High & MacArthur Mixed Use Project

INITIAL STUDY

City of Oakland

May 18, 2011

URBAN PLANNING PARTNERS INC.

High & MacArthur Mixed Use Project

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ENVIRONMENTAL CHECKLIST

INITIAL STUDY

1. **Project Title:** High & MacArthur Mixed Use Project

2. **Lead Agency Name and Address:** City of Oakland
Community and Economic Development Agency, Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

3. **Contact Person and Phone Number:** Lynn Warner, Planner III
(510) 238-6983
lwarner@oaklandnet.com

4. **Project Location:** 4311 and 4317 MacArthur Boulevard
APNs: 030-1982-121, 122, and 123

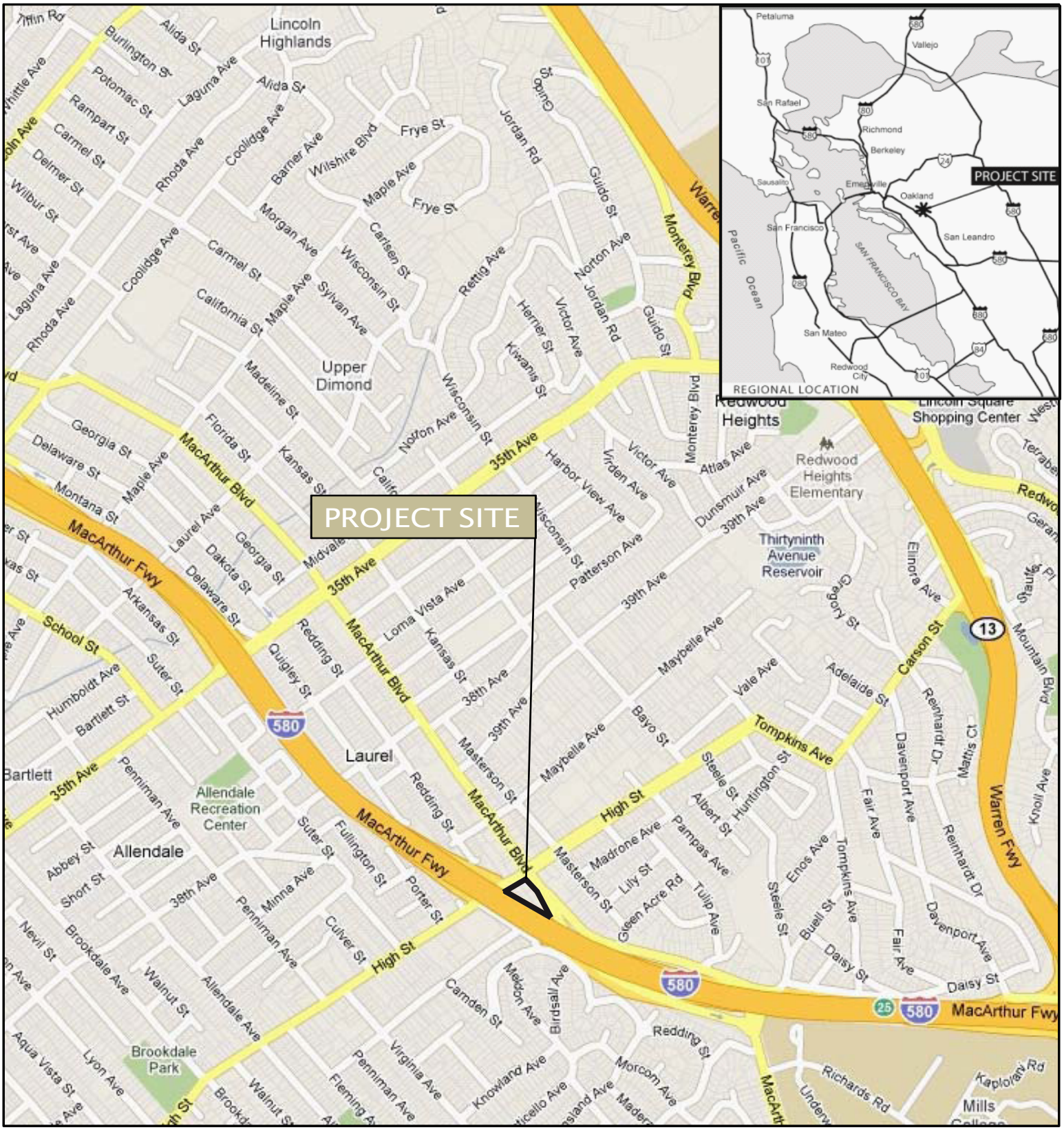
5. **Project Sponsor Name and Address:** AMG and Associates, LLC
Alexis Gevorgian
16633 Ventura Boulevard, Suite 1014
Encino, CA 91436
(818) 380-2600

