP EIR did not evaluate impacts with respect location of new development above a landfill, well, pit, swamp, mound tank vault, or unmarked sewer line, that would create substantial risks to life and property.

Septic Tanks (Criterion 5d)

The LUTE EIR and WORP EIR determined that there would be no impact regarding the use of septic tanks or alternative wastewater disposal systems, since the area has existing sewer lines in place to serve new development.

### **Project Analysis and Conclusion**

The following analysis is based on the Geotechnical Investigation dated July 23, 2020, that was prepared for the proposed project and included in Attachment G.

The site is underlain by Holocene-aged alluvial fan and fluvial deposits (Qhaf). These types of deposits can be relatively uniform, but are often composed of different layers of different particle mixtures of gravelly, sandy, and clayey soils.

The site is underlain by up to about two feet of fill in localized areas. The fill consists of medium dense sand and silty sand. The fill, or ground surface where fill is not present, is underlain by alluvium. The alluvium consists of interbedded layers of stiff to hard clay with varying sand and gravel content and medium dense to very dense sand with varying clay and silt content that extends to the maximum depth explored of 50 feet below ground surface (bgs). The sand layers are typically less than two feet thick. The near-surface clay is highly expansive.

Groundwater was measured at depths of approximately 14 to 15 feet bgs during drilling. The historic high groundwater level in the site vicinity is about 7 feet bgs. The depth to groundwater is expected to vary several feet seasonally, depending on rainfall amounts.

The San Francisco Bay Area is considered to be one the more seismically active regions in the world. The site is located in the Coast Ranges geomorphic province of California that is characterized by northwest-trending valleys and ridges. These topographic features are controlled by folds and faults that resulted from the collision of the Farallon plate and North American plate and subsequent strike-slip faulting along the San Andreas fault system. The San Andreas fault is more than 600 miles long from Point Arena in the north to the Gulf of California in the south. The Coast Ranges province is bounded on the east by the Great Valley and on the west by the Pacific Ocean. The major active faults in the area are the Hayward, San Andreas, and Calaveras faults. These are identified in Table 2 and shown on Figure 4 of the Geotechnical Investigation. The closest fault to the project site is the Hayward fault, located approximately 2.7 miles to the east.

Because the project site is in a seismically active region, the Geotechnical Report evaluated the potential for earthquake-induced geologic hazards, including ground shaking, ground surface rupture, liquefaction, lateral spreading, and cyclic densification. The seismicity of the site is governed by the activity of the Hayward fault, although ground shaking from future earthquakes on other faults will also be felt at the site. The intensity of earthquake ground motion at the site will depend upon the characteristics of the generating fault, distance to the earthquake epicenter, and magnitude and duration of the earthquake. Strong to very strong ground shaking could occur at the site during a large earthquake on one of the nearby faults.

When a saturated, cohesionless soil liquefies, it experiences a temporary loss of shear strength created by a transient rise in excess pore pressure generated by strong ground motion. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. Flow failure, lateral spreading, differential settlement, loss of bearing strength, ground fissures and sand boils are evidence of excess pore pressure generation and liquefaction.

The site is located within a zone of liquefaction potential, as shown on the map titled State of California Earthquake Zones of Required Investigation, Oakland West Quadrangle, prepared by the California Geological Survey (CGS), released February 14, 2003 (see Figure 5 in the Geotechnical Investigation). The liquefaction analysis of the site indicate there are several thin layers of medium dense sand below the groundwater table that are potentially liquefiable. The potentially liquefiable layers are generally less than two feet thick and have soil behavior types of "sand," "silty sand," and "sandy silt." Ground settlement associated with liquefaction (referred to as post-liquefaction reconsolidation) at the site would be less than  $\frac{3}{4}$  inch and differential settlement would be less than  $\frac{1}{2}$  inch over a horizontal distance of 30 feet.

The analysis in the Geotechnical Report indicates the non-liquefiable soil overlying the potentially liquefiable soil layers at the site is sufficiently thick and the potentially liquefiable layers are sufficiently thin such that the potential for surface manifestations from liquefaction, such as sand boils and loss of bearing capacity for shallow foundations, is low. Considering the relatively flat site grades, the absence of a free face in the site topography, and the discontinuous nature of the potentially liquefiable layers, the risk of lateral spreading is very low.

Seismically induced compaction (also referred to as cyclic densification) of non-saturated granular soil (granular soil above groundwater table) can occur during an earthquake, resulting in settlement of the ground surface and overlying improvements. Based on the data in the Geotechnical Report, the potential for cyclic densification of the soil above the groundwater table is very low due to its cohesion.

Historically, ground surface displacements closely follow the trace of geologically young faults. The site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo

Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. Therefore, the risk of fault offset at the site from a known active fault is very low. In a seismically active area, the remote possibility exists for future faulting in areas where no faults previously existed; however, the risk of surface faulting and consequent secondary ground failure from previously unknown faults is also very low.

Primary geotechnical concerns related to site development are the highly expansive near-surface soil, and providing adequate foundation support for the proposed buildings.

The site is underlain by near-surface soil that has a high expansion potential. Expansive near-surface soil is subject to volume changes during fluctuations in moisture content. These volume changes can cause movement and cracking of foundations, pavements, and slabs. In addition, at expansive soil sites, surface and subsurface drainage needs to be managed in order to prevent water from collecting beneath pavements and slabs or behind below-grade walls, where it can lead to swelling and shrinking of the subgrade soil and can cause subgrade instability under vehicular loads. If permeable pavements, tree wells, irrigated landscaped zones, and stormwater infiltration basins will be constructed in close proximity to the proposed buildings, they should incorporate design elements that prevent saturation of the soil adjacent to and below building foundations. In addition, water should not be allowed to collect alongside or beneath the building foundations, pavements and flatwork.

The firm native alluvium encountered beneath the site has moderate strength and relatively low compressibility that can provide adequate foundation support for the proposed building. However, the environmental remediation to be performed at the site would include excavation and removal of environmentally impacted soil to depths of 5 to 10 feet bgs and backfilling these excavations with compacted, engineered fill. Isolated spread footings bearing on engineered fill and native alluvium transitions will be susceptible to abrupt differential settlements. The total settlement of the proposed building supported on properly designed and constructed continuous footings or a mat will be less than 3/4 inch and differential settlement will be less than 1/2 inch in 30 feet.

The soil to be excavated for the proposed foundations and utilities is expected to consist primarily of clay which can be excavated with conventional earthmoving equipment, such as backhoes. Removal of existing foundations would require equipment capable of breaking up reinforced concrete. If the site grading is performed during the rainy season, the near-surface clay will likely be wet and will have to be dried before compaction can be achieved. Heavy rubber-tired equipment, such as haul trucks, scrapers, and vibratory rollers, could cause excessive deflection (pumping) of the wet clay and therefore should be avoided if this condition occurs. If the project schedule or weather conditions do not permit sufficient time for drying of the soil by aeration, the subgrade can be treated with lime prior to compaction to create a stable subgrade. It is also important that the moisture content of subgrade soil is sufficiently high to reduce the expansion potential. If the grading work is performed during the dry season, moisture-conditioning may be required.

Based on the results of laboratory testing, as described in the Geotechnical Report, the near-surface soil is “moderately to highly corrosive” to buried metallic structures. Accordingly, all buried iron, steel, cast iron, ductile iron, galvanized steel and dielectric-coated steel or iron may need to be protected against corrosion, depending upon the critical nature of the structure. If it is necessary to have metal in contact with soil, a corrosion engineer should be consulted to provide recommendations for corrosion protection.

In accordance with City SCA 37, Soils Report, the applicant has prepared a Geotechnical Report (see Attachment G) that includes recommendations for site-preparation and fill placement, surface drainage and landscaping, foundations, concrete slab-on-grade floor, exterior concrete flatwork, seismic design, and construction to address expansive soil and differential settlement. These recommendations will be incorporated into the project design as required by City SCA 37 (and incorporated for this project as SCA-GEO-2 as presented in Attachment C).

Based on the Phase I Environmental Site Assessment (Phase I ESA) prepared for the proposed project, the project site is not located above a landfill, well, pit, swamp, mound, tank vault, or unmarked sewer line. Therefore, no impact would occur. Furthermore, no septic tanks or alternative wastewater disposal is proposed as part of the project; therefore, no impact would occur.

Based on an examination of the analysis, findings, and conclusions of the LUTE EIR and Initial Study prepared for the WORP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the Initial Study, nor would it result in new significant impacts related to geology, soils, geohazards, and septic tanks that were not identified in the Initial Study. No new impacts were identified for the proposed project related to location above a landfills, well, pit, swamp, mound, tank vault, or unmarked sewer line. The WORP EIR did not identify any mitigation measures related to geology, soils, and geohazards, and none would be needed for the proposed project. Nonetheless, the proposed project would incorporate the recommendations contained in the Geotechnical Investigation.

SCAs related to erosion, grading, and sedimentation control and seismic hazards would apply, as identified in Attachment C at the end of the CEQA Checklist (SCA-GEO-1: *Construction-Related Permit[s]* (City SCA 36), SCA-GEO-2: *Soils Report* (City SCA 37), SCA-GEO-3: *Seismic Hazards Zone (Landslide/Liquefaction)* (City SCA 39).

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**6. Greenhouse Gas and Climate Change**

	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
a.	Involve a stationary source producing total emissions of more than 10,000 metric tons of CO <sub>2</sub> e annually (stationary sources are projects that require a BAAQMD permit to operate).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions (e.g., 2030 Equitable Climate Action Plan).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**LUTE EIR and WORP EIR Greenhouse Gas Impacts Summary**

Greenhouse Gas Emissions (Criterion 6a) and Consistency with Applicable GHG Plans (Criterion 6b)

Climate change and greenhouse gas emissions were not expressly addressed in the 1998 LUTE EIR. However, since information on climate change and GHG emissions was known, or could have been known when the LUTE Program EIR was certified, it is not actually new information as specifically defined under CEQA.<sup>11</sup>

The WORP EIR did not specifically evaluate impacts related to GHG emissions from construction and operation anticipated under the WORP. 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 WORP. Future projects and development implemented under the WORP would be required to be consistent with the City of Oakland ECAP, and with SCAs that would reduce GHG emissions during construction and operation of projects. The WORP EIR did not determine what impacts would occur related to greenhouse gas emissions.

**Project Analysis and Conclusion**

In July of 2020, the Oakland City Council adopted the 2030 ECAP with the intention that additional policies and ordinances would be adopted to implement some of the 2030

<sup>11</sup> This conclusion is consistent with the First District Court of Appeal's ruling in *Concerned Dublin Citizens v. City of Dublin*, 214 Cal.App.4th 1301 (2013)

ECAP strategies. The 2030 ECAP sets forth a detailed, equitable path toward cost-effectively reducing Oakland's local GHG emissions by a minimum of 56 percent below baseline 2005 GHG emission levels by 2030, transitioning away from fossil fuel dependence, removing carbon from the atmosphere through local projects, and ensuring that all of Oakland's communities are resilient to the foreseeable impacts of climate change by 2030. The current statewide goal pursuant to SB 32 is to reduce California's GHG emissions to 40 percent below 1990 levels by 2030. Oakland's adopted 2030 reductions target of 56 percent below Oakland's 2005 GHG emission reaches beyond that of the State's 40 percent target. The 2030 ECAP contains not only deeper targets, but also qualitatively different and more focused actions than those contained in the previous 2020 Energy and Climate Action Plan, including a major focus on building decarbonization and energy resilience, fully removing natural gas from the built environment and installing energy storage systems where appropriate and feasible.

The City's 2030 ECAP does not have a specific numeric threshold for GHG emissions from individual projects. Instead, in December 2020, the City Planning Commission adopted an ECAP Checklist that every project applicant must complete to show consistency with the 2030 ECAP. The ECAP Consistency Checklist includes topics such as consistency with the General Plan, parking limitations to reduce vehicle trip generation, electric vehicle charging infrastructure requirements, and all electric buildings (i.e., no natural gas connections). If a project can qualitatively demonstrate compliance with the ECAP Consistency Checklist items, or alternatively demonstrate to the City's satisfaction that a Checklist item is not applicable, then the project will be considered in compliance with the City's CEQA GHG threshold of significance.

Future projects and development implemented under the WORP EIR would be required to be consistent with the City of Oakland ECAP, and with SCAs that would reduce GHG emissions during construction and operation of projects. Specifically, SCA-GHG-1: *Project Compliance with Equitable Climate Action Plan Consistency Checklist* (City SCA 41), would require the project to include all ECAP Consistency Checklist measures to be incorporated into the design of the project and shown on drawings submitted for construction-related permits. The project would also be required to comply with SCA-GHG-2: *Green Building Requirements* (City SCA 85), which stipulates compliance with applicable CALGreen requirements during the plan-check stage.

**Table 6 ECAP Consistency Checklist**

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Is the proposed project substantially consistent with the City’s overall goals for land use and urban form, and/or taking advantage of allowable density and/or floor area ration (FAR) standards in the City’s General Plan
<p>As shown in Exhibit 5, the Oakland General Plan Land Use Diagram designates the project site as Urban Residential, where the intent of the Urban Residential classification is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services. The project is consistent with the land use and urban form because the project includes a 91-unit residential building that includes 27 deed-restricted units for moderate income households and is located 0.35 miles from the MacArthur BART station. Thus, the project creates a mid-rise residential structure within walking distance of public transportation and is consistent with the goals of the land use and urban form contained in the General Plan.</p>		
Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. For developments in “Transit Accessible Areas” as defined in the Planning Code, would the project provide: i.) less than half the maximum allowable parking, ii.) the minimum allowable parking, or iii.) take advantage of available parking reductions?
<p>The project is located in a transit accessible area because it is located 0.35 miles from the MacArthur BART station. The project would provide no off-street parking to take advantage of density bonuses to provide more housing units.</p>		
Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. For projects including structured parking, would the structured parking be designed for future adaptation to other uses? (Examples include, but are not limited to: the use of speed ramps instead of sloped floors)
<p>This criterion is not applicable because the project does not provide parking.</p>		
Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. For projects that are subject to a Transportation Demand Management Program, would the project include transit passes for employees and /or residents?
<p>The project would not be subject to a Transportation Demand Management Program because it would not conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System. Additionally, the project’s VMT impacts would be less than significant due to the close proximity of transit, bicycle facilities, and pedestrian infrastructure.</p>		
Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. For projects that are not subject to a Transportation Demand Management Program, would the project incorporate one or more of the optional Transportation Demand Management measures that reduce dependency on single-occupancy vehicles? (Examples include but are not limited to transit passes or subsidies to employees and/or residents; carpooling; vanpooling; or shuttle programs; on-site car-share program; guaranteed ride home programs)
<p>The project would not be subject to a Transportation Demand Management Program because it would not conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System. Additionally, the project’s VMT impacts would be less than significant due to the close proximity of transit, bicycle facilities, and pedestrian infrastructure. The project would provide no off-street parking to take advantage of density bonuses to provide more housing units. The project also includes ample secure, long-term bicycle parking as further described under Project Description.</p>		
Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Does the project comply with the Plug-In Electric Vehicle (PEV) Charging Infrastructure requirements (Chapter 15.04 of the Oakland Municipal Code), if applicable?
<p>This requirement does not apply to the project because it would not include parking.</p>		

**Yes**      **No**

7. Would the project reduce or prevent the direct displacement of residents and essential businesses? (For residential projects, would the project comply with SB330, if applicable? For projects that demolish an existing commercial space, would the project include comparable square footage of neighborhood serving commercial floor space)

The existing building on-site were used as former general office use, routine automotive and tire service, warehousing of tires, and routine facility maintenance. However, these buildings are vacant and the project would not displace existing neighborhood serving commercial floor space because none currently exist on-site. In addition, the project would add 91 new housing units with 27 percent deed-restricted to moderate income households.

**Yes**      **No**

8. Would the project prioritize sidewalk and curb space consistent with the City’s adopted Bike and Pedestrian Plans? (The project should not prevent the City’s Bike and Pedestrian Plans from being implemented. For example, do not install a garage entrance where a planned bike path would be, unless otherwise infeasible due to Planning Code requirements, limited frontage or other constraints)

As described in Impact 13: Transportation and Circulation, the project would not conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, including bicycle and pedestrian facilities. The project would provide new sidewalks on project frontages.

**Yes**      **No**

9. Does the project create any new natural gas connections/hook-ups?

The project’s proposed design does not include any new gas meters or new natural gas hook-ups that are subject to the City Council’s approval of No-Natural Gas ordinance, applicable to all newly constructed buildings that have not received planning approval prior to December 2020.

**Yes**      **No**

10. Does the project comply with the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code), if applicable?

The proposed project would be designed to meet all applicable Green Building requirements.

**Yes**      **No**

11. For retrofits of the City-owned or City-controlled buildings, would the project be all electric, eliminate gas infrastructure from the building, and integrate energy storage wherever technically feasible and appropriate?

The proposed project is not a retrofit of City-owned or controlled buildings.

**Yes**      **No**

12. Would the project reduce demolition waste from construction and renovation and facilitate material reuse in compliance with the Construction Demolition Ordinance (Chapter 15.34 of the Oakland Municipal Code)?

The proposed project would comply with the Construction Demolition Ordinance by providing a minimum of 75 percent diversion of construction and demolition waste.