6. **General Plan Designation(s):** Neighborhood Center Mixed Use

7. **Zoning Designation(s):** **Applicable:** C-30 District Thoroughfare Commercial Zone; S-4 Design Review Combining Zone; and C-31 Special Retail Commercial Zone
Current: CN-3 Neighborhood Commercial Zone 3 and CN-2 Neighborhood Commercial Zone 2

8. **Description of Project:**
Construct a new mixed use development containing 115 senior apartments, approximately 3,446 square feet of ground floor commercial space, and 65 parking spaces. A more detailed project description is provided below in Item 12.

9. **Surrounding Land Use and Setting:**
The project site is located at 4311 and 4317 MacArthur at the southwest corner of the High Street and MacArthur Boulevard intersection as shown in Figure 1, Project Location. The project site includes three parcels totaling 0.93 acres. The



Project Site

0 500 1000
feet

FIGURE 1
High & MacArthur Mixed-Use Project Initial Study
Project Location and
Regional Vicinity Map

SOURCE: CALIFORNIA STATE AUTOMOBILE ASSOCIATION 2000 & GOOGLE EARTH 2010

C:/UPP/P/10-005 OAK/PRODUCTS/IS/FIGURES/FIG_1 (06/14/10, revised 08/30/2010)

project site is vacant except for a billboard, which will be removed as part of this project. The project site is located in Central Oakland, at the edge of the Laurel District, where the Laurel District transitions to the Mills College area. A mix of retail, office, food sales, and residential uses are located to the east; a variety of commercial activities including a post office, occur along MacArthur Boulevard to the north; and Interstate 580 (I-580) freeway borders the project site to the south and southwest.

The General Plan designation for the project site and surrounding parcels is Neighborhood Center Mixed Use. The two parcels adjacent to High Street are zoned C-31 (District Thoroughfare Commercial Zone). The southwest parcel that is adjacent to MacArthur Boulevard is zoned C-30 (Special Retail Commercial Zone) and S-4 (Design Review Combining Zone). The areas located further north along MacArthur Boulevard are also zoned C-31. The areas located further south along MacArthur Boulevard are zoned C-30/S-4. The areas located to the south across I-580 are zoned C-30, R-50 (Medium Density Residential Zone) and R-30 (One-Family Residential Zone). On April 14, 2011, the City adopted an update to the Zoning Ordinance and changed the C-30 zone to the CN-3 Neighborhood Commercial Zone 3, and the C-31 zone to the CN-2 Neighborhood Commercial Zone 2. The proposed project's planning application was deemed complete prior to the April 14, 2011 Zoning Ordinance amendment/update; therefore, the C-30 and C-31 are the applicable zoning designations for the proposed project site.

10. **Actions/permits which may be required, and for which this document provides CEQA clearance, include without limitations** (e.g., permits, financing approval, or participation agreement, etc.):

- Major Conditional Use Permit to allow increase in density for senior housing
- Major Conditional Use Permit to allow ground level parking and loading and to reduce required parking spaces
- Major Variance for building height
- Design Review
- Parcel Map Waiver

11. **Other Public Agencies Interested in the Project:**

- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- Bay Area Air Quality Management District (BAAQMD)
- California Department of Transportation (Caltrans)
- Department of Toxic Substance Control (DTSC)

12. Detailed Description of Project and Site:

The project site is located at the southwest corner of High Street and MacArthur Boulevard on the edge of the Laurel District. The I-580 freeway runs along the south and western edge of the project area. The project site consists of three parcels totaling 0.93 acres in size. The project site is vacant except for a billboard (to be removed as part of project) and was at one time occupied by a PG&E service yard, an auto repair shop, and a market.

The proposed project consists of a five-story mixed use affordable senior housing development with 115 one-bedroom senior apartments, approximately 3,446 square feet of ground floor commercial space, and 65 parking spaces as shown in Figures 2, Site Plan and Figure 3, Elevations.