**Yes**      **No**

13. For City projects: Have opportunities to eliminate/minimize fossil fuel dependency been analyzed in project design and construction?

The proposed project is not a City project. However, opportunities to eliminate and minimize fossil fuel dependency have been included in the project’s design. No car parking is provided and the project is located within walking distance (0.5 mile) of several forms of public transit.

CEQA ANALYSIS

VI. CEQA CHECKLIST

Yes No

14. For new projects in Designated Very High Wildfire Severity Zone: Would the project incorporate wildfire safety requirements such creation of defensible space around the house, pruning, clearing and removal of vegetation, replacement of fire-resistant plants, as required in the Vegetation Management Plan?

The proposed project is not located in a Very High Wildfire Severity Zone.

Yes No

15. Would the project replace a greater number of trees than will be removed in compliance with the Tree Preservation Ordinance (Chapter 12.36 of the Oakland Municipal Code) and Planning Code if applicable and feasible given competing site constraints?

The proposed project would save and protect the existing street trees and plant three additional trees along the street frontages (two along the West MacArthur frontage and one along the West Street frontage).

Yes No

16. Does the project comply with the Creek Protection, Stormwater Management and Discharge Control Ordinance (Chapter 13.16 of the Oakland Municipal Code), as applicable?

The proposed project is not a creek-fronting parcel, and is exempt from the NPDES C.3 requirements, but has a fully compliant stormwater system designed to meet the needs of the Project, consistent with applicable SCAs.

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

**7. Hazards and Hazardous Materials**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
<p>Would the project:</p> <p>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;</p> <p>    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;</p> <p>    Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors;</p> <p>b. 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;</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>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</p> <p>Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>

## LUTE EIR and WORP EIR Hazards and Hazardous Materials Impacts Summary

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

The LUTE EIR determined that new development pursuant to the LUTE would increase the potential for construction activities that could increase the likelihood of encountering contaminated soil or groundwater, and potentially exposing workers and the community to hazardous substances. The LUTE EIR also found that remediation efforts at identified hazardous sites could expose workers and the public to hazardous substances. These impacts were concluded to be less than significant, with implementation of existing laws, regulations and policies including those of the San Francisco Bay RWQCB, the California Department of Toxic Substances Control (DTSC), the BAAQMD and the ACDEH. No additional mitigation measures were required.

The WORP EIR determined that implementation of the Redevelopment Plan's projects, programs, and activities could result in redevelopment of older industrial areas with new land uses that involve the transport of hazardous materials or expose future site occupants to unacceptable levels of hazardous materials (Potential Impacts 8.4.1, 8.4.2, and 8.4.4). The WORP EIR further stated that demolition and renovation of existing structures could result in potential exposure of workers or the community to hazardous building materials during construction, without proper abatement procedures, and future building occupants could be exposed if hazardous building materials are left in place (Potential Impact 8.4.6).

The following mitigation measure (now applied citywide as SCA 44) was identified in the WORP EIR to address exposure to hazardous building materials:

- **WORP EIR, Mitigation Measure 8.4.6:A Hazardous Building Material Abatement Process.** All projects, programs, or other implementation activities pursuant to the Redevelopment Plan that involve demolition or renovation to existing structures and facilities shall conduct a hazardous building material survey(s) or audit(s).
  - The survey shall be completed by a Registered Environmental Assessor or a registered engineer prior to construction or demolition activities.
  - If hazardous building materials were identified during the survey, compliance with State and federal regulations regarding abatement of hazardous building materials would be required.
  - The project sponsor shall be required to comply with BAAQMD requirements for the removal of friable and non-friable asbestos-containing materials as well as other requirements of Cal/OSHA, BAAQMD, and the Contractors Licensing Board for abatement of asbestos prior to demolition. Any PCB-containing equipment or fluorescent lights containing mercury

vapors would also be removed and disposed of properly. The project sponsor shall also investigate soils for the potential of containing lead and other metals around buildings painted with lead-based paint, as well as pesticides such as chlordane and DDT.

The transportation, use, and storage of all hazardous materials and exposure of workers to hazardous building materials would be required to follow the applicable federal, State, and local hazardous materials laws and regulations adopted to safeguard workers and the general public, including the mitigation measure reference above. Therefore, the WORP EIR determined that impacts would be reduced to a level of less than significant. In addition, development under the WORP would be subject to the City of Oakland's SCAs pertaining to best management practices for hazardous materials related to construction and hazardous building materials and site contamination.

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

The WORP EIR determined that construction activities pursuant to implementation of the Redevelopment Plan that involves excavation, grading, and/or dewatering could encounter hazardous materials in the soil and groundwater (Potential Impact 8.4.5) and that some of the development sites could have had past documented releases of hazardous materials that have contaminated subsurface soils and groundwater. Therefore, workers and the public could be exposed to hazardous materials in the subsurface during construction.

The following mitigation measures were identified in the WORP EIR to address exposure to hazardous materials as a result of new land uses or hazardous materials in soils or groundwater during construction. Mitigation Measure 8.4.4C has been updated as City SCA 15. Mitigation Measures 8.4.5A, 8.4.5B, 8.4.5C, 8.4.5D, and 8.4.5E are City actions, rather than imposed at a project-specific level, and overlap with City SCAs 43 and/or 44.

- **WORP EIR, Mitigation Measure 8.4.4C: Permit Tracking Review.** Any project, program or other implementation activity in furtherance of the Redevelopment Plan proposed on a site that has been closed under the requirements of CUPA shall be reviewed pursuant to the City Permit Tracking System. Under this system, any redevelopment-related activity that might alter conditions of prior site closure would undergo special review by the City of Oakland Fire Department to ensure that proper actions are taken to prevent unacceptable exposure to hazardous materials as a result of changed site conditions.
- **WORP EIR, Mitigation Measure 8.4.5A: Identification and Remediation of Hazardous Materials.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance in the identification and remediation of hazardous materials in accordance with existing laws and regulations. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority (e.g., CLERRA).

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These City/Agency authorities enable the Agency/City to require a site owner to conduct further investigations and, pending the results of a Phase I ESA, to conduct remediation if a release of hazardous materials is indicated. This mitigation measure would implement State and federal regulations and would require the following general process to address chemical releases and reduce the potential threat to human health and the environment:

- The potential for hazardous materials at a site proposed for development shall be evaluated through completion of a site-specific Phase I ESA prior to development. The site assessment includes visual inspection of the property, review of historical documents, and review of environmental databases to assess the potential for contamination from sources such as underground storage tanks, current and historical site operations, and migration from off-site sources. Phase I ESAs are commonly conducted to comply with the due diligence requirements of the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- Where a Phase I ESA indicates evidence of a chemical release, a lead regulatory agency would be assigned (the ACDEH, RWQCB, or DTSC) and additional data would be gathered during a Phase II investigation. This would include actual sampling and laboratory analysis of the soil and groundwater for the suspected chemicals to identify the nature and extent of chemicals in soil and/or groundwater. Appropriate cleanup levels for each chemical, based on current and planned land use, would be determined in accordance with procedures described in the Urban Land Redevelopment Program or accepted procedures adopted by the lead agency providing oversight of the investigation and remediation. At sites where there are ecological receptors such as sensitive plant or animal species that could be exposed to hazardous materials, clean up levels would be determined according to the accepted ecological risk assessment methodology of the lead agency, and would be protective of ecological receptors known to be present at the site.
- If the agreed-upon clean up levels were exceeded, a remedial action plan would be prepared to describe remedial alternatives considered for the site. This remedial action plan and the proposed remedial approach would be presented for review and approval by the lead regulatory agency. The plan would include proposed methods to remove or treat identified chemicals to the approved cleanup levels or containment measures to prevent exposure to chemicals left in place at concentrations greater than approved cleanup levels.
- Upon determination that a chemical release has not occurred or that a site remediation has been successfully completed to the most stringent cleanup levels, the lead agency would issue a “no further action” letter to the site owner.
- For sites that were cleaned to levels that do not allow unrestricted land use, or where containment measures were used to prevent exposure to hazardous materials, a letter of “conditional site closure” would be issued. Under this scenario, a Risk Management Plan would be prepared and the site would be tracked in the City’s Permit Tracking System as described in Section 8.4.4.

- **WORP EIR, Mitigation Measure 8.4.5B: Underground Storage Tank (UST) Closure.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance in the removal of permitted or previously unidentified, abandoned or no longer used underground storage tanks in accordance with City of Oakland requirements. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority. This mitigation measure would implement State and federal regulations and would require the following general process to address underground storage tanks:
  - Removing and properly disposing of any remaining hazardous materials in the tank, and having the tank removal supervised by the City.
  - Sampling of the soil within the tank excavation. Recycling or disposing of the discarded tank, and filing a tank removal closure report with the City.
  - If a chemical release were indicated on the basis of sampling within the tank excavation, assessment of soil and groundwater quality and remediation, if required, would be conducted as described above for hazardous materials.
  - Alternatively, the tank could be abandoned in place if removal were infeasible.
  
- **WORP EIR, Mitigation Measure 8.4.5C: Disposal of Contaminated Soil or Groundwater.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance in the removal of disposal of contaminated soil or groundwater in accordance with City of Oakland requirements. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority. This mitigation measure would implement State and federal regulations and would require the following general process:
  - The generator of the hazardous wastes would be required to follow State and federal regulations for manifesting the wastes, using licensed waste haulers, and disposing of the materials at a permitted disposal or recycling facility.
  - The BAAQMD may also impose specific requirements to protect ambient air quality from dust, lead, hydrocarbon vapors or other airborne contaminants during site remediation activities.
  
- **WORP EIR, Mitigation Measure 8.4.5D: Dewatering of Contaminated Groundwater.** Implementation programs pursuant to the Redevelopment Plan should include potential redevelopment assistance in the removal or dewatering of contaminated groundwater in accordance with City of Oakland requirements. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority. This mitigation measure would implement State and federal regulations and would require the following general process:

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- The construction contractor would obtain necessary permits from the Regional Water Quality Control Board, San Francisco Bay Region; East Bay Municipal Utility District; and/or the City of Oakland Department of Public Works for the discharge of groundwater during dewatering to the storm or sanitary sewer.
  - During the dewatering, the contractor would comply with any requirements for sampling of the groundwater to identify the concentrations of any chemicals present. Depending on the concentrations, pretreatment of the groundwater may be necessary prior to discharge.
  - If the groundwater does not meet discharge requirements, on-site pretreatment may be required before discharge to the sewer system.
  - If standards could not be met with on-site treatment, off-site disposal by a certified waste hauler would be required.
- **WORP EIR, Mitigation Measure 8.4.5E: Procedures for Protection of Workers.** Any project, program or other implementation activity in furtherance of the Redevelopment Plan that may be proposed on a site involving a site investigation, site remediation, underground storage tank removal, excavation, dewatering, and/or construction of improvements where a chemical release has occurred, shall be conducted according to legally required health and safety precautions.
    - For hazardous waste workers, federal and California Occupational Safety and Health Administration (Cal/OSHA) regulations mandate an initial training course and subsequent annual training. Site-specific training may also be required for some workers.
    - Preparation and implementation of the Site Health and Safety Plan and compliance with applicable federal, State, regional, and local regulations would minimize impacts to public health and the environment. The Plan would include identification of chemicals of concern, potential hazards, personal protection clothing and devices, and emergency response procedures as well as required fencing, dust control or other site control measures needed during excavation.
  - **WORP EIR, Mitigation Measure 8.4.5F: Underground Utility Construction Process.** Any project, program or other implementation activity in furtherance of the Redevelopment Plan that may include construction of underground utilities shall require, through implementing contracts, the construction contractor to follow proper health and safety precautions and to dispose of contaminated soil and groundwater safely and legally.

Redevelopment activities under the WORP would require compliance with federal, State, and local regulations, including Mitigation Measure 8.4.5F and Mitigation Measure 8.4.4C (now functionally equivalent to City SCA 15) and Mitigation Measures 8.4.5A, 8.4.5C, 8.4.5D, and 8.4.5E (which have been updated by and overlap with City SCAs 43 and/or

44), to reduce the risk of exposure of workers or the public to hazardous materials in the subsurface that may be present in the soil or groundwater during construction. Therefore, the WORP EIR determined that impacts would be reduced to a level of less than significant. In addition, development under the WORP would be subject to the City of Oakland's SCAs pertaining to best management practices for hazardous materials related to construction and site contamination.

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

The WORP determined that all of the schools within the Project Area are located within ¼ mile of a permitted hazardous materials use or an identified environmental case and that implementation of the Redevelopment Plan could introduce new businesses that involve hazardous materials, in particular within the "Business Mix" or "Community Development" land uses where most of these schools are located. (Potential Impact 8.4.3)

Redevelopment activities under the WORP would require compliance with federal, State, and local regulations, to regulate the use of hazardous materials within 0.25 mile of a school. Therefore, the WORP EIR determined that impacts would be reduced to a level of less than significant. In addition, development under the WORP would be subject to the City of Oakland's SCAs pertaining to best management practices for hazardous materials related to construction and site contamination.

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

The WORP EIR determined that implementation of the Redevelopment Plan's projects, programs or other activities would not impair implementation of, nor physically interfere with an adopted emergency response plan or emergency evacuation plan. In addition, development under the WORP would be subject to the City of Oakland SCA to submit a Fire Safety Phasing Plan for City review and approval. Compliance with all applicable requirements would reduce potential impacts to a less than significant level.

Projects, programs, or other activities would be required to comply with all applicable federal, State, and local regulations related to the transportation, use and storage of all hazardous materials and hazardous building materials and exposure of hazardous materials in the subsurface.

Development under the WORP would also be subject to SCA-HAZ-1: *Hazardous Materials Related to Construction* (City SCA 43), pertaining to the implementation of best management practices for hazardous materials during construction; and SCA-HAZ-2: *Hazardous Building Materials and Site Contamination* (City SCA 44)

, requiring the documentation and removal or stabilization of any identified ACMs, lead-based paint, PCBs or other hazardous materials; preparation of a Phase I ESA and, if warranted, a Phase II Report; preparation of a Health and Safety Plan to protect construction workers; and BMPs for contaminated sites, refer to discussion below.

## Project Analysis and Conclusion

### Hazardous Materials Use, Storage and Disposal and Hazardous Building Materials and Exposure to Hazardous Materials in the Subsurface

#### *Regulatory Database Status*

Pursuant to the SWRCB GeoTracker database, no records regarding hazardous substance use, storage, or releases; or the presence of USTs and AULs on the subject property were on file with the SWRCB.

In California, a regulatory database that lists hazardous materials sites provided by numerous federal, State and local agencies are consolidated in the “Cortese list,” pursuant to Government Code Section 65962.5. The Cortese List is located on the California Environmental Protection Agency (Cal/EPA) website (<https://dtsc.ca.gov/dtscs-cortese-list/>). The project site is not included on the Cortese List.

The subject property was identified on the CalEPA Regulated Site Portal as a regulated Chemical Storage Facility and Hazardous Waste Generator Facility. The Alameda County Department of Environmental Health (ACDEH) is the lead oversight agency for these programs, and is overseeing remedial actions at the site, as described below.

#### *Phase I Environmental Site Assessment*

A Phase I ESA dated July 20, 2018, was conducted for the project site and is included in Attachment H. The Phase I ESA identified a Recognized Environmental Condition (REC) associated with the previous development of the project site with a gasoline service station and underground storage tank (UST) system, based on the absence of documentation related to UST closure and removal and the absence of previous subsurface investigations to confirm any release of petroleum hydrocarbons. The Phase I ESA also stated that if hydraulic lifts associated with the former Big O Tires operation are removed, additional soil sampling may be required by local agencies. The Phase I ESA also noted that there is a potential that asbestos-containing materials (ACMs) and lead-based paint (LBP) are present due to the age of the buildings.

The Phase I ESA included the following recommendations:

- A limited subsurface investigation should be conducted in order to determine the presence or absence of subsurface contamination due to the former presence of a gasoline service station on the subject property. Additionally, a GPR or similar geophysical survey should be conducted to determine whether USTs remain on-site. If a higher level of due diligence is desired, the scope of the investigation could be expanded to assess the presence or absence of subsurface contamination from the current automotive repair operations and inground hydraulic hoists.

- Prior to the disturbance of any suspect ACMs or LBP at the subject property, a comprehensive survey, designed to determine whether the suspect materials are regulated, is recommended. If such materials are identified and need to be disturbed, repaired, or removed, a licensed abatement contractor should be consulted.

### *Phase II Report*

Based on the recommendations of the Phase I ESA a geophysical survey and subsurface investigation dated August 31, 2018, was conducted for the Phase II Report (see Attachment H). The geophysical survey did not identify any USTs remaining in place and/or backfilled excavations within the area surveyed on the project site. In addition, no subsurface utilities were identified within the proposed boring locations (discussed below). Groundwater was encountered at depths between 16.1 and 21.9 feet bgs.

Soil sampling and groundwater sampling were conducted at four boring locations (Borings B1, B2, B3, and B4). Borings B1 and B2 were located in the south-central and central portions of the project site, respectively, southeast of the existing buildings. Borings B3 and B4 were located in the southeast and east-central portions of the project site, respectively. Each of these borings were located in the vicinity of the former gasoline service station operations based on available historical records. The locations are shown on Figure 3 of the Phase II Report.

As summarized in the Phase II Report and listed in Tables 1-5 of the Phase II Report, the detected concentrations of gasoline range organics (GRO) and Diesel Range Organics (DRO) in the groundwater samples B3-GW and B4-GW exceeded the direct exposure Environmental Screening Level (ESLs). The detected concentrations of benzene and ethylbenzene detections exceed the direct exposure ESLs for both B3-GW and B4-GW, and exceed the vapor intrusion ESLs in B4-GW. The detections of xylenes exceed the direct exposure ESL. The naphthalene detections exceed the direct exposure ESL for both B3-GW and B4-GW, and exceed the vapor intrusion ESL in B4-GW. The detections of 1,2-dichloroethane in groundwater samples B1-GW through B3-GW exceed the direct exposure ESL of 0.5 µg/L.

Based on the results, there is evidence of petroleum hydrocarbons and VOCs present in the soil and groundwater beneath the subject property and the impacts have not been fully characterized. The sources of the identified impacts are likely the former fuel USTs and associated dispensers. Petroleum hydrocarbons and VOCs were not detected in soil at concentrations exceeding commercial ESLs; however, GRO, DRO, and several VOCs were detected in groundwater at concentrations exceeding regulatory screening criteria, indicating a potential risk to human health and/or the environment.

The Phase II Report included the following recommendations:

- Further investigation to characterize the extent of petroleum hydrocarbon and VOCs impacts beneath the project site. Next steps would typically include step-out soil, soil gas, and/or groundwater sampling downgradient of the identified on-site impacts and suspected sources, as well as sampling along the property boundaries.
- Based on the additional sampling results, regulatory involvement may be recommended.

#### *Corrective Action Plan*

A Corrective Action Plan has been prepared for activities associated with the redevelopment of the project site and is included in Attachment I. Redevelopment of the project site includes the removal of existing structures and surface cover, excavation of areas of soils impacted with petroleum and tetrachloroethene (PCE), onsite consolidation of shallow fill and lead-impacted soil, and the construction of a slab-on-grade multi-story residential building underlain with a vapor barrier.

The ACDEH Local Oversight Program (LOP) for Hazardous Materials Releases is the lead regulatory oversight agency for the environmental investigation and clean up actions at the project site under Voluntary Site Cleanup Program Case (SCP) No. RO0003347.<sup>12</sup> The applicant opened the case with ACDEH on January 29, 2019. Following submittal of acceptable documentation of the implementation of corrective actions for development of the site, ACDEH will document that the site is suitable for the proposed residential use.

With oversight by the ACDEH, multiple subsurface investigations were conducted at or near the project site to collect soil, groundwater, and soil gas samples in order to identify chemicals of potential concern and contaminant distribution. The results of these investigations are summarized in Tables 1A through 6E of the Corrective Action Plan and the locations shown on Figures 2 through 8 of the Corrective Action Plan.

These investigations include the following:

- August 31, 2018, Phase II Subsurface Investigation Report, prepared by Partner Engineering and Science, Inc. (Partner) and described above.
- October 31, 2018, Additional Subsurface Investigation Report, prepared by Partner, drilled eight onsite boreholes for the collection of soil, groundwater, and soil gas samples on October 24, 2018.

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<sup>12</sup> [https://geotracker.waterboards.ca.gov/case\\_summary?global\\_id=T10000012542](https://geotracker.waterboards.ca.gov/case_summary?global_id=T10000012542)

- February 28, 2019, Limited Subsurface Investigation Report, prepared by P&D, drilled and collected groundwater samples from four boreholes, and soil samples from two additional boreholes (on December 11 and 12, 2018; installed six permanent soil gas wells on-site and collected soil gas samples from five wells on January 3, 2019.
- May 24, 2019, Limited Subsurface Investigation Report, prepared by P&D, GPR and magnetometer survey performed on April 11, 2019, which suggested the possible presence of dispenser piping and the possible presence of two smaller fuel USTs; drilled and collected groundwater and soil samples on April 16 and 17, 2019; installed seven permanent soil gas wells on April 17 and 18, and collected soil gas samples on May 6, 2019.
- October 8, 2019, Limited Subsurface Investigation Work Plan and Site Investigation Data, prepared by P&D, performed exploratory excavations to evaluate the presence of former USTs at the site on July 24 and 25, 2019 (none encountered); installed three groundwater monitoring wells on July 23 and 24 2019 and monitored and sampled on August 12, 2019; shallow soil and fill samples were collected at six locations to evaluate for lead and asbestos on July 25, 2019; six hydraulic hoists were removed and soil samples were collected from beneath the hoists on July 25, 2019; exploratory excavation was performed adjacent to the oil water separator and a soil sample was collected on July 25, 2019; a soil gas well was installed downgradient of the site on July 22, 2019 and seven soil gas wells were installed upgradient of the site on July 22 through 24, 2019 and soil gas samples were collected from nine wells on August 7 and 8, 2019.
- April 3, 2020, Limited Subsurface Investigation Report, prepared by P&D (included as Appendix B1 of the Corrective Action Plan), shallow soil samples were collected on November 11, 2019 at 16 locations to further delineate the extent of elevated lead concentrations in shallow fill and soil; three groundwater monitoring wells were monitored and sampled on November 12, 2019 and February 25, 2020; eight soil gas wells were installed on November 18 and 19 and soil gas samples were collected from six wells on January 7 and 8 2020.

The results of soil, groundwater, and soil gas samples collected to date are described below, summarized in Table 1A through 6E of the Corrective Action Plan, and locations shown on Figures 2 through 8 of the Corrective Action Plan.

Chemicals of Potential Concern (COPCs) at the site include the following:

- Lead associated with historical use of lead-based paint for residential structures and associated with lead deposited aerially from nearby roads, and metals associated with the former waste oil UST and the former oil water separator.

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- Asbestos associated with historical residential and commercial structures at the site.
- Petroleum hydrocarbons, including gasoline (TPH-G), Methyl tert-butyl ether (MTBE), benzene, toluene, ethylbenzene and xylenes (MBTEX), naphthalene, and the leaded gasoline anti-knock additive 1,2-dichloroethene (1,2-DCE) associated with the former fuel system USTs, piping, and dispensers. In addition, diesel (TPH-D) associated with the former waste oil UST and the former oil water separator, and hydraulic oil associated with the former hydraulic jacks. MBTEX and naphthalene are identified as VOCs.
- Polychlorinated biphenyls (PCBs) associated with the oil in the former hydraulic jacks, the former waste oil UST, and the former oil water separator.
- Semivolatile Organic Compounds (SVOCs), which include Polyaromatic Hydrocarbons (PAHs) associated with the oil in the former hydraulic jacks, the former waste oil UST, and the former oil water separator.
- Non-petroleum VOCs, including PCE, and the associated decomposition products trichloroethene (TCE), cis-1,2-Dichloroethene (cis-1,2-DCE), trans-1,2-dichloroethene (trans-1,2-DCE), and vinyl chloride associated with the former waste oil UST and the former oil water separator.

The Corrective Action Plan identified impacts due to potential exposure to COPC.

During construction, potential exposure to metals may occur from inhalation of lead in dust at the site or surrounding locations. Following the completion of construction and implementation of the proposed corrective actions, there would be no complete pathways for exposure to metals.

During construction, exposure to petroleum hydrocarbons and non-petroleum VOCs may occur from potential inhalation of these COPCs from soil vapor at the site or surrounding locations. Following the completion of construction and implementation of the proposed corrective actions, there would be no complete pathways for exposure to these COPCs other than from potential vapor intrusion, which the vapor barrier and other mitigation measures would prevent. Future building occupants would not experience direct exposure because the entire site would be covered with a concrete cap.

*Analysis in Furtherance of SCAs*

In accordance with SCA Hazards-2 (City SCA 44), the project applicant has conducted Phase I ESA reports, Phase II ESAs, and numerous subsequent environmental studies to date. These reports include recommendations for remedial action. The project applicant has coordinated with the applicable regulatory agency (ACDEH) in the preparation of these

reports and documents, and ACDEH has reviewed and provided consultation and recommendations pertaining to this CEQA document.

Pending documents requiring ACDEH approval are;

- Corrective Action Plan (including construction Soil and Groundwater Management Plan [SGMP], Sampling and Analysis Plan [SAP], and Soil Import Management Plan [SIMP])
- Health and Safety Plan (HASP)
- Remedial Action Implementation Report
- Vapor Mitigation Engineering Controls (VMEC) Basis of Design Report, Plans and Specifications (including Construction Quality Assurance/Quality Control [CQA/QC] plan)
- VMEC Record Report of Construction and Performance Evaluation
- Vapor Intrusion Mitigation System (VIMS) Operations and Maintenance Plan
- Corrective Action Plan
- Record Report of Construction for Hardscape Cap
- VMEC Operations and Maintenance Plan
- Post-Construction Site Management Plan (SMP)
- Proposed Land Use Covenant and once approved by ACDEH, documentation of recording
- Work Plan identifying proposed replacement well locations
- Public Notice (fact sheet) describing the proposed corrective actions
- Project construction and reporting schedule
- Operations and Maintenance and Evaluation Reports for the engineering controls and, as needed, updates to the SMP

All corrective measures and recommendations as approved by ACDEH shall be implemented, with evidence of ACDEH approval and evidence of implementation of these measures to be submitted to the City.

The proposed corrective actions, which include preliminary activities, remediation measures, engineering controls, administrative controls, institutional controls, and additional corrective action plan activities, performance evaluation, public notification, and reporting will provide short- and long-term protection of on-site workers, future occupants and the surrounding community, and would reduce impacts to a less than significant level.

#### Preliminary Activities

Prior to the implementation of the corrective actions identified below, preliminary activities that shall be performed include, but not be limited to the following:

- Implementation of the construction SGMP that was approved by the ACDEH
- Preparation of a Site-specific HASP

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- Obtain any necessary permits
- Provide notification to the permitting or regulatory agencies, as required

Remediation Measures

The proposed remediation measures consist of excavation and off-site disposal of PCE-impacted soil, TPH-D-impacted soil, and soil impacted by TPH-G soil gas as shown in Figure 4 of the Corrective Action Plan. Soil will be managed in accordance with the SGMP. The depth of excavation in Figure 4 will be to the bottom of the silt layer identified in cross-sections A-A', B-B', and C-C' as depicted on Figures 14, 15, and 16 of the Corrective Action Plan.

- **General Excavation Procedures.** Following delineation of the vertical extent of lead-impacted fill and soil at the site, and following demolition of the site structures and removal of surface cover materials, lead-impacted soil and fill will be stockpiled on-site, pending completion of excavation of TPH-G and PCE-impacted soils. The depth of excavation at locations shown in Figure 4 are described in the Corrective Action Plan.
- **Verification Sampling.** Post-excavation confirmation soil samples will be collected from the sidewalls and pit bottom for the PCE-impacted and TPH-G-impacted soil excavation areas in accordance with the Sampling and Analysis Plan (SAP) included as Appendix D of the Corrective Action Plan.
- **Over-Excavation Sampling.** Additional PCE-impacted and TPH-G-impacted soil excavation will be performed at locations where post-excavation confirmation soil samples indicate that cleanup goals have not been met.
- **Soil and Groundwater Transportation and Disposal.** Procedures for transportation and disposal of soil and groundwater are provided in the SGMP and include, but not be limited to the following:
  - Stockpiled soil management
  - Procedures for minimizing the spread of contaminated soil during remedial solution implementation
  - Groundwater containerization methods
  - Decontamination procedures
  - Transportation plan
  - Recording dated and weights or volumes of waste disposed of
  - Assembling and summarizing document of waste disposal such as a manifest or flow meter totalizer logs

- **Excavation Backfill and Soil Import.** Following the completion of the excavation of TPH-G and PCE-impacted soil, the excavated areas will be backfilled and compacted using the stockpile lead-impacted soil and fill to a depth of 2 feet bgs or greater as detailed in the SIMP, included as Appendix E of the Corrective Action Plan. Elements of the SIMP include the following:
  - Sample collection frequency
  - Composite or discrete sample analysis
  - Sample analytical methods
  - Soil acceptance criteria
  - Documentation of the acceptability of soil for import to the site
  - Procedures for use of site soils for backfilling the impacted areas of excavation

Prior to initiation of foundation construction for the site, a Remedial Action Implementation Report (including imported soil acceptability documentation) shall be submitted to ACDEH for review and approval.

#### Engineering Controls

Engineering controls shall consist of the installation of a VIMS, on-site consolidation of lead-impacted soil, and capping of the entire site.

**Vapor Intrusion Mitigation System.** The VIMS shall be designed and installed to mitigate potential vapor intrusion. The VIMS shall consist of a vapor barrier, a vapor collection system with a vent system, and trench plugs to prevent vapor migration in utility trenches. Additional components of the VIMS are described in the Corrective Action Plan.

Prior to initiation of foundation construction the following documents shall be submitted to the ACDEH for review and approval:

- VMEC Basis of Design Report, Plans and Specifications, and a VMEC Record Reports

After installation of the VIMS but before occupancy of the site a VIMS Operations and Maintenance Plan shall be prepared and submitted to ACDEH for review and approval. Components of the VIMS Operations and Maintenance Plan are described in the Corrective Action Plan.

**Consolidation and Capping in Place.** Following the completion of PCE- and TPH-G-impacted soil excavation, the excavated areas shall be backfilled and compacted using the stockpiled lead-impacted soil and fill to a depth of 2 feet bgs or greater. Lead-impacted soil that is consolidated on-site shall be bounded below, on the sides, and above with an orange non-woven non-biodegradable polypropylene geotextile to create a demarcation layer for identification of the boundaries of the consolidated lead-impacted soil.

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The remaining portions of the excavated areas shall be backfilled and compacted either using clean, imported soil that conforms to SIMP requirements or on-site soil that conforms to SGMP requirements for onsite re-use. Following the completion of excavated area backfilling and installation of the VIMS, the entire Site will be capped with the first floor building concrete floor slab to mitigate exposure to surface and subsurface COPCs at the site.

Administrative Controls

Prior to occupancy of the Site, a Site Management Plan (SMP) shall be developed and submitted to ACDEH for review and approval. The SMP will be implemented as an administrative control. The elements of the SMP will include, but not be limited to, the following:

- Procedures for penetrating and repairing the vapor barrier
- Procedures for excavation beneath the vapor barrier or the excavation marker woven geotextile fabric
- Procedures and frequency for vapor monitoring associated with the VIMS
- Criteria for changing the VIMS from a passive system to an active system
- Record keeping and reporting requirements associated with administration of the SMP

Institutional Controls

Land use covenants shall be summarized in a deed restriction document that shall be prepared for review and approval by the ACDEH. The land use covenants shall identify land use restrictions based on-site conditions identified in a Remedial Action Implementation Report documenting implementation of the Corrective Action Plan, and will provide conditions that shall be required to be satisfied for future amendment of the land use restrictions. Upon approval of the land use restriction document by the ACDEH, the land use restriction document shall be recorded at the County Recorder's Office and copies of the recorded document, along with documentation of the recordation, shall be provided to the ACDEH.

Prior to occupancy, the following documents shall be submitted for ACDEH review and approval:

- Report of Construction for Hardscape Cap
- VMEC Operations and Maintenance Plan
- SMP
- Proposed Land Use Covenant, and once approved by ACDEH, documentation of recording.

Additional Clean Air Plan-Related Activities

**Destruction of existing Wells and Installation of Replacement Wells.** All of the existing groundwater monitoring wells and soil gas wells at the site shall be destroyed and replacement groundwater monitoring wells and soil gas wells shall be installed in accordance with Alameda County Public Works Agency (ACPWA) requirements. A work plan identifying proposed replacement well locations shall be provided to the ACDEH for review and approval prior to destruction and replacement of the existing wells.

**Additional Site Investigation.** Based on data gaps identified in the Site Conceptual Model (SCM) and included in Appendix C of the Corrective Action Plan, additional investigation shall be performed using methods identified in work plans that were previously approved by ACDEH:

- Collection of additional fill and soil samples to delineate the vertical extent of lead in on-site fill and soil at locations where the vertical extent of lead has not been fully defined at locations S3, S5, S7, S8, S9, S11, S12, S15, S17, S19, S20 and S22 (see Figure 5 and Tables 2A and 2B).
- Continued quarterly sampling of wells MW1, MW2 and MW3 to complete one full hydrologic cycle of quarterly sampling of water quality at the Site (see Figure 6 and Tables 5A and 5B) with subsequent semiannual sampling to evaluate monitored natural attenuation at well MW1, until authorized to discontinue sampling by the ACDEH.
- Installation of soil gas wells at proposed locations SG23, SG24, SG32, SG33, and SG34 at locations shown in Figures 9, 10, 11, and 12 each to depths of 7 feet bgs.
- Sampling of proposed soil gas wells SG23, SG24, SG32, SG33, and SG34 to further delineate the extent of COPCs in soil gas and sampling of existing soil gas wells SG10, SG11, SG12, SG13, SG14, SG22, SG25 through SG31 to evaluate temporal variability for the soil gas wells (see Figure 3 and Tables 6A through 6E). The objective of sampling the proposed existing wells is to obtain temporal data from a selected number of strategically located soil gas wells that are not located in areas where elevated detection limits prevent meaningful interpretation of data or at locations that may not be related to on-site releases.

Performance Evaluation

The performance of remediation and mitigation measures shall be evaluated as they relate to (1) closure of exposure pathways identified in the SCM and (2) cleanup goals.