The commercial space would be in two separate areas with the main commercial area located at the corner of High Street and MacArthur Boulevard. A separate retail area labeled as a "kiosk" on the floor plans would front onto High Street. A residential lobby fronting High Street is proposed between the two commercial spaces.

Parking is proposed on the ground floor behind the commercial spaces with access off MacArthur Boulevard. The parking area would be divided by a security gate into separate areas: one accessible only to residents and the other accessible to residents, visitors, and patrons of the commercial area. The ground level would also include a loading zone on High Street adjacent to the freeway, various mechanical/equipment rooms, and an art feature located at the corner of High Street and MacArthur Boulevard. Above the ground floor uses, the building would include four stories of residential with approximately 28-29 units per floor.

The residential component of the building would be designed around an interior central courtyard. All the units are proposed to be one-bedroom and would average approximately 540 square feet. The maximum building height is 60 feet, with the tallest portion along the High Street elevation as the terrain slopes down from the corner to the freeway.

13. Background:

On December 21, 2010, the Oakland City Council adopted the 2007-2014 Housing Element and certified the Housing Element EIR. The California Department of Housing and Community Development also has certified the Housing Element as being in compliance with the requirements of State law.

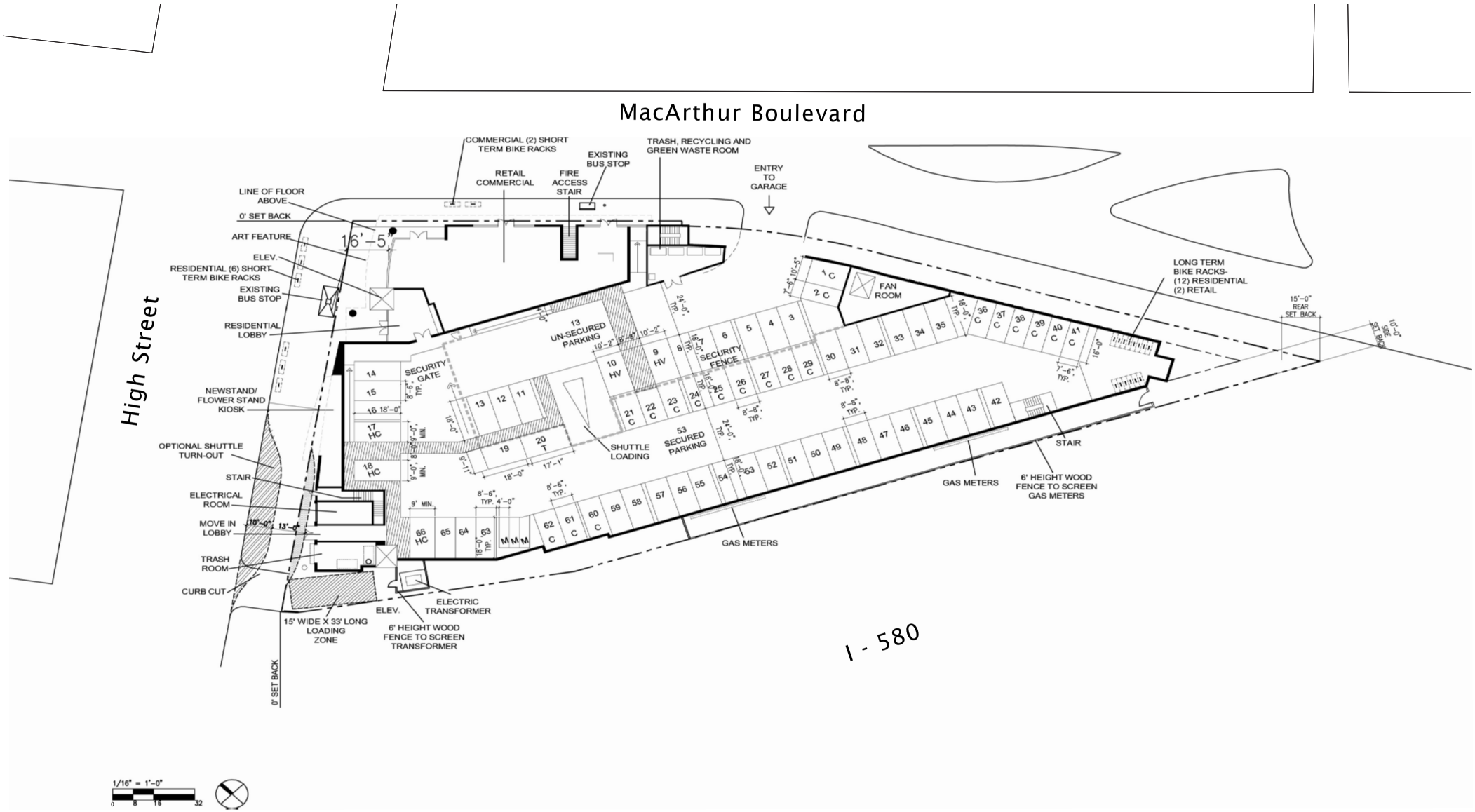


FIGURE 2
High & MacArthur Mixed- Use Project Initial Study
Site Plan

SOURCE: KTGY GROUP, INC.
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FIGURE 3
High & MacArthur Mixed-Use Project Initial Study
Elevations

SOURCE: KTGY GROUP, INC.

C:/UPP/P/10-005 OAK/PRODUCTS/IS/FIGURES/FIG_3 (06/14/10)

The project site is identified as a planned development site in the Housing Element and the Housing Element EIR. Development of the project site, at a level consistent with the proposed project, was considered in the Housing Element EIR. The High and MacArthur Project EIR may tier off of the analysis included in the Housing Element EIR pursuant to the CEQA Statutes §21093 and §21094 and CEQA Guidelines §15152 and §15385. The Housing Element EIR is available for review at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. The Housing Element EIR may also be reviewed on the City's website at:
http://www2.oaklandnet.com/Government/o/CEDA/o/hcd/o/HPP/DOWD008428

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The City of Oakland has determined that a Focused EIR shall be prepared for the proposed project, pursuant to Section 15063 of the CEQA Guidelines. The EIR will only address the potential for the proposed project to result in a significant impact to the environmental factors checked below. This Initial Study discusses each environmental factor, particularly those that are unchecked because they are analyzed fully herein and found to result in less than significant impacts and thus will not be further studied in the Draft EIR.