Monitoring and results evaluation for dust and vapors during construction, groundwater, and indoor air and vapor verification sampling quality shall be performed as detailed in the Corrective Action Plan.

*Phase I Report*

Prior to the disturbance of any suspect ACMs or LBP on the project site, a comprehensive survey, designed to determine whether the suspect materials are regulated, shall be performed. If such materials are identified and need to be disturbed, repaired, or removed, a licensed abatement contractor shall be consulted.

Hazardous Materials within a Quarter Mile of a School

The proposed project is located within 0.25 mile of Longfellow School to the northwest and Martin de Porres Catholic School to the northeast. The WORP EIR determined that impacts would be reduced to a level of less than significant due to required compliance with federal, State, and local regulations. In addition, development under the WORP would be subject to the City of Oakland's SCAs pertaining to best management practices for hazardous materials related to construction and site contamination. 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. During operation, the project would not emit hazardous emissions or handle hazardous materials within 0.25-mile of an existing or proposed school. The handling of hazardous materials, associated with contaminated soils and groundwater is addressed in the Corrective Action Plan.

Based on an examination of the analysis, findings, and conclusions of the LUTE EIR and WORP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the program EIRs, nor would it result in new significant impacts related to hazards and hazardous materials that were not identified in the program EIRs. The WORP EIR included mitigation measures related to hazards and hazardous materials that would be implemented under the Corrective Action Plan. SCAs related to hazardous building materials, including asbestos removal, lead-based paint/coatings, and PCBs; Phase I ESA reports and remediation (already prepared for the project); Health and Safety Plan best management practices for groundwater and soil contamination; and hazardous materials business plans would apply to the proposed project, as identified in Attachment C at the end of the CEQA Checklist (SCA-HAZ:1 *Hazardous Materials Related to Construction*, (City SCA 43) and SCA-HAZ-2: *Hazardous Building Materials and Site Contamination*) (City SCA 44), SCA-HAZ-3: *Regulatory Permits and Authorizations from Other Agencies* (City SCA 15), and WORP EIR Mitigation Measure MM 8.4.5F: *Underground Utility Construction Process*.

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**8. Hydrology and Water Quality**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
<p>Would the project:</p> <p>a. Violate any water quality standards or waste discharge requirements;</p> <p>Result in substantial erosion or siltation on or off-site that would affect the quality of receiving waters;</p> <p>Create or contribute substantial runoff which would be an additional source of polluted runoff;</p> <p>Otherwise substantially degrade water quality;</p> <p>b. Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. 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);</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems;</p> <p>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</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
Would the project: creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on or off-site.			
d. 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 or as a result of inundation by seiche, tsunami, or mudflow.	☒	☐	☐

**LUTE EIR and WORP EIR Hydrology and Water Quality Impacts Summary**

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

The LUTE EIR determined that increased development activity throughout the City, including at locations adjacent to creeks and waterways, could result in water quality impacts during construction. This was concluded to be a less than significant impact, with implementation of existing regulations including the Grading, Erosion Control and Sedimentation ordinance, the Creek Protection Stormwater Management and Discharge Control ordinance, as well as NPDES stormwater permit requirements. The LUTE EIR found that development pursuant to the LUTE could potentially affect the quality of stormwater runoff, but implementation of regulatory requirements (i.e., NPDES C.3 measures) would reduce impacts to less than significant. The LUTE EIR also found that those areas of the

City with the greatest potential for change are already developed with similar uses, and the resulting changes in water quality would be negligible. This was concluded to be a less than significant impact.

The Initial Study prepared for the WORP EIR determined that development in the WORP Plan Area would result in construction activities that would require ground disturbance, resulting in impacts to hydrology and water quality. The Initial Study stated that several potentially significant environmental effects have been adequately analyzed in an earlier document prepared and that impacts have been addressed by mitigation measures included in this earlier analysis.

#### Use of Groundwater (Criterion 8b)

Potable water is supplied to the WORP Plan Area through imported surface water by the EBMUD, and groundwater is generally not used in the WORP Plan Area. The WORP Plan Area is primarily developed and covered with impervious surfaces, and the amount of water able to infiltrate the aquifer in the East Bay Plain groundwater basin would not substantially decrease with development under the WORP. Additionally, compliance with the C.3 provisions of the NPDES Municipal Stormwater Permit for the Alameda County Clean Water Program would require that recharge rates at a project site be equivalent to the recharge rate at the site prior to development.

The LUTE EIR's Initial Study concluded that change in groundwater and groundwater quality would be less than significant.

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

The LUTE EIR recognized mapped flood hazard zones that show extensive areas of Oakland that would be inundated during a 100-year flood, but found that flooding would generally occur only as sheet flow with depths of several inches in most areas and that few areas would be subject to flood levels greater than one or two feet. The LUTE EIR cited the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) that restricts development in flood-prone areas, and requirements for communities to evaluate and establish flood plain management regulations to participate in the Flood Insurance Program. The LUTE EIR did not make a specific CEQA conclusion as to specific impacts related to flooding.

The Initial Study prepared for the WORP EIR identified no impact, or a less than significant impact on the following topics related to Hydrology: flooding, seiche, tsunami, or mudflows due to required compliance with existing General Plan policies or through other existing laws, regulations and policies. In addition, 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.

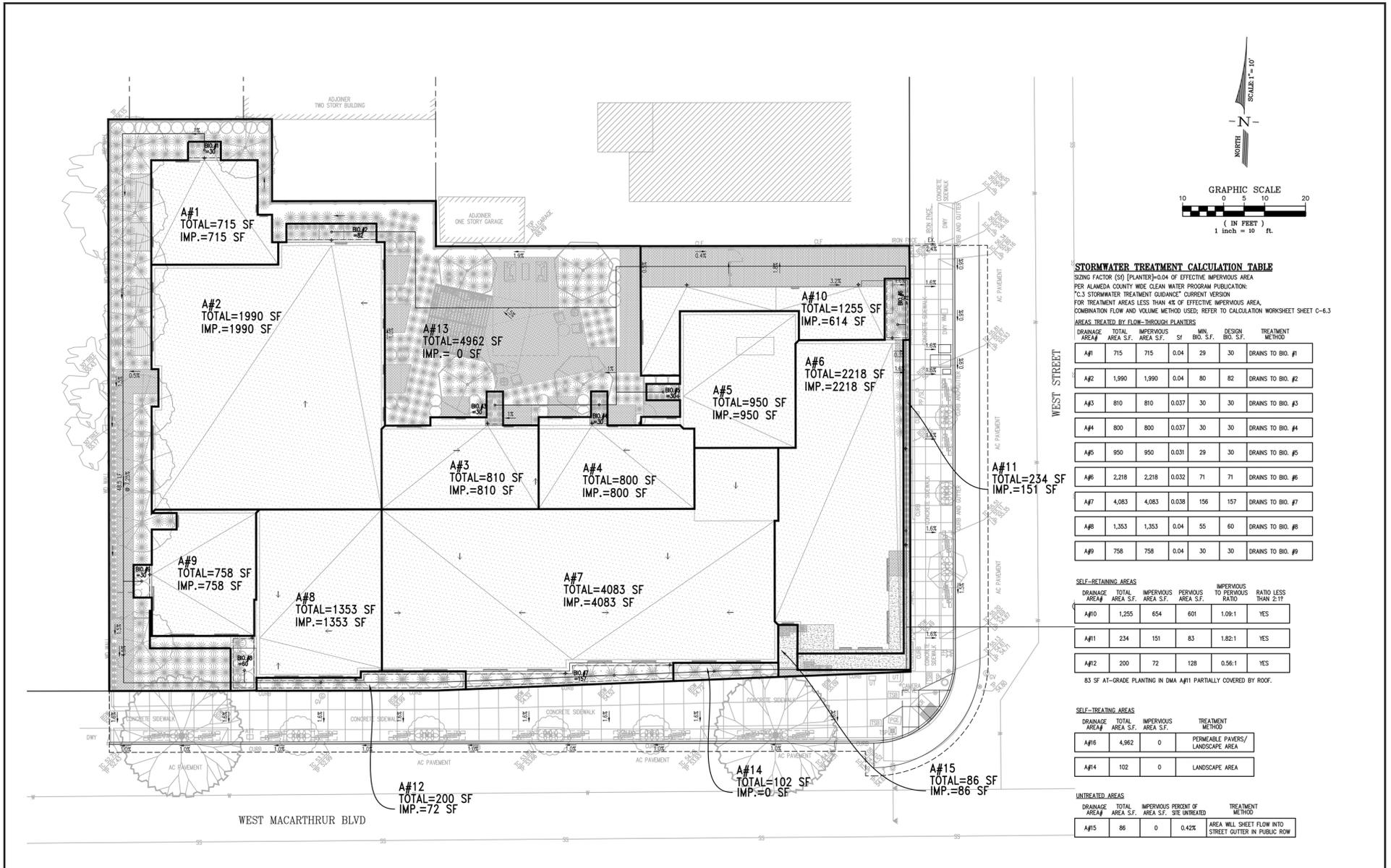
## Project Analysis and Conclusion

The project site lies in a highly urbanized area that is flat and is developed with two buildings associated with a former tire sales and auto service station and surface parking; impervious surfaces cover the majority of the entire site. There are no creeks or streams that cross the project site, or that are within 100 feet of the project site. The project would pose no potential conflicts with the City's Creek Protection Ordinance, and would not require a Creek Permit.

A Preliminary Stormwater Control Plan has been prepared for the proposed project that shows drainage areas and treatment methods to control stormwater runoff (see Exhibit 14). As shown on this Plan, stormwater runoff would be treated and managed through bioretention basins or permeable pavers/landscaping to demonstrate adequate capacity to retain the volume of stormwater expected, based on the Alameda Countywide Clean Water Program's C-3 Stormwater Treatment Guidance. The proposed project would decrease the amount of impervious surface compared to existing conditions resulting in an overall decrease in stormwater runoff. Although the existing drainage patterns would be altered, with the incorporation of the bioretention basins, permeable pavers, and landscaping there would be no net increase in off-site flow of stormwater. A small portion of the site from Drainage Area 15 (86 square feet) would sheet flow into the street gutter in the West Street public right-of-way. Additionally, the proposed project would be required to comply with SCAs related to hydrology and water quality, including provisions requiring the preparation and implementation of an Erosion and Sediment Control Plan for Construction, Site Design Measures to Reduce Stormwater Runoff, and Source Control Measures to Limit Stormwater Pollution.

The treatment of contaminated groundwater from the former automotive and gas station uses during construction and operation is discussed in Section 7, Hazards and Hazardous Materials. As stated in the Phase I ESA, prepared for the proposed project, the project site is located in Zone X, an area located outside of the 100-year and 500-year flood plains.

As stated in the Geotechnical Investigation prepared for the project, the project site is underlain by up to about two feet of fill in localized areas. The fill consists of medium dense sandy and silty sand. The fill, or ground surface where fill is not present, is underlain by alluvium, which consists of interbedded layers of clay with varying sand and gravel content and medium dense to very dense sand. The sand layers are typically less than two feet thick. Near surface clay is considered highly expansive. Expansive soils and surface drainage recommendations are discussed in Section 5, Geology and Soils.



Source: Luk and Associates, 3/29/2021.

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Groundwater was encountered at depths of approximately 14 to 15 feet bgs, but varies seasonally and historic high groundwater levels have occurred at 7 feet bgs. Excavation of contaminated soils and additional monitoring wells have the potential to encounter groundwater; therefore construction period dewatering may be required. However, dewatering would be temporary and limited to the period of construction, having only a localized and short-term effect on groundwater levels. Post-construction dewatering would not be required because the groundwater would be removed by capping the site and implementing the post-construction SMP administrative and institutional controls.

As indicated in the Corrective Action Plan and described in Section 7, Hazards and Hazardous Materials, preliminary activities would include implementation of the construction SGMP approved by the ACDEH. The SGMP includes procedures for groundwater containerization, treatment, and discharge.

As described in the Initial Study prepared for the WORP EIR, any groundwater dewatering would be limited in duration and would be subject to permits from EBMUD or the RWQCB, depending upon if the discharge were to the sanitary or storm sewer system. If the water is not suitable for discharge to the storm drain (receiving water), dewatering effluent may be discharged to EBMUD's sanitary sewer system if special discharge criteria are met. These include, but are not limited to, application of treatment technologies or Best Management Practices (BMPs) which will result in achieving compliance with the wastewater discharge limits. Discharges to EBMUD's facilities must occur under a Special Discharge Permit. In addition, according to the EBMUD Wastewater Ordinance, "all dischargers, other than residential, whose wastewater requires special regulation or contains industrial wastes requiring source control shall secure a wastewater discharge permit" (Title IV, Section 1). EBMUD also operates its wastewater treatment facilities in accordance with Waste Discharge Requirements issued by the RWQCB, which require rigorous monitoring of effluent to ensure discharges do not adversely impact receiving water quality. 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 WORP.

Based on an examination of the analysis, findings, and conclusions of the Initial Study prepared for the WORP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the Initial Study, nor would it result in new significant impacts related to hydrology and water quality that were not identified in the Initial Study. The WORP EIR identified no mitigation measures related to hydrology and water quality, and none would be required for the proposed project with implementation of the Corrective Action Plan as described in Section 7, Hazards and Hazardous Materials. The proposed project would be required to implement SCAs related to stormwater, drainages and drainage patterns, and water quality, as identified in Attachment C at the end of the CEQA Checklist (SCA-HYD-1: *Erosion and Sedimentation Control Plan for Construction* [City SCA 49], SCA-HYD-2: *Site Design Measures to Reduce Stormwater Runoff* [City SCA 52], and SCA-HYD-3: *Source Control Measures to Limit Stormwater Pollution* [City SCA 53]).

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

		<b>Substantial Increase in Severity of Previously Identified Significant Impact in EIRs</b>	<b>New Significant Impact</b>
	Would the project:	<b>Equal or Less Severity of Impact Previously Identified in program EIRs</b>	
	Physically divide an established community;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a.	Result in a fundamental conflict between adjacent or nearby land uses; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.			

**LUTE EIR and WORP EIR Land Use Impacts Summary**

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

The LUTE EIR concluded that redevelopment of large parts of the City pursuant to LUTE policies would change land uses in a number of locations in a manner that could be inconsistent with existing surrounding land uses, and that zoning changes could render some existing land uses as nonconforming. Mitigation measures identified in the LUTE EIR included establishing adequate buffers between commercial/industrial lands and residential uses, establishing appropriate locations for live/work uses, ensuring that structures and sites are designed in an attractive manner, and establishing performance-based standards for noise, odors, light/glare, traffic volumes, and other characteristics of industrial activities that are located near commercial or residential areas. With implementation of these mitigation measures, the LUTE EIR concluded this impact to be reduced to levels of less than significant.

The WORP EIR determined that adoption and implementation of the WORP would have no impact related to the division of an established community because implementation programs, projects and other activities under the WORP would be consistent with

improvement strategies identified in the Land Use and Transportation Element (LUTE) and would not result in new land uses that would divide established communities within the Project Area.

The WORP EIR concluded that the WORP programs, projects or other implementation activities would have a less than significant impact regarding conflict between adjacent or nearby land uses. Existing land use incompatibilities were identified in the LUTE EIR and would be avoided or reduced to a less than significant impact through implementation of General Plan policies, General Plan land use designations, zoning, or zoning overlay requirements.

The WORP EIR stated that WORP programs, projects or other implementation activities would have no impact regarding conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the Project Area adopted for the purpose of avoiding or mitigating an environmental effect. The basis for future Redevelopment Plan activity would be to implement and conform to the City's General Plan. The LUTE EIR concluded that the plans and policies contained in the LUTE for land use and transportation topics would be consistent with federal, State and regional policies (except for the Clean Air Plan), as well as policies and programs of adjacent jurisdictions.

### **Project Analysis and Conclusion**

As shown on Exhibit 5, the Oakland General Plan Land Use Diagram designates the project site as Urban Residential. As stated in Chapter 3 of the LUTE, the intent of the Urban Residential classification is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services. The primary future use in this classification is residential. If possible, where detached density housing adjoins urban residential the zoning should be structured to create a transition between the two. The maximum allowable density in these areas is 125 units per gross acre.<sup>13</sup>

Chapter 17.19–RU Urban Residential Zones Regulations, of Title 17 of the City's Planning Code, provides land use regulations for Urban Residential (RU) zones to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services. As depicted on Exhibit 6, Zoning, the project site is also split between two zoning districts. The easterly approximately three-fourths of the project site is zoned as Urban Residential-5 (RU-5), which is intended to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise and high-rise residential structures and

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<sup>13</sup> City of Oakland, 1998. City of Oakland General Plan, Land Use and Transportation Element, Chapter 3, March 1998. Website:  
<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/webcontent/oak035264.pdf>.  
Accessed June 8, 2021.

<sup>14</sup> Defined as households making between 81% and 120% of the Area Median Income (AMI).

ground floor neighborhood businesses on the City's major corridors. The westerly approximately one-fourth of the site is zoned Urban Residential-4 (RU-4). RU-4 is similar to RU-5, lacking only the intent for ground floor business along major roadway corridors.