☒	Aesthetics	☐	Agriculture/Timber	☒	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology, Soils and Seismicity
☐	Land Use and Planning	☒	Hazards/Hazardous Materials	☐	Hydrology and Water Quality
☐	Population and Housing	☐	Mineral Resources	☒	Noise
☒	Transportation and Traffic	☐	Public Services	☐	Recreation
☐	Utilities and Service Systems	☒	Mandatory Findings of Significance		

DETERMINATION

On the basis of this Initial Study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been addressed by mitigation measures or Uniformly Applied Development Standards (imposed as Standard Conditions of Approval) based, in part, on CEQA Guidelines section 15183. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed, which include: **certain aesthetics factors (scenic vistas, scenic resources and visual character), air quality, transportation and traffic, hazards/hazardous materials, noise, and mandatory findings**. No other environmental factors will be further studied.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

E Angstadt

Signature

5/17/11

Date

Eric Angstadt
Deputy Director of Planning and Zoning

EVALUATION OF ENVIRONMENTAL IMPACTS

The California Environmental Quality Act (CEQA) requires that an explanation of all answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, less than significant with development standards, or less than significant. As defined here, a "Potentially Significant Impact" is appropriate if the significant effect is considered to have a substantial or potentially substantial adverse effect on the environment. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.

A "Less than Significant with Mitigation" answer applies where incorporation of a mitigation measure has reduced an effect from a "Potentially Significant Impact to a "Less than Significant Impact" The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level.

A "Less than Significant with Standard Condition of Approval" answer applies where incorporation of a development standard has reduced an effect from a "Potentially Significant Impact to a "Less than Significant Impact." The City's Uniformly Applied Development Standards (contained in a separate document) are incorporated into projects as Standard Conditions of Approval regardless of a project's environmental determination. As applicable, the Standard Conditions of Approval 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 part, pursuant to CEQA Guidelines section 15183. In reviewing project applications, the City determines which of the standard conditions are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the city will determine which standard conditions apply to each project; for example, standard conditions related to creek protection permits will only be applied projects on creekside properties.

The Standard Conditions of Approval incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite

implementation of the Standard Conditions, the City will determine whether there are feasible mitigation measures to reduce the impact to less than significant levels in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

A "Less than Significant Impact" answer applies where the project creates no substantial or potentially substantial adverse effect on the environment.

A "No Impact" answer applies where a project does not create any impact in that category. A "No Impact" answer needs to be adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact answer is adequately supported if the referenced information sources show that the impact simply doesn't apply to projects like the one involved. A "No Impact" answer should be explained where it is based on project –specific factors as well as general standards.

ENVIRONMENTAL CHECKLIST

I. Aesthetics

Topics:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
1.	**AESTHETICS—Would the project:**					
a)	Have a substantial adverse effect on a scenic vista?[1]	☒	☐	☐	☐	☐
b)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	☒	☐	☐	☐	☐
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐	☐
d)	Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☐
e)	Introduce landscape that now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resources Code Section 25980-25986)?	☐	☐	☐	☐	☒
f)	Cast shadows that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	☐	☐	☐	☐	☒
g)	Cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	☐	☐	☐	☐	☒
h)	Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historic Resources, Local Register of Historic Resources or a historical resource survey form (DPR Form 523) with a rating of 1-5?	☐	☐	☐	☐	☒
i)	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?	☐	☐	☐	☒	☐
j)	Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year?[2]	☐	☐	☐	☐	☒

[1] Only impacts to scenic views enjoyed by members of the public generally (but not private views) are potentially significant.

Discussion

a-b) The proposed project would include construction of a five-story mixed use building consisting of 115 residential units and ground floor commercial space. The project site is located immediately adjacent to I-580, which is a State-designated Scenic Highway from the I-980/CA-24 interchange in Oakland to the Oakland/San Leandro border; it is also designated as a Scenic Highway in the Scenic Highways Element of the General Plan. I-580 has won several awards for landscaping in this section of Oakland and is known for its spectacular views of the San Francisco Bay, San Francisco, and Oakland.[3] The site is visible from I-580, and construction of the proposed five-story structure may impact these publicly-accessible views. The proposed project may result in a potentially significant impact to scenic vistas. This topic will be fully analyzed in the EIR.

c) Development on the project site would result in changes to the visual character and quality of the site and its surroundings. The proposed project would be developed on an existing flat and undeveloped parcel. The only structure on the project site is a billboard, which would be removed as a part of this project. The project would alter the site's visual character from an undeveloped lot through the development of a five-story mixed use building consisting of 115 residential units and ground floor commercial space. The proposed building height is taller than most buildings in the area and the community has raised concerns regarding the building height. The proposed project's potential impacts to visual character will be analyzed in the EIR.

d) The proposed project site is located in a residential and commercial area predominated by small scale commercial and office buildings, a post office, and single-family development. Existing sources of light and glare are associated with those nearby land uses. The project would incrementally increase the level of light generated from the project site by establishing new sources of nighttime interior and exterior lighting typical of a mixed use residential/commercial building and would be visible from, and potentially cast light to, the surrounding neighborhood. However, the effect of the new mixed use building is not expected to be substantial or adversely affect existing day or night views. Implementation of the following Standard Condition of Approval that the City applies to all development projects would reduce lighting impacts of the project to less than significant.

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[2] 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.

[3] California Department of Transportation, http://www.dot.ca.gov/hq/LandArch/ scenic_highways /photos/p_rte580.htm, accessed June 2, 2010.

STANDARD CONDITION AES-1: *Prior to issuance of an electrical or building permit.*

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

e-f) No solar collectors or buildings designed for passive solar heating or equipped with photovoltaic or solar water collectors were observed in the immediate vicinity of the project site. The closest solar collectors are located two blocks north and east of the project site.[4] Thus, the proposed project would have no impact from landscape or building induced shadow effects on existing solar collectors or buildings using passive solar heat.

g-h) No public or quasi-public parks, lawns, gardens, open spaces, or areas of historical significance were observed in the immediate project vicinity that would be impacted by new shadow generated by the proposed project.[5] Therefore, the project would have no impact on such resources.

i) The variances requested by the proposed project do not conflict with policies and regulations of the General Plan or Uniform Building Code regarding the provision of adequate light related to appropriate uses. Variances sought for this project include building height and for height of buildings adjacent to a residential zone. Despite the requested variances, the building design would not block solar access or overshadow existing uses because it is designed to include building setbacks and the largest heights will be located towards the rear adjacent to I-580 freeway to ensure adequate light to adjacent properties. As a result, this impact would be less than significant.

j) The proposed mixed use building will not exceed 100 feet in height; therefore, the wind hazards criterion is not applicable to the project. The project would have no impact associated with wind hazards.