As listed in Table 17.19.02 of the City's Planning Code, multifamily dwelling units are permitted uses. As summarized on Table 17.19.03 of the City's Planning Code, the minimum lot dimensions within both the RU-4 and RU-5 zones are 25 feet lot width, 25 feet lot frontage, and 4,000 minimum square feet lot area. The minimum front setback along MacArthur Boulevard, is 0 feet for the R-5 zone and 5 feet for the R-4 zone. The minimum side setback is 0 feet for both the R-5 and R-4 zones. The minimum rear setback is 10 feet within both the R-5 and R-4 zones. According to Table 17.19.04 of the City's Planning Code for a maximum building height of 60 feet, the corresponding residential density for the RU-5 and RU-4 zones would be one unit per 375 square feet. The corresponding minimal usable open space within a 60-foot height area is 150 square feet per unit. As stated in Chapter 17.116 of the Planning Code, the required off-street (automobile) parking for multifamily dwelling units is 1 space per unit. Per Chapter 17.117.090 of the Planning Code, the required bicycle parking for a multifamily dwelling unit without a private garage for each unit is 1 space of long-term bicycle parking for each 4 units and 1 space of short-term bicycle parking for each 20 units.

According to the above requirements for the RU-4 and RU-5 zones, based on a lot area of 22,655 gross square feet and a requirement of 375 square feet per unit within a 60-foot height area, the permitted maximum density on the site would be 61 units. The required lot setbacks would be 5 feet front, 0 feet side, and 10 feet rear.

The project applicant is requesting a density bonus under AB 2345 (an act to amend Sections 65400 and 65915 of the California Government Code, relating to housing) as implemented by Chapter 17.107 of the Planning Code. A Supplemental Form – Affordable Housing Density Bonus, prepared by the applicant is included in Attachment A. The project applicant proposes that 27 units within the project (7 studio units and 20 two-bedroom units) would be deed-restricted as affordable units for moderate income households<sup>14</sup>. As indicated on the Supplemental Form, these 27 deed-restricted affordable units represent 44 percent of the base development density of 61 units, thus qualifying for a 50 percent density bonus.

In total, by providing 27 of the project's units as price-restricted for moderate income households, the project applicant requests the following density bonuses, and waivers from applicable development standards:<sup>15</sup>

- A 50 percent density bonus, increasing the allowable number of units from 61 units to 92 units.

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<sup>14</sup> Defined as households making between 81% and 120% of the Area Median Income (AMI).

<sup>15</sup> See Attachment B, Applicant's Justification for Waivers and Concessions.

- An exemption from all parking requirements of the RU-4 and RU-5 zone (which otherwise requires one space per dwelling unit or 92 spaces), instead providing no off-street parking spaces. Providing the required off-street parking would preclude the construction of the proposed project because the minimum parking area that would be required would eliminate the construction of approximately 16 first floor residential units. The project is located within 0.35 miles of the major transit stop at the MacArthur BART station and there are no obstructions or impediments between the project site and this BART station.
- A waiver from the otherwise applicable open space requirements of the RU-4 and RU-5 zone (which, at 150 square feet per unit, would require 13,800 square feet of open space). The provision of the required open space would preclude the construction of the project because the building footprint and volume would be reduced to 38 percent of the lot area. The project would provide approximately 2,990 square feet of common open space in a central courtyard, landscaped area, and rooftop open space (as shown on Exhibit 7).
- A waiver from the 1-foot to 1-foot stepping setback at the 30-foot height adjacent to the RM zone (located to the rear of the project site). As stated in Table 17.19.04, Note 2, of the Planning Code, buildings in the RU Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; this maximum height may increase one (1) foot for every foot of distance from this setback line. The project is designed at the maximum allowable building height of 60 feet. Without the waiver for the allowance of height setback encroachment, the height setback would preclude the construction of the proposed project because approximately 8 units would be eliminated. Additionally, the project design jogs the building with the property line to maintain an equal setback distance on all sides and the building height is stepped down to 3 stories immediately adjacent to the RM residential zone to the rear (see Figure 7).

Based on the above, the proposed project would be consistent with the land use regulations in the California Government Code, WORP, LUTE, and Planning Code. Based on an examination of the analysis, findings, and conclusions in the WORP EIR and LUTE 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 program EIRs. The WORP EIR did not identify any mitigation measures related to land use, and none are necessary for the proposed project.

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**10. Noise**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
a. Would the project: <p>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.;</p> <p>Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code Section 8.18.020) regarding persistent construction-related noise;</p>	☒	☐	☐
b. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;	☒	☐	☐
c. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3-dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);	☒	☐	☐

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
<p>Would the project:</p> <p>d. Expose persons to interior <math>L_{dn}</math> or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24);</p> <p>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;</p> <p>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</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e. 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).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**LUTE EIR AND WORP EIR Noise Impact Summary**

Construction Noise and Vibration (Criteria 10a and 10e)

The LUTE EIR determined that new development, particularly in the Downtown and in the Coliseum Showcase District, would generate short-term increases in noise and vibrations due to construction. Mitigation measures require project sponsors to implement control techniques to minimize disturbance to adjacent or nearby sensitive receptors during project construction, but this impact was determined to be significant and unavoidable.

Implementation of the WORP’s projects, programs, and other activities would generate short-term increases in noise (from construction equipment) and vibration (from pile

driving) during construction. Compliance with the City's Noise Ordinance and implementation of Mitigation Measure 7.4.1 (which is functionally equivalent to and superseded by City SCAs 62, 63, and 64) would reduce construction noise and vibration levels to a less than significant level.

- **WORP EIR, Mitigation Measure 7.4.1: Construction Noise.** The following measures shall be required as necessary as part of future development projects pursuant to implementation of the Redevelopment Plan in order to comply with the City Noise Level Standards for Temporary Construction or Demolition Activities, as well as to minimize any potential pile driving noise and vibration impacts:
  1. Equipment and trucks used for construction should utilize the best available noise control techniques (improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts. Construction equipment should not generate noise levels above the mitigated levels listed in Table 7-4 (75 dBA to 80 dBA at 50 feet, depending on equipment type).
  2. Equipment used for project construction should be hydraulically or electrically powered impact tools (e.g., jack hammers, pavement breakers, and rock drills) wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust should be used; this muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves should be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures should be used such as drilling rather than impact equipment whenever feasible.
  3. Stationary noise sources should be located as far from adjacent uses as possible, particularly, any adjacent residences receptors. If they must be located near such receptors, they should be adequately muffled and enclosed within temporary sheds.
  4. Where existing residences are located within 50 feet of the project construction activities, operation of heavy equipment should be limited to 10 or less days at one time and weekend construction activities should be prohibited.
  5. Pile holes should be pre-drilled to reduce potential noise and vibration impacts. City pile driving noise attenuation requirements should be implemented, as necessary. Limit pile driving from 8:00 a.m. to 4:00 p.m. Monday through Friday, with no pile driving or other extreme noise generating activity permitted between 12:30 and 1:30 p.m., or other mid-day hour as established and noticed. Prohibit pile driving or other extreme noise generating activity on

Sundays and holidays. Pile driving on Saturdays will be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a survey of business preferences for whether Saturday activity is acceptable if the overall duration of the pile driving is shortened. Avoid times when the most disturbance could occur, during business hours (to the extent practically feasible), the noon lunch hour, and evening and nighttime hours (7:00 p.m. to 7:00 a.m.). It is recommended that pile driving activities be limited to 1:00 p.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on Saturdays. Use sonic or vibratory pile drivers where feasible instead of impact pile drivers (sonic pile drivers are only effective in some soils). Vibratory pile drivers could reduce noise levels by as much as 16 dBA, but can cause disturbance to adjacent uses. Use engine and pneumatic exhaust controls on pile drivers as feasible to ensure that exhaust noise from pile driver engines is minimized. Such controls could reduce exhaust noise by up to 6 dBA.

#### Operational Noise and Vibration (Criteria 10b, 10d, 10e)

The LUTE EIR found that land use changes proposed pursuant to the LUTE would allow a mix of commercial and residential uses, which could pose noise compatibility problems between residential and commercial uses. The LUTE EIR also found that permitting live/work and other forms of housing in transitional industrial areas could pose future noise compatibility problems. These impacts were concluded to be less than significant with implementation of policies included in the LUTE, implementation of the Oakland Noise Ordinance and other measures to reduce the potential for noise conflicts between residential uses and existing or future industrial uses. These policies, ordinances and measures are now fully incorporated into City SCAs.

Future growth and development within the WORP Project Area would occur primarily along major transit corridors and transit-accessible sites, which could expose new residential uses to future traffic noise levels on major arterial streets, along freeways, and from BART facilities that are incompatible with such residential uses. Compliance with General Plan Policies I/C4.2, N1.5, and N3.9, and implementation of Mitigation Measures 7.4.3A (which is functionally equivalent to and superseded by City SCA 67), 7.4.3B, and 7.4.3C are recommended to reduce noise and land use compatibility impacts to a less than significant level. It should be noted that Mitigation Measures 7.4.3B and 7.4.3C are implemented by the City and are not applicable at a project-specific level.

- **WORP EIR, Mitigation Measure 7.4.3A: Noise Reduction Requirements.** The City of Oakland Land Use Compatibility Guidelines for Community Noise sets limits on the level of noise that new land uses may be subjected to, and requires analysis and mitigation should these noise levels be exceeded. In accordance with these guidelines, the following specific mitigation measures would apply to new development projects that may be in furtherance of implementation of the Redevelopment Plan.

## CEQA ANALYSIS

## VI. CEQA CHECKLIST

- Future residential development that may be proposed within approximately 2,000 feet of the I-580 freeway corridor and 1,400 feet of the I-880 freeway corridor (sections not protected by sound walls), along major arterials identified in the LUTE, adjacent to industrial or business uses that generate noise, or in the vicinity of BART facilities where noise levels exceed 60 dBA CNEL (if a direct line-of-sight is available) shall be required to complete a detailed analysis of noise reduction requirements.
  - A detailed analysis of noise reduction requirements shall also be required if any future business commercial uses are proposed within approximately 700 feet of the I-580 freeway corridor and 450 feet of the I-880 freeway corridor (sections not protected by sound walls), along major arterials identified in the LUTE, or in the vicinity of BART facilities where noise levels could exceed 67 dBA CNEL (if a direct line-of-sight is available).
  - Recommended noise insulation features shall be included in the designs of such future development.
- **WORP EIR, Mitigation Measure 7.4.3B: Freeway Sound Walls.** The City of Oakland should coordinate with Caltrans to investigate the potential for constructing new sound walls along those portions of I-880 where no sound walls are currently provided to protect the adjacent neighborhoods. Redevelopment funding could potentially be used to supplement the costs for such walls.
  - **Mitigation Measure 7.4.3C: BART Train Noise Reduction.** The City of Oakland should coordinate with BART to investigate potential techniques for reducing the noise generated by BART trains, especially near the West Oakland BART station. Redevelopment funding could potentially be used to supplement the costs associated with the investigation of such techniques and potentially to supplement the costs for implementation.

Implementation of the WORP would encourage development of mixed-use projects along key corridors, transit-oriented districts and neighborhood activity centers where noise levels may be appropriate for commercial uses but either “conditionally acceptable” or “normally unacceptable” for residential use. However, implementation of the above identified WORP EIR mitigation measures, City Noise Ordinance performance requirements and General Plan policies would reduce the potential for noise compatibility problems in mixed-use developments to a less than significant level.

#### Traffic Noise (Criterion 10c)

The LUTE EIR concluded that implementation of the LUTE would increase noise levels along streets throughout the City, but that the traffic increase based on anticipated growth rates for the City would only increase noise levels by 2 decibels (dBA) or less on selected street segments. Noise increases of less than 3 dBA were found to be generally

not perceptible to most people, and the future traffic noise increase of 2 dBA or less was found to be less than significant.

The WORP EIR determined that project-related growth and development would result in higher traffic levels along some streets in the WORP Project Area. Noise increases attributable to new growth and development within the WORP Project Area would be less than the 5 dBA CNEL threshold criteria and would therefore less than significant.

The WORP EIR determined that new growth and development within the WORP Project Area, combined with other past projects, current projects, and probable future projects would generate cumulative noise impacts along local streets. As indicated in Table 7-5 of the WORP EIR, increase in traffic noise from Cumulative Plus Project would increase traffic noise levels by 5.7 and 9.1 dBA CNEL compared to Existing Conditions, along 32<sup>nd</sup> Street (West of Mandela) and 26<sup>th</sup> Street (East of Peralta), respectively. Because these noise levels exceed the significance criteria of 5 dBA and the WORP's contribution is cumulatively considerable, traffic cumulative traffic noise impacts would be significant and unavoidable.

## **Project Analysis and Conclusion**

### Construction Noise and Vibration (Criteria 10a and 10e)

The proposed project would result in construction noise and vibration at levels similar to most other mid-rise construction projects with the WORP. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, the distance between construction noise sources and noise-sensitive receptors, any shielding provided by intervening structures or terrain, and ambient noise levels. Construction noise impacts primarily result when construction activities occur during noise sensitive times of the day (early morning, evening, or nighttime hours), when construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating

Project construction would take place over 18 months and would include demolition, excavation, grading, and construction activity. The project would develop a 5-story building with 72,750 square feet and total of 92 dwelling units. The foundation of the proposed project would be constructed using a mat-slab foundation and no pile driving is anticipated. The proposed project is adjacent to a noise sensitive use, and residents could be adversely affected by noise during project construction activities.

However, based on an examination of the analysis, findings, and conclusions of the program EIRs, implementation of the proposed project would not substantially increase the

severity of significant impacts identified in the LUTE EIR and WORP EIR, nor would it result in new significant impacts related to noise that were not identified in the LUTE EIR and WORP EIR. Therefore, compliance with the City's Noise Ordinance would reduce construction noise and vibration levels to a less than significant level. In addition, the proposed project would be required to implement SCA-NOI-1: *Construction Days/Hours* to limit the days and hours of construction (City SCA 62), SCA-NOI-2: *Construction Noise* (City SCA 63) and SCA-NOI-3: *Extreme Construction Noise* to ensure the application of noise reduction measures to reduce noise impacts and extreme construction noise (City SCA 64), and SCA-NOI-4: *Construction Noise Complaints* to provide measures to respond to and track construction noise complaints (if any) (City SCA 66).

#### Operational Noise and Vibration (Criteria 10b, 10d, 10e)

As a residential development, the project would not include any permanent sources that could produce vibration levels that would be perceptible beyond the project boundaries. Therefore, operational vibration impacts would be less than significant. However, operation of the proposed project would result in noise generated from new stationary noise sources. The primary new stationary noise source would be mechanical equipment such as heating, ventilation and air conditioning systems. Stationary equipment would operate within the restrictions of the City's Noise Ordinance (Oakland Planning Code Section 17.120.050).

However, based on an examination of the analysis, findings, and conclusions of the LUTE EIR and WORP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the LUTE EIR and WORP EIR, nor would it result in new significant impacts related to noise that were not identified in the WORP EIR. Compliance with General Plan Policies I/C4.2, N1.5, and N3.9, and implementation of Mitigation Measure 7.4.3A (which is functionally equivalent to and superseded by City SCA 67) and presented as SCA-NOI-5: *Exposure to Community Noise*, is recommended to reduce noise and land use compatibility impacts to a less than significant level. In addition, the proposed project would be required to implement SCA-NOI-6: *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 (City SCA 68).

#### Traffic Noise (Criterion 10c)

According to the transportation analysis prepared by W-Trans,<sup>16</sup> the project is expected to generate an average of 266 net new vehicle trips per day, including 18 trips during the AM peak-hour and 21 trips during the PM peak-hour. These net new trips represent the increase in traffic associated with the project over existing levels. It should be noted that the net new trips identified herein do not reflect potential reductions resulting from

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<sup>16</sup> W-Trans. 2021. Transportation Study for the 820 West MacArthur Boulevard Residential Project. July 12.

implementation of the TDM measures identified in Mitigation Measure 6.4.6A. Therefore, the vehicle trips disclosed in this discussion represent a conservative assessment of potential operational traffic noise impacts.

A characteristic of noise is that a doubling of sound sources with equal strength is required to result in a perceptible increase (defined to be a 3 dBA or greater) in noise levels. Implementation of the proposed project would not double the total traffic volumes along any roadway segment in the project vicinity. As a result, the project would not result in an increase in ambient noise levels of more than 5 dBA CNEL above existing background noise levels, as measured at any noise sensitive receptor in the project vicinity. Therefore, project-related traffic noise levels would have a less than significant impact.

Based on an examination of the analysis, findings, and conclusions of the LUTE EIR and WORP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the program EIRs, nor would it result in new significant impacts related to noise that were not identified in the program EIRs. In addition, applicable SCAs would be required to reduce noise levels, including SCA-NOI-1 (City SCA 62), SCA-NOI-2 (City SCA 63), SCA-NOI-3 (City SCA 64), SCA-NOI-4 (City SCA 66), SCA-NOI-5 (City SCA 67), and SCA-NOI-6 (City SCA 68), as listed in Attachment C.

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**11. Population and Housing**

Would the project:	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
a. 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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**LUTE and WORP EIR Population and Housing Impact Summary**

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

The LUTE EIR determined that the LUTE's plans and policies would result in a net increase in employment development, particularly with redevelopment of military bases and land within the Coliseum Area. The policy emphasis on Downtown and corridor redevelopment would also result in substantially higher employment in the retail, service and government sectors, with projected employment levels significantly higher than anticipated by ABAG, creating a demand for new housing and increasing Oakland's jobs housing ratio. It also determined that the LUTE would increase housing capacity in Oakland by providing greater allowances for higher density housing in commercial areas, by reclassifying several transit corridors for urban-density housing, and by accommodating additional residential development Downtown, at Oak Knoll, along the Estuary, and at BART Stations. The LUTE EIR concluded that impacts related to the City's jobs/housing balance could be

mitigated with measures to increase affordable and market rate housing in appropriate locations, and that other impacts related to population and housing would be less than significant.

The Initial Study prepared for WORP EIR determined that impacts related to population growth and displacement of housing and people would be less than significant. As indicated on Table 1, development under the WORP would add up to 1,830 housing units and 4,209 residents to the WORP Plan Area. Within the West MacArthur/Hoover subarea there would be 210 housing units and 477 residents. Although adoption and development under the WORP 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. In addition, the following goals and objectives of the WORP encourage the provision of new housing:

1. Improve the quality of housing by assisting new construction, rehabilitation, and conservation of living units in the Project Area.
19. Preserve and enhance existing residential neighborhoods and core industrial and commercial areas.
21. Support and recognize the benefit of new residents and incomes that can be encouraged through market-rate development and done without displacing existing residents or businesses or destroying the existing cultural assets of the area.
24. Not concentrate any affordable housing as stand-alone high-density projects, but rather as infill projects on scattered sights and/or mixed income projects.

As also stated in the WORP EIR, potential WORP programs include developing housing that is affordable to low- and moderate-income residents in the Project Area.

### **Project Analysis and Conclusion**

The proposed project would replace the existing tire sales and auto service station (now vacant) and surface parking lot at the project site with a new multi-family residential structure consisting of 92 units, including 27 affordable units for moderate income households. The proposed project would not demolish or displace any existing housing units.

Assuming an average of 2.27 persons per household for the West MacArthur Hoover subarea, as presented in Table 1, the proposed project would result in an increase of approximately 209 new residents. As shown on Table 1, the 92 residential units would be within the development envelop of 210 units for the West MacArthur/Hoover subarea and WORP area analyzed in the WORP EIR.

In addition, the project would provide new housing, including an affordable housing component, on an underutilized, vacant parcel, furthering the goals and objectives of the WORP stated above.

Based on an examination of the analysis, findings, and conclusions in the program EIRs, implementation of the proposed project would not substantially increase the severity of the impacts identified in the EIRs, nor would it result in new significant impacts related to population and housing that were not identified in the EIRs. The program EIRs did not identify any mitigation measures related to population and housing, and no mitigation measures or SCAs would be required for the proposed project, since the project includes an affordable housing component.

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**12. Public Services, Parks, and Recreation Facilities**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
a. Would the project:  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: <ul style="list-style-type: none"> <li>• Fire protection;</li> <li>• Police protection;</li> <li>• Schools; or</li> <li>• Other public facilities.</li> </ul>	☒	☐	☐
b. 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.	☒	☐	☐

**LUTE and WORP EIR Public Services, Parks, and Recreation Facilities Impact Summary**

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

The LUTE EIR and WORP EIR provided the following discussion regarding impacts related to fire protection, police protection, schools, and parks.

### *Fire Protection*

The LUTE EIR concluded that future development would result in higher levels of population in steep hillside areas of the City where firefighting and evacuation constraints presently exist, and that construction of a new fire station in the North Oakland Hills would reduce service deficiencies and the risk of catastrophic wildfire, but that this impact remained significant and unavoidable. Elsewhere in the City, the LUTE EIR found that higher levels of population and employment would increase demands for fire protection and emergency medical services, but that these impacts could be reduced to levels of less than significant through City-sponsored measures to address fire service needs.

The WORP's projects, programs and other implementation activity would facilitate an increase in population and employment, and therefore increase demand for fire protection and emergency services. However, while new growth and development would increase fire and emergency service demands, modern construction standards and life safety requirements will ensure that new buildings and renovations to existing buildings will be safer. In order to maintain the Oakland Fire Department ratio of 1.26 sworn staff per 1,000 residents, the Oakland Fire Department would have to add approximately five new sworn staff members over the next 20 based on projected growth within the Project Area. This is compared to the estimates provided in the General Plan LUTE of an additional 33 personnel. The Project Area would account for approximately 15 percent of citywide demand. The LUTE EIR and WORP EIR concluded that the citywide increase in fire protection demand was a less than significant impact due to implementation of General Plan policies LUTE EIR Policy N13.1 and Policy N13.5 and the LUTE EIR mitigation measures presented below:

- **LUTE EIR, Mitigation Measure D.6-1a:** In reviewing major land use or policy decisions, consider the availability of police and fire protection services, . . . in the affected areas, as well as the impact of the project on current service levels.
- **LUTE EIR, Mitigation Measure D.6-1b:** Develop target ratios of police officers and firefighters to populations for annual budgeting purposes. These ratios should be used to assess the feasibility and merits of service fees on new development, which finance additional police officers and fire fighters.
- **LUTE EIR, Mitigation Measure D.6-1d:** Solicit comments from the Oakland Police Service Agency and Oakland Fire Department on major new development proposals to ensure that law enforcement and fire protection impacts are appropriately addressed and mitigated.

### *Police Protection*

The LUTE EIR found that higher levels of population and employment would increase demands for police services, but that these impacts could be reduced to levels of less than significant through City-sponsored measures to address police service needs.

Implementation of the Redevelopment Plan's projects, programs and other activity would result in an increase in population and employment, thereby increasing the demand for police service. This demand can be estimated by applying the current police staff-to-resident ratio a ratio of 1.83 sworn staff per 1,000 residents to the amount of residential growth projected for the Project Area for the year 2020. To keep this service ratio constant, the Oakland Police Department would have to add approximately eight new sworn staff members over the next 20 years. By way of comparison, the LUTE estimates that, to maintain the current ratio of sworn staff to residents, an additional 47 personnel would be required citywide. The increased police service demand from the Project Area accounts for approximately 17 percent of the citywide demand. The LUTE EIR and WORP EIR concluded that the citywide increase in police service demand was a less than significant environmental impact with implementation of citywide policies LUTE Policy N13.1, LUTE Policy N13.5 and the following LUTE EIR mitigation measures:

- **LUTE EIR, Mitigation Measure D.5-1a:** In reviewing major land use or policy decisions, consider the availability of police and fire protection services, . . . in the affected areas, as well as the impact of the project on current service levels.
- **LUTE EIR, Mitigation Measure D.5-1b:** Develop target ratios of police officers and firefighters to populations for annual budgeting purposes. These ratios should be used to assess the feasibility and merits of service fees on new development, which finance additional police officers and fire fighters.
- **LUTE EIR, Mitigation Measure D.5-1c:** Increase police foot patrols and cruisers in high visibility downtown areas and locate funding sources to support them.
- **LUTE EIR, Mitigation Measure D.5-1e:** Solicit comments from the Oakland Police Service Agency and Oakland Fire Department on major new development proposals to ensure that law enforcement and fire protection impacts are appropriately addressed and mitigated.

### *Schools*

The LUTE EIR found that higher levels of population and employment would increase the number of students served by the Oakland Unified School District (OUSD), and identified a number of mitigation measures available to the School District to reduce overcrowding, concluding this impact to be less than significant with mitigation.

Implementation of the WORP's projects, programs and other activities would result in increased population growth that would increase the number of school-age children projected to attend public schools. Based on the household and population projections contained in the WORP EIR, new growth and development within the WORP Project Area is projected to result in the addition of approximately 1,280 new households and approximately 2,347 people. Using a statewide average student yield factor of 0.7

students per household, this growth and development is projected to generate an increase of approximately 896 new students by year 2020, including 143 new students in the West MacArthur/Hoover subarea. The addition of these students would occur incrementally over the 20-year planning horizon of the WORP, and would not be fully realized within a short-term planning projection period. Additionally, the site-specific location of any of this projected new growth, the distribution of students throughout grade levels at any particular point in time, and changing demographic characteristics throughout the School District will all affect the availability of classroom capacity to serve these new students. If classroom capacity within the specific schools serving the Project Area were found to be unavailable at the time WORP Project Area students enter into the school system, the District may make other options available to accommodate these students. Such options may include reassigning students among school districts, expanding year-round schooling, adding more portable classrooms, busing students to less crowded schools, or finding opportunities to utilize more efficiently existing or abandoned school facilities. Under current City and School District policies, all new development within the Project Area would be required to pay school impact fees to offset the costs of new school facilities, and payment of these fees would effectively mitigate this increased school demand. Therefore, the addition of these new students is not considered a direct, significant impact of the WORP.

However, cumulative impacts on school capacity would be significant, as the addition of students who would move into the WORP Project Area would increase enrollment in the McClymonds High School Attendance Area (HSAA). Some of these students may be currently enrolled in other HSAs within the District. Their move may re-distribute students from overcrowded HSAs to the less crowded McClymonds HSAA. Other students who may move to the WORP Project Area as a result of new growth and development may be new to the District. In the short-term, the addition of new students may exacerbate the temporary overcrowding in the middle and high schools that is expected to occur within this HSAA. In the long-term, an increase in the number of students to the McClymonds HSAA would reduce the District's options to reassign students among HSAs, bus students to less crowded schools, or find opportunities to utilize more efficiently existing or abandoned school facilities. This would contribute to the District's cumulatively considerable classroom capacity deficit and due to lack of available funds, the District predicts continued overcrowding and capacity constraints. Therefore, on a cumulative basis, the addition of new students will contribute to a current District-wide deficit in the availability of classrooms to serve student populations. Implementation of the following citywide mitigation measures would reduce the Redevelopment Plan's contribution to the cumulative effects of school overcrowding in the WORP Project Area to a level of less than cumulatively considerable.

- **WORP EIR, Mitigation Measure 10.4.2A:** The City of Oakland, its Redevelopment Agency, and public and private land developers within the Project Area shall work with the OUSD to identify possible joint use opportunities. Joint use may take

many different forms. Examples of joint use may include the lease or sale of air rights above or below existing school grounds or facilities to private developers, or joint venturing with private developers, public entities or other parties in the development of surplus school property. Other standard joint use opportunities include joint ventures with the City parks department in the development of shared school grounds/public park space. Joint use agreements can result in opportunities for sharing costs for such items as maintenance and repair, thereby saving funds for other District needs.

- **WORP EIR, Mitigation Measure 10.4.2B:** The City of Oakland and its Redevelopment Agency shall coordinate with the OUSD to identify and pursue local funding opportunities to match potential State grants. At the Redevelopment Agency's sole discretion, local funds could potentially include the use of redevelopment funds.
- **WORP EIR, Mitigation Measure 10.4.2C:** The City of Oakland and its Redevelopment Agency should coordinate with the OUSD in the management of the District's real estate assets. On a cumulative, District-wide basis the School District will continue to be challenged in its ability to find available land in appropriate areas to serve new student populations. However, the District may now own or control real estate in locations outside of the Project Area where new schools may not be needed to serve projected student demands. Creative use and disposition of these real estate assets could help mitigate the costs associated with future facility needs. The City and Agency may be able to assist through the use of redevelopment tools in the identification, use and potential disposition of appropriate sites, even if these sites are not located within the West Oakland Project Area.

### *Parks*

The LUTE EIR found that higher levels of population and employment would increase the demand for parks and recreation services particularly in areas targeted for reuse and intensification, where development would place even greater demands on the limited park acreage in these neighborhoods, unless additional park area was provided. However, the LUTE EIR concluded this impact to be less than significant, and no mitigation was required.

Implementation of the WORP's projects, programs and other activities would result in increased population growth which would result in an increased demand for parks and recreation facilities. Based on the household and population projections contained in the WORP EIR and derived from the growth projections of the City General Plan, the WORP Project Area is projected to grow by approximately 1,280 new households and approximately 2,347 people. Using the City's adopted standard of 4 acres of active, local-serving parkland per 1,000 persons, this growth and development would generate an

increased demand for approximately 9 acres of new parkland. This parkland demand would occur incrementally over the 20-year planning horizon of the WORP. There is no site-specific location for any of this projected new growth, and therefore the distribution of park demand cannot be predicted with any certainty.

As referenced in the WORP EIR, the OSCAR identified improvements needed for two parks located in the West MacArthur/Hoover subarea. Recommended improvements for Durant Mini-Park were improved connections to Foster Middle School. Recommendations for 25<sup>th</sup> Street Mini-Park were public safety and landscaping improvements. Recommendations for open space improvements include pedestrian and bicycle access and connections, landscaping, a new park, schoolyard greening, a public plaza, and restoration of natural landscape features. To the extent that the WORP's projects, programs and other implementation activities assist in the implementation of the parks and open space recommendations contained in the OSCAR as summarized above, this would be considered a beneficial effect and not a potential impact. Therefore, the demand for new park and recreation facilities is not a direct, significant impact of WORP implementation.

However, cumulative impacts on the current deficit in the availability of parks and recreation facilities from the addition of new residents to the area would be significant. To address this cumulative park deficit, the City's LUTE and OSCAR General Plan Elements contain specific policies regarding the development of new parklands that would be implemented within the Project Area (Policies REC-10.2, OS-2.5, REC-10.1, REC-3.1, and REC-3.2). However, [at the time the WORP was prepared] the City of Oakland has not yet adopted a park dedication or in lieu fee, nor can there be any certainty that new parklands will be developed concurrent with incremental growth and development. Therefore, the amount of growth and development that may be facilitated by implementation of the WORP's projects, programs and other activities would have a cumulatively considerable effect on the current park and recreation deficit within the WORP Project Area. Additionally, this cumulative effect is considered potentially significant because mitigation for this impact would likely result in physical changes to the environment, such as construction of new parks and recreational facilities. Implementation of OSCAR Policies REC-2.3, REC-2.4, REC-2.5, and REC-2.6 and the following citywide mitigation measures would reduce the Redevelopment Plan's contribution to the existing parks and recreation deficit in the WORP Project Area to a level of less than cumulatively considerable.

- **WORP EIR, Mitigation Measure 10.4.1A:** The City of Oakland Redevelopment Agency shall coordinate with the Office of Parks and Recreation to develop and initiate a land acquisition program for new parks in underserved areas. The biggest challenge will be to find available land in appropriate areas to serve new residents. The Redevelopment Agency may be able to assist through the use of redevelopment tools in the identification and acquisition of appropriate new park sites.

- **WORP EIR, Mitigation Measure 10.4.1B:** The City of Oakland Redevelopment Agency shall coordinate with the City Office of Parks and Recreation and the OUSD, local churches, private recreation providers and local non-profit agencies to promote joint use agreements and joint use partnerships that maximize the use of non-park recreational facilities.
- **WORP EIR, Mitigation Measure 10.4.1C:** The City of Oakland and its Redevelopment Agency shall identify and pursue local funding opportunities to augment existing General Fund monies. At the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used for parkland acquisitions and improvements.

### Project Analysis and Conclusion

The proposed project would add 92 residential units and approximately 209 residents to the Project Area and West MacArthur/Hoover subarea. The proposed project is within the residential unit and population capacity analyzed in the WORP EIR as shown on Table 1. The proposed project's increase in demand for public services is consistent with that analysis.

The addition of project residents and development of the project site could result in a relatively minor increase in demand for fire protection services; however, as described in the WORP EIR, adherence to General Plan LUTE EIR policies N13.1, N13.5, and LUTE EIR Mitigation Measures D.6-1a, D.6-1b, and D.6-1d would reduce impacts to a less than significant level. In addition, City SCA 73, Capital Improvements Impact Fee would provide a funding mechanism to assure that development projects pay their fair share to compensate for the incremental increase in demand for fire protection service.

The proposed project would demolish a vacant building that is currently a source of graffiti and vandalism; however, upon project occupancy the addition of project residents could cause a relatively minor increase in demand for police protection services; however, as described in the WORP EIR, adherence to General Plan LUTE policies N13.1 and N13.5 and LUTE EIR Mitigation Measures D.5-1a, D.5-1b, D.5-1c, and D.5-1e would reduce impacts to a less than significant level. In addition, City SCA 73, Capital Improvements Impact Fee would provide a funding mechanism to assure that development projects pay their fair share to compensate for the incremental increase in demand for police protection service.

The proposed project would increase student enrollment at local schools. Pursuant to Senate Bill 50, the project applicant 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 for project and cumulative impacts.

The proposed project would incrementally increase demand on park facilities due to additional population growth. The WORP EIR identified increased demand at a project level as a less than significant impact. However, the WORP EIR concluded that on a cumulative based growth and development within the Plan Area would contribute to a cumulatively considerable deficit in existing parkland. With implementation of General Plan Policies REC-10.2, OS-2.5, REC-10.1, REC-3.1, and REC-3.2; the WORP EIR Mitigation Measures 10.4.1A, 10.4.1B, and 10.4.1C; and OSCAR Policies REC-2.3, REC-2.4, REC-2.5, and REC-2.6 would reduce the Redevelopment Plan's contribution to the existing parks and recreation facilities deficit to a less than cumulative considerable level. In addition, City SCA 73, Capital Improvements Impact Fee would provide a funding mechanism to assure that development projects pay their fair share to compensate for the incremental increase in demand on park and recreation facilities. This Capital Improvements Impact Fee would also mitigate the projects requested waiver from the required open space requirements as a density bonus incentive for providing 27 affordable housing units. The project would include 2,990 square feet of communion open space rather than the calculated 13,800 square feet.

Based on an examination of the analysis, findings, and conclusions in the WORP 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 WORP EIR.

The WORP and LUTE EIRs included mitigation measures related to public services, parks and recreation facilities that would be implemented, as applicable, under the proposed project. The proposed project would also be required to implement City SCA 73 the requires payment of a Capital Improvement Impact Fee related to increased demand for capital improvements associated with fire, police, library, parks and recreation, or storm drain services generated by the project, as identified in Attachment C at the end of the CEQA Checklist (SCA-PUB-1: *Capital Improvements Impact Fee*) (City SCA 73).

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**13. Transportation and Circulation**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
Would the project:			
a. Cause substantial additional VMT per capita, per service population, or other appropriate efficiency measure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. 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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas i.e., adding new mixed-flow lanes or adding new roadways to the network?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VMT Per Capita (Criterion 13a)**

On September 21, 2016, the City of Oakland’s Planning Commission directed staff to update the City of Oakland’s 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 recommendation aligns with the Governor’s Office of Planning and Research and the City’s approach to transportation impact analysis with adopted plans and policies related to transportation, which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The City’s *Transportation Impact Review Guidelines (TIRG)*, adopted on April 14, 2017, supersede and replace the 2016 Interim Guidelines.

Thus, this section of the CEQA Checklist evaluates the impacts of the proposed project with respect to VMT. In addition, consistent with previous developments proposed under the WORP, this Section also 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.

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 in 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 estimates VMT by automobiles for different employment categories. 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 and transit carrier for a particular scenario. For example, in the 2040 MTC model run, trips are assigned to and from each of the TAZs across the region based on the projected employment categories.

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

- Socioeconomic data developed by 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
- Observed vehicle counts and transit boardings

The daily VMT output from the MTC Travel Model for residential and retail uses comes from a tour-based analysis. The tour-based analysis examines the entire chain of trips over the course of a day, not just trips to and from the project site. In this way, all of the VMT for an

individual resident or employee is included; not just trips into and out of the person's home or workplace. For example: a resident leaves her apartment in the morning, stops for coffee, and then goes to the office. In the afternoon she heads out to lunch, and then returns to the office, with a stop at the drycleaners on the way. After work she goes to the gym to work out, and then joins some friends at a restaurant for dinner before returning home. 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. According to the Alameda County Travel Demand Model Estimate (which was used in the Transportation Study for the proposed project) the existing regional household (countywide) VMT per resident is 19.4 miles.

#### VMT Thresholds of Significance

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

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15 percent.
- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per 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
3. Near Transit Stations: The project is located in a Transit Priority Area or within one-half mile of a Major Transit Corridor or Stop <sup>17</sup> and satisfies the following:
  - Has a floor area ratio (FAR) of more than 0.75;

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<sup>17</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.

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- Does not include more parking for use by residents, customers, or employees of the project 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 Plan Bay Area, the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the MTC);
- Has a retail component less than 80,000 square feet.

VMT Screening Analysis

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

*Criterion No. 1: Small Projects*

The project would generate more than 100 trips per day and therefore does not meet criterion number 1. Although the proposed project does not include any parking, the City's TIRG suggest that traffic generated by such a project should assume similar levels of trip generation as projects that do include parking, which represents a conservative analysis as vehicle ownership and travel by motor vehicle is expected to be lower than other developments that do provide parking.

Based on ITE trip generation rates for Multifamily Housing (Mid-Rise) [ITE Land Use Code 221], the project's daily trip generation rate is 5.44 daily trips per unit, or 500 total daily trips. However, based on the Criteria 2 and 3, discussed below, because the project is located within an urban area and less than one-half mile from the MacArthur BART, the trip generation was reduced by 46.9 percent to account for non-automobile travel, consistent with the TIRG. Applying the 46.9 percent adjustment, the project would result in an estimated 266 net new daily trips, including 18 trips during the AM peak-hour and 21 trips during the PM peak-hour.

*Criterion No. 2: Low-VMT Area*

A project generating a VMT that is 15 percent or more below the value (16.5 miles per capita) would have a less than significant VMT impact. As shown on Table 5 of the Transportation Study prepared for the project and included in Attachment J of this CEQA Checklist, the project site is located within a TAZ which has a projected VMT per capita of 9.7 miles. Because the VMT per capita is lower than the significance threshold of 16.5, impacts on VMT would be less than significant. Furthermore, because the proposed project does not include parking, vehicle ownership and travel by automobile is expected to be lower than other developments that provide parking.

*Criterion No. 3: Near Transit Stations*

The proposed project would be located approximately 1,500 feet from the MacArthur BART station, which is within a reasonable walking distance. Other major transit stops served by multiple AC Transit bus lines are also located even closer to the project site. The proposed project does not provide parking and therefore would be below the City Code parking requirement of 1 space per unit and as such would not provide more parking than required by Code. Furthermore, the proposed project does not include a retail component. Therefore, the proposed project would meet the condition of Criterion Number 3.

VMT Screening Conclusion

The proposed project would satisfy the Low-VMT Area (Criterion Number 2) and Near Transit Stations (Criterion Number 3) Criteria and is located in within one-half mile of a BART station. As such, the proposed project is would have a less-than-significant impact on VMT.

**LUTE EIR and WORP Transportation and Circulation Impact Summary**Substantial Increase in Traffic Volumes (Criterion 13a)

While the City now relies on VMT as their CEQA Thresholds of Significance, the following information regarding consistency with the LUTE and WORP EIRs is based on conformity with transportation and circulation assumptions and is provided for informational purposes only.

*LUTE EIR Analysis*

At the time the LUTE EIR was prepared and certified, the City relied in a variety of LOS thresholds to assess potential traffic impacts. Relying on LOS thresholds, the LUTE EIR concluded that new development would result in the degradation of the LOS on several roadway segments and intersections, and that these impacts would be significant and unavoidable. Since that time, CEQA Guidelines and City CEQA thresholds have changed, such that VMT metrics are now used to measure potential transportation impacts, rather than LOS thresholds. The LUTE EIR did not address VMT as a CEQA threshold.

*WORP EIR Analysis*

The WORP EIR analyzed transportation and circulation conditions within the WORP Study Area, which included freeways surrounding or leading to the Project Area, as well as local access routes. The traffic impacts analyzed were 1) Addition of Traffic to Regional Roadways, 2) Effects on Study Area Intersections, 3) Addition of Traffic to Unassigned Intersections.

### Regional Roadways

New growth and development within the WORP Project Area would add traffic to roadway segments on the Metropolitan Transportation System (MTS). This traffic would not cause any freeway segments on the MTS to operate at LOS F, or increase the V/C ratio by more than three (3) percent for segments that would operate at LOS F without traffic generated from within the Project Area. Therefore, the impact of the WORP traffic on Study Area freeways would be less than significant.

New growth and development within the WORP Project Area, in combination with past projects, other current projects, and probable future projects, would cause four roadway segments on the MTS to operate at LOS F, and would increase the V/C ratio by more than 3 percent on segments that would operate at LOS F without cumulative development. This would be a significant cumulative impact.

Significant cumulative impacts would occur on the following freeway sections:

- I-80 at the Bay Bridge
- I-80 East of I-80/I-580 Split
- I-580 East of I-980/SH-24
- SR-24 East of I-580

However, traffic from the Project Area alone would not cause any freeway segments on the MTS to operate at LOS F, or increase the V/C ratio by more than three (3) percent for segments that would operate at LOS F under the cumulative base case condition. Therefore, contribution of traffic from growth and development within the WORP Project Area to the cumulative traffic levels on all freeway segments would not be cumulatively considerable, and the incremental effect of the WORP Project on cumulative regional roadway congestion would be less than significant.

### Study Area Intersections

New growth and development within the WORP Project Area would add traffic to Study Area intersections. However, the amount of traffic added would not result in a significant impact at any signalized intersections within the Study Area. Therefore, this impact would be less than significant.

Traffic generated by new growth and development within the WORP Project Area, in combination with traffic from past projects, other current projects, and probable future projects, would cause some signalized intersections to operate at unacceptable levels of service. Traffic generated from within the WORP Project Area would contribute to the intersections of W. Grand Avenue/Maritime Street and W. Grand Avenue/Frontage Road that have a significant cumulative impact. However, the WORP Project Area traffic contribution would be less than cumulatively considerable. The contribution of WORP Project Area traffic would be considered a cumulatively considerable contribution to the cumulative impacts at the intersection of San Pablo Avenue/40th Street in Emeryville.

Because no feasible mitigation measures have been identified, impacts at this intersection would be cumulatively considerable and unavoidable.

#### Unsignalized Intersections

New growth and development within the WORP Project Area would add traffic to Study Area intersections. However, the amount of traffic added would be small, and would not result in a significant impact at any unsignalized intersections within the Study Area. Therefore, this impact would be less than significant.

Traffic generated by new growth and development within the WORP Project Area, in combination with traffic from past projects, other current projects, and probable future projects, would cause the intersection at 3rd and Market Streets to operate at unacceptable levels of service. At this intersection, Caltrans' peak-hour volume traffic signal warrants would be satisfied. Growth and development within the Project Area, as may be assisted by implementation of the WORP, would add more than 10 vehicles to this intersection. This contribution of traffic would be cumulatively considerable; however, with implementation of Mitigation Measure 5.4.2 (which has been superseded by City SCA 79), cumulative impacts would be less than significant.

- **WORP EIR, Mitigation Measure 5.4.2:** Convert the two-way-stop-control to all-way-stop-control at the 3<sup>rd</sup> Street & Market Street intersection. Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities within the Project Area shall fund a pro rata fair share of the cost to convert the two-way-stop-control intersection to all-way-stop-control at the 3rd Street & Market Street intersection. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.

#### Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System (Criterion 13b)

##### *LUTE EIR Analysis*

The LUTE EIR concluded that future development pursuant to the LUTE would primarily be urban infill that would generate relatively less vehicle traffic and relatively greater use of transit and other alternative travel means than comparable development in less dense regions of the Bay Area. The increased transit demand was not considered a significant impact and no mitigation measures were identified.

##### *WORP EIR Analysis*

The WORP EIR did not identify any impacts related to conflicts with a plan, ordinance or policy addressing a circulation system. However, the WORP EIR did analyze safety and transit facilities.

New growth and development within the WORP Project Area could result in traffic hazards to motor vehicles, bicycles, or pedestrians due to inadequate design features or incompatible uses. However, compliance with City standards should prevent the creation of hazards to motor vehicles, bicycles, or pedestrians due to inadequate design features or an incompatible use to levels of less than significant.

New growth and development within the WORP Project Area would increase average ridership on AC Transit by approximately 0.5 percent, which is considered a less than significant increase.

New growth and development within the WORP Project Area, in combination with past projects, other current projects, and probable future projects, would be likely to increase average ridership on AC Transit by more than 3 percent. This is a significant cumulative effect. It is possible that the contribution of AC Transit riders from within the WORP Project Area to cumulative ridership on AC Transit would be cumulatively considerable. With implementation of Mitigation Measure 5.4.4 at a citywide level, cumulative impacts on AC Transit Ridership would be less than significant.

- **WORP EIR, Mitigation Measure 5.4.4 Coordination with AC Transit.** The City of Oakland shall coordinate with AC Transit to ensure that the average load factor on any specific AC Transit line does not exceed 125 percent over a peak thirty-minute period. At the Redevelopment Agency's sole discretion, redevelopment financing capabilities could potentially be used to assist AC Transit in meeting this operational threshold.

New growth and development within the WORP Project Area would increase average daily ridership by approximately 9 percent at the West Oakland BART station, and approximately 1 percent at the MacArthur BART station. However, the average waiting time at fare gates at the West Oakland BART station is less than one minute, therefore the increase in ridership there, as well as at the MacArthur BART station, is a less than significant impact. In addition, the increase in passengers due to the WORP Project in both 2005 and 2025 would not cause significant impacts on BART parking, fare gates, platforms or trains, and can be accommodated with planned BART service.

New growth and development within the WORP Project Area, in combination with past projects, other current projects, and probable future projects, could increase the peak-hour average ridership on BART trains. This cumulative increase in ridership is projected to be approximately 3 percent where the passenger volume would also exceed the standing capacity of BART trains. This would be a significant cumulative effect. However, since the contribution of BART riders from within the WORP Project Area would be less than 3 %, this would be a less than cumulatively considerable impact. Nonetheless, implementation of Mitigation Measure 5.4.5 at a citywide level, would ensure that the cumulative contribution of BART riders due to implementation of the Redevelopment Plan would be less than significant.

- **WORP EIR, Mitigation Measure 5.4.5:** Coordination with BART. The City of Oakland shall coordinate with BART to ensure that adequate fare gate capacity is available at the West Oakland and MacArthur BART stations to accommodate anticipated increases in ridership associated with projected growth and development within the Project Area. To the extent that adequate capacity may be reliant on the addition of one or more new fare gates at the station, the Redevelopment Agency, at its sole discretion, may consider utilizing redevelopment financing capabilities to assist in the financing of such station improvements.

#### Roadway Capacity (Criterion 13c)

The LUTE and WORP EIRs did not identify physical roadway improvements that would be required as a result of project implementation.

#### Potential Parking Shortages

New growth and development within the WORP Project Area pursuant to implementation of the Redevelopment Plan could result in an inadequate parking supply within the WORP Project Area. Compliance with City parking code requirements would prevent the creation of new parking shortages, so this impact is considered less than significant. Further, Public Resources Code Section 21099, subsection (d) states that parking impacts of a residential project on an infill site within a transit priority area shall not be considered a significant impact on the environment for purposes of CEQA analysis.

Redevelopment, in combination with past, other current, and probable future projects (including the Port of Oakland's Vision 2000 Program and the OARB Area Redevelopment Project) could result in a cumulatively inadequate supply of parking for trucks serving the Port of Oakland. Because no additional mitigation measures are recommended, this impact of a shortfall in truck parking and truck-related land uses would be cumulatively significant and unavoidable. The proposed project is a residential development that would not impact the supply of truck parking.

### **Project Analysis and Conclusion**

The following analysis is based on the Transportation Study prepared for the proposed project and included in Attachment J.

#### Vehicle Miles Traveled (Criterion 13a)

Trip generation rates were identified for the proposed project based on the 92 multifamily residential uses proposed and the location of the project site, which is within an urban area and less than one-half mile from the MacArthur BART Station. Accordingly, the trip generation rate was reduced by 46.9 percent to account for non-automotive travel and consistent with the TIRG. As shown in Table 1 of the Transportation Study, the proposed project is estimated to generate an average of 266 net new vehicle trips per day, including

18 trips during the AM peak-hour and 21 trips during the PM peak-hour. This is a conservative estimate as the project does not include any off-street parking spaces for tenants and therefore automobile ownership among tenants is not anticipated.

The City does not formally define a LOS standard in either the TIRG or the General Plan. In the absence of a formal LOS performance standard, the Transportation Study identified LOS D as the standard that all study intersections should strive to maintain. The Study Area intersection identified for the project was West MacArthur Boulevard and West Street. As shown in Table 4 of the Transportation Study, the study intersection is expected to operate at LOS C during the AM peak-hour and LOS F during the PM peak-hour, with or without the project.

The Transportation Study evaluated the project's potential generation of VMTs. According to the Alameda County Travel Demand Model estimates, the existing Countywide regional household VMT per resident is 19.4 miles. Based on TIRG guidance, a project generating a VMT that is 15 percent or more below 19.4 miles (or 16.5 miles per capita) would have a less than significant VMT impact. The Alameda County model includes Traffic Analysis Zones (TAZ) throughout the County. The project site is located within a TAZ which has a projected VMT per capita of 9.7 miles. Because the VMT per capita for this TAZ is lower than the significance threshold of 16.5 miles, the proposed project would have less-than-significant VMT impacts. In addition, as this development does not include parking, vehicle ownership and travel by motor vehicle is expected to be lower than other developments that provide parking.

Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System (Criterion 13b)

As evaluated in the Transportation Study, the proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The surrounding pedestrian, bicycle, and transit facilities are adequate to serve the proposed project, as described below. Although the proposed project may incrementally increase the use of transit it would not conflict with or decrease the performance of the existing transit system based on the size of the project, the number of transit lines, and their frequency of service. Therefore, this would be considered a less than significant impact. Similarly, there is nothing fundamental about the proposed project that would increase the physical roadway capacity in a congested area (the proposed project does not add any new mixed-flow lanes or new roadways to the circulation network. All improvements associated with the project would be made within the project site, with no planned changes to the surrounding circulation system. The project would not cause conflicts with proposed programs or plans to improve the circulation system for all users, including transit passengers, vehicles, bicyclists or pedestrians.

### Transit Facilities

The Transportation Study identified the following transit facilities:

**BART.** The BART System provides regional rail service between San Mateo, San Francisco, Alameda, Contra Costa, and Santa Clara counties, with eight stations in Oakland. The nearest station is the MacArthur Station, at 555 40<sup>th</sup> Street, less than one-half mile from the project site.

**Alameda-Contra Costa Transit District (AC Transit).** AC Transit provides fixed route bus service throughout the East Bay. There are numerous bus routes that run along major streets in Oakland, connecting to adjacent cities such as Berkeley, Alameda, San Leandro, and Emeryville, along with trans bay service to San Francisco. Within 1,500 feet of the project site there are bus stops for Routes 6, 18, 57, 88, and 800.

**Emery Go-Round.** The Emery Go-Round is a last-mile shuttle service to connect employees, residents, and visitors situated along the service routes between various locations in Emeryville to the MacArthur BART Station.

**Amtrak.** Amtrak is a passenger railroad service that provided medium- and long-distance service between cities in the United States and Canada with a station in Emeryville, at 5885 Horton Street, approximately 1.8 miles from the project site.

**San Francisco Bay Area Water Emergency Transportation Authority (WETA).** WETA operates ferry service between San Francisco, Alameda, and the terminal at 10 Clay Street in Oakland. The ferry terminal is located approximately 2.5 miles from the project site.

**East Bay Paratransit.** Paratransit is an on-demand service for persons with disabilities who cannot independently use regular fixed-route transit services. AC Transit and BART provide paratransit services in Oakland through its East Bay Paratransit service.

**On-Demand Transportation Services.** On-demand private taxi services and transportation network companies, such as Uber and Lyft, as well as short-term car and bike rental services, are available in Oakland 24 hours a day.

Although the proposed project would incrementally increase the use of transit, this nominal increase would not conflict with or decrease the performance of the existing transit system based on the size of the proposed project, the number of transit lines, and their frequency of service.

### Safety

The Transportation Study included a review of the collision history for the Study Area to determine any trends or patterns that may indicate a safety issue. As identified therein, the collision rate for the study intersection (West MacArthur Boulevard/West Street) is

above the Statewide average and therefore, the data was investigated further for any trends. The predominately recorded crash types at this intersection were broadside collisions and vehicle-bicyclist collisions, with the primary cause being improper turning, right-of-way violation, and traffic signals and signs. The WORP EIR concluded that traffic and circulation impacts would be less than significant through compliance with City standards. In addition, since this development does not include parking, vehicle ownership and travel by motor vehicle would be lower than other developments and therefore would have a negligible contribution to accidents involving motor vehicles. No safety hazards resulting from the proposed project were identified in the Transportation Study.

#### Pedestrian and Bicycle Facilities

Pedestrian facilities include sidewalks, crosswalks, pedestrian and signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting and benches. In general, a network of sidewalks, crosswalks, and curb ramps provide access for pedestrians in the vicinity of the project site. Along the project frontages on West MacArthur Boulevard and West Street there are 10- to 15-foot-wide sidewalks.

Bicyclists ride in the roadway and/or on the sidewalks along the streets within the project Study Area. West MacArthur Boulevard is designated as a Buffered Bike Lane between Market Street and Telegraph Avenue. West Street has a Bike Lane from 52<sup>nd</sup> Street to San Pablo Avenue. Future bicycle-related improvements in the vicinity of the project site include Protected Bike Lanes along West MacArthur Boulevard and Buffered Bike Lanes along West Street. Implementation of these improvements is in varying stages of preliminary design or construction.

The Transportation Study concluded that existing pedestrian and bicycle facilities are adequate to serve the proposed project.

#### Roadway Capacity (Criterion 13c)

As concluded in the Transportation Study, the proposed project would not alter the roadways serving the project site by increasing physical capacity for additional vehicles.

#### Parking and Vehicle Site Access

As a component of the proposed project, the applicant is requesting a waiver from on-site parking requirements in exchange for providing 27 affordable housing units and as permitted under AB 2345 and Chapter 17.107 of the Planning Code. Therefore, no on-site parking is provided, and the proposed project would include the closure of the four existing driveways (two on West Street and two on West MacArthur Boulevard). The closure of the existing driveways would create four additional on-street parking spaces. The Transportation Study recommended that parking restrictions should be designated at

these spaces or other on-street parking spaces directly adjacent to the project site to accommodate on-demand vehicle trips.

Based on an examination of the analysis, findings, and conclusions of the program EIRs, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the program EIRs, nor would it result in new significant impacts related to transportation and circulation that were not identified in the program EIRs. Although the City has adopted VMT thresholds to replace the former LOS thresholds used in the WORP EIR, the analysis presented above indicates that the project screens out as not having a significant impact related to VMT. SCAs related to construction activity, bicycle parking, transportation improvements, and Transportation Impact Fee would apply to the proposed project, as identified in Attachment C at the end of the CEQA Checklist (SCA-TRANS-1: *Construction Activity in the Public Right-of-Way* [City SCA 75], SCA-TRANS-2: *Bicycle Parking* [City SCA 76], SCA-TRANS-3: *Transportation Improvements* [City SCA 77], and SCA-TRANS-4: *Transportation Impact Fee* [City SCA 79]).

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**14. Utilities and Service Systems**

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
<p>Would the project:</p> <p>a. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board;</p> <p>Require or result in construction of new stormwater drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects;</p> <p>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;</p> <p>b.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Equal or Less Severity of Impact Previously Identified in program EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIRs	New Significant Impact
Would the project:  c. 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;	☒	☐	☐
d. Violate applicable federal, State and local statutes and regulations relating to energy standards; or  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 of existing facilities, construction of which could cause significant environmental effects.	☒	☐	☐

**LUTE EIR and WORP EIR Utilities and Service Systems Impact Summary**

**LUTE EIR Conclusions**

*Water, Wastewater, Stormwater, Solid Waste, Energy (Criteria 14a – 14d)*

The LUTE EIR found that Oakland’s growth represents a portion of the growth anticipated within the East Bay Municipal Utility District’s (EBMUD) water and sewer service area, and the Alameda County Waste Management Authority’s solid waste service area. Oakland’s plans to add jobs and housing pursuant to the LUTE was considered in the context of the plans for other communities within these service areas. Impacts of the LUTE were

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considered potentially significant on a cumulative basis if the population and employment forecasts pursuant to the LUTE were greater than EBMUD's or Alameda County's projected capacity. Based on the analysis contained in the LUTE EIR, this was not the case, and cumulative utility and service system impacts were not considered significant. However, the LUTE EIR did indicate that water conservation and solid waste recycling are essential if projected cumulative service demands are to be met. The following impacts were individually determined to be less than significant, based on the analysis contained in the LUTE EIR:

- Development consistent with the LUTE would increase the demand for water in Oakland
- Development consistent with the LUTE would increase flows to the wastewater treatment plant
- Development consistent with the LUTE would require drainage improvements within already developed flatland neighborhoods

The LUTE EIR determined that development consistent with the LUTE would result in a marginal increase in energy consumption. This marginal increase in energy demand was not considered to be a significant impact because electric and natural gas consumption may increase, but petroleum use (the largest component of energy use in California) would decrease due to the transit-oriented development pattern promoted by the LUTE, and its emphasis on restoring a balance between jobs and housing. The energy benefits of the LUTE were found to be positive on a regional rather than local basis, and because energy conservation is strongly encouraged by policies in the OSCAR Element.

**WORP EIR Conclusions***Water, Wastewater, and Stormwater (Criteria 14a and 14b)*Water

As described in the WORP EIR, implementation of the WORP's projects, programs, and other activities would be characterized as an increase in the intensity of existing uses that would result in an increase in demand for water supply. The increase in water demand within the WORP Project Area is estimated to be approximately 0.74 million gallons per day (mgd). By way of comparison, this increase in water demand within the Project Area is 12 percent of the projected increase in citywide water demand of 6.2 mgd (according to the LUTE EIR) and less than 2 percent of the overall projected increase in water demand within the EBMUD service area of 47 mgd. Implementation of water conservation policies and actions provided in the City's OSCAR Element (Policy CO-4.1, Action CO-4.1, Action CO-4.2, Policy CO-4.2, and Policy CO-4.3) and compliance with City regulations pertaining to water use efficiency would reduce project and cumulative impacts on water demand to a less than significant level.

### Water Distribution and Wastewater Collection Infrastructure

As discussed in the WORP EIR, implementation of WORP projects, programs, and other activities may require localized improvements to the water distribution and wastewater collection system to provide adequate pipeline capacity because many of the existing lines are old and require extensions or replacements, and some of the sub-basins within the City's sanitary sewer system are at capacity. With implementation of General Plan LUTE Policies IC 1.9, T5.1, N7.2, and Agenda Item a.1, payment of connection fees, and Mitigation Measure 9.4.2 (presented below and superseded by City SCAs 87 and 88), impacts on the capacity of local water and sewer lines would be less than significant.

- **WORP EIR, Mitigation Measure 9.4.2:** Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall be reviewed to determine projected water and wastewater loads as compared to available capacity. Where appropriate, determine capital improvement requirements, fiscal impacts and funding sources prior to project approval.
  - These new projects should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I in the sanitary sewer system. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this sub-basin, as defined by the City of Oakland Public Works Department.
  - When capital improvement requirements for this project are being assessed, the project sponsor should contact the Wastewater Planning Section to coordinate with EBMUD for this work.
  - At the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize the costs for such improvements.

### Wastewater Treatment and Disposal

As stated in the WORP EIR, implementation of the WORP's projects, programs, and other activities would result in an increased demand for wastewater treatment and disposal. The projected wastewater flow of 0.59 mgd within the WORP Plan Area, represents approximately 12 percent of projected increase in citywide demand of 5.0 mgd. This would be a less than significant impact with implementation of General Plan OSCAR Action 1.1 and Action CO-5.3.11.

### Stormwater Runoff

As described in the WORP EIR, implementation of the WORP's projects, programs, and other activities could contribute to an increase in pollutants contained in urban runoff and associated water quality impacts. Compliance with the NPDES program requirements (which regulates stormwater discharge), City Ordinances that protect water quality and

water resources, and General Plan OSCAR Policy CO-5.3 and Action CO-5.3.1 would reduce water quality impacts to a less than significant level.

*Solid Waste Services (Criterion 14c)*

As presented in the WORP EIR, the WORP's projects, programs, and other implementation activity would increase the demand on solid waste service. Each new employee and resident would generate approximately 5 pounds of solid waste each day. This would equal to approximately 11 tons of solid waste per day for residential uses and 8 tons per day for non-residential uses (approximately 6,700 tons per year). By comparison, the LUTE EIR predicts an annual citywide increase of 62,000 additional tons of solid waste. Solid waste generated from within the WORP Project Area represents 11 percent of the citywide total. There is available capacity at the Altamont and Vasco Road landfills to accommodate the projected increase in solid waste generation citywide. Therefore, the increase in solid waste generation within the WORP Project Area would be less than significant. However, the following mitigation measures from the LUTE EIR would be implemented for all Redevelop Plan activities to ensure available landfill capacity.

- **LUTE EIR, Mitigation Measure D.4-1a:** Continue to implement programs that reduce the amount of solid waste generated by the City by encouraging recycling, composting and other activities consistent with the City's Source Reduction and Recycling Element.
- **LUTE EIR, Mitigation Measure D.4-1b:** Support solid waste collection, recycling and disposal rates that are sufficient to cover the costs of adequate and efficient service delivery.
- **LUTE EIR, Mitigation Measure D.4-1c:** Establish guidelines and incentives for the recycling of construction and demolition debris and the use of recycled concrete and other recycled products in the construction of new buildings, roads and infrastructure.

*Energy (Criterion 14d)*

As determined in the Initial Study Checklist for the WORP EIR, implementation of the WORP's projects, programs, and other activities would result in less than significant impacts related to energy standards and use. Development within the WORP Project Area would be required to comply with the standards of Title 24 of the California Code of Regulations and other applicable City regulations to encourage energy conservation. New development would incorporate current energy standards and technology which would result in more efficient energy use.

## **Project Analysis and Conclusion**

The proposed project would result in the addition of 92 residential units and 209 residents to the project site, which is within the projected growth and development

anticipated to occur within the WORP Area and West MacArthur/Hoover subarea (see Table 1). This represents approximately 5 percent of residential units and population within the WORP and approximately 44 percent of residential units and population within the West MacArthur/Hoover subarea. The water demand, water and wastewater infrastructure, wastewater treatment, stormwater runoff, solid waste, and energy are consistent with the Redevelopment Program analyzed in the WORP EIR.

Development of the project site would result in additional water demand for domestic water, irrigation, and fire flow. As described in the WORP EIR, implementation of water conservation policies and actions provided in the City's OSCAR Element (Policy CO-4.1, Action CO-4.1, Action CO-4.2, Policy CO-4.2, and Policy CO-4.3) and compliance with City regulations pertaining to water use efficiency would reduce impacts on water demand to a less than significant level. In addition, compliance with SCA-UTIL-1: *Water Efficient Landscape Ordinance* (City SCA 90), would ensure water use efficiency.

Development of the project site would require connection to the water distribution and wastewater collection system. For water supply, a new irrigation line, new domestic water line, and new fire water line would connect from the project site to the existing water main within the West Street right-of-way. For wastewater, a new sanitary sewer line would collect wastewater from the project site and convey these flows to a new connection to the existing sewer line within the West Street right-of-way. As stated in the WORP EIR, many of the existing lines are old and require extensions or replacements and some of the sub-basins within the City's sanitary sewer system are at capacity. With implementation of General Plan LUTE Policies IC 1.9, T5.1, N7.2, and Agenda Item a.1, payment of connection fees, impacts on the capacity of local water and sewer lines would be less than significant. In addition, compliance with SCA-UTIL-2: *Sanitary Sewer System* (City SCA 87), which would require a Sanitary Sewer Impact Analysis and payment of a Sanitary Sewer Impact Fee if the project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, would further reduce impacts on the wastewater collection system.

Implementation of the proposed project would result in an incremental increase in demand for wastewater treatment and disposal. As discussed in the WOPR EIR, with the implementation of General Plan OSCAR Action 1.1 and Action CO-5.3.11 impacts on wastewater treatment capacity would be less than significant. In addition, compliance with SCA-UTIL-2: *Sanitary Sewer System*, would further reduce impacts on the wastewater treatment system.

The proposed project would result in a slight decrease in the amount of impervious surface compared to the current developed condition since additional landscaping would be provided. As described in Section 8, Hydrology and Water Quality, a Preliminary Stormwater Control Plan has been prepared for the proposed project that would treat and retain stormwater runoff onsite through a series of underground storm drains that would connect with bioretention basins, landscaped areas, and permeable pavers. A small

portion of runoff from the project site would sheet flow into the street gutter in the West Street right-of-way. The treatment of contaminated groundwater from the former automotive and gas station uses during construction and operation are discussed in Section 7, Hazards and Hazardous Materials. As discussed in the WORP EIR, compliance with NPDES program requirements, City Ordinances that protect water quality and water resources, and General Plan OSCAR Policy CO-5.3 and Action CO-5.3.1 would reduce water quality impacts to a less than significant level. In addition to further reduce impact on the storm drain system, SCA-PUB-1: *Capital Improvements Impact Fee* would provide a funding mechanism for storm drain improvements and SCA-UTIL-3: *Storm Drain System* (City SCA 88), would ensure that stormwater runoff from the project site would be reduced by at least 25 percent compared to the pre-project conditions.

Solid waste would be produced during demolition and construction activities as well as during occupancy of the proposed project. As stated in the WORP EIR, the increase in solid waste generated within WORP Project Area would be less than significant since there is available capacity at the Altamont and Vasco Road landfills. In addition, Mitigation Measures from the LUTE EIR (LUTE EIR, Mitigation Measures D.4-1a, D.4-1b, and D.4-1.c) would be implemented to assure available landfill capacity. In addition, impacts on landfill capacity would be further reduced through SCA-UTIL-4: *Construction and Demolition Waste Reduction and Recycling* (City SCA 82) which requires the project sponsor to submit a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval; and SCA-UTIL-5: *Recycling Collection and Storage Space* (City SCA 84), which requires that project drawings containing recycling collection and storage areas be submitted to the City in compliance with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code).

The proposed project would also result in additional energy consumption during construction and operation. The incremental increase in energy consumption would be less than significant. The applicant has submitted a Green Building Application in compliance with the City's Green Building Ordinance. In addition, the proposed project would be required to comply with SCA-UTIL-6: *Green Building Requirements* (City SCA 85) which requires construction projects to integrate energy-saving design measures into the project. It should be noted that all new utilities would be placed underground per SCA-UTIL-7: *Underground Utilities* (City SCA 83).

Based on an examination of the analysis, findings, and conclusions in the program EIRs, implementation of the proposed project would not substantially increase the severity of the significant impacts identified in that EIR, nor would it result in new significant impacts related to utilities and service systems that were not identified in the program EIRs. The program EIRs identified General Plan Policies, Actions, Agenda Items, and Mitigation Measures related to utilities and service systems that would also be incorporated into the proposed project. The proposed project would be required to implement SCAs related to construction and demolition waste reductions and recycling, recycling collection and

storage space, “green” building requirements, a sanitary sewer system, and the storm drain system, as identified in Attachment C at the end of the CEQA Checklist (SCA-UTIL-1: *Water Efficient Landscape Ordinance*, SCA-UTIL-2: *Sanitary Sewer System*, SCA-UTIL-3: *Storm Drain System*, SCA-UTIL-4: *Construction and Demolition Waste Reduction and Recycling*, SCA-UTIL-5: *Recycling Collection and Storage Space*, SCA-UTIL-6: *Green Building Requirements*) and SCA-UTIL-7: *Underground Utilities*.

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