References

California Department of Transportation, http://www.dot.ca.gov/hq/LandArch/scenic_highways/photos/p_rte580.htm. Accessed June 2, 2010.

Urban Planning Partners field observation, June 7, 2010.

[4] Urban Planning Partners field observation, June 7, 2010.
[5] Ibid.

II. Agricultural Resources

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
2. AGRICULTURAL RESOURCES - Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☐	☒

Discussion

a–c) The project would be located in an urban area and there are no agricultural or farmland uses within or adjacent to the project site. The project site is designated for residential and commercial uses by the General Plan and the Oakland Zoning Map.[6] Therefore, the project would have no impact on agricultural resources.

References

City of Oakland, Oakland General Plan, Land Use and Transportation (LUTE) Element, June 1998, as amended.

[6] City of Oakland, Oakland General Plan, Land Use and Transportation (LUTE) Element, June 1998, as amended.

III. Air Quality

Topics:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
3.	**AIR QUALITY[7]—Would the project:**					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐	☐
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐	☐
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐	☐
d)	Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐	☐
e)	Frequently create substantial objectionable odors affecting a substantial number of people?	☒	☐	☐	☐	☐
f)	Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour?	☒	☐	☐	☐	☐
g)	Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater?	☒	☐	☐	☐	☐
h)	Result in potential to expose persons to substantial levels of Toxic Air Contaminants (TAC), such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	☒	☐	☐	☐	☐
i)	Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	☒	☐	☐	☐	☐
j)	Result in a substantial increase in diesel emissions?	☒	☐	☐	☐	☐
Cumulative Impacts						
k)	Result in any of the above project-specific significant impacts?	☒	☐	☐	☐	☐
l)	Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan? When the general plan fundamentally conflicts with the regional air quality plan, then if the contribution of the proposed project is cumulatively considerable when analyzed the impact to air quality should be considered significant.	☒	☐	☐	☐	☐
m)	Greenhouse Gas Emission and Global Climate Change Impacts.	☒	☐	☐	☐	☐

[7] The analysis in the Draft EIR will be based upon the BAAQMD's adopted June 2010 Thresholds and Guidelines.

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
Plan Impacts[8]					
n) Fundamentally conflict with the currently adopted Bay Area Clean Air Plan (CAP) because population growth for the jurisdiction exceeds values in the CAP, based on population projections in ABAG's currently adopted Projections?	☐	☐	☐	☐	☒
o) Fundamentally conflict with the CAP because the rate of increase in vehicle miles traveled (VMT) in the jurisdiction is greater than the rate of increase in population?	☐	☐	☐	☐	☒
p) Fundamentally conflict with the CAP because the project does not demonstrate reasonable efforts to implement transportation control measures (TCMs) in the CAP?	☐	☐	☐	☐	☒

Discussion

a-l) The proposed project includes construction of a mixed use building consisting of 115 senior residential units, approximately 3,446 square feet of ground floor commercial space, and 65 parking spaces. The site is located adjacent to the I-580 freeway and could expose new residents to air contaminants. Furthermore, the proposed project would also generate traffic from the residential and commercial uses, as well as construction-equipment, which may result in increased air contaminants. Implementation of the proposed project may result in potentially significant air quality impacts. An analysis of these potential impacts and relevant Standard Conditions of Approval and mitigation measures will be included in the EIR. The EIR will utilize the most current thresholds of significance, based upon the latest Bay Area Air Quality Management District Thresholds and Guidelines.

m) The EIR will also include an analysis of Greenhouse Gas Emissions and Climate Change impacts.

n-p) The proposed project does not involve an amendment to the General Plan, a Redevelopment Plan and/or Specific Plan; therefore, no impact would result.

It is also noted that the project site is identified as a planned development site in the Housing Element and the Housing Element EIR, which was certified by the City in December 2010 and included an analysis of Air Quality and Greenhouse Gas Emissions. Development of the project site, at a level consistent with the proposed project, was

[8] This threshold should be analyzed only for Amendments to General Plans, Redevelopment Plans and/or Specific Plans.

considered in the Housing Element EIR. The High and MacArthur Project EIR may tier off of the analysis included in the Housing Element EIR pursuant to the CEQA Statute §21093 and §21094 and CEQA Guidelines §15152 and §15385.

IV. Biological Resources

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
4. BIOLOGICAL RESOURCES— Would the project:					
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 Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) 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?	☐	☐	☐	☐	☒
c) 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?	☐	☐	☐	☐	☒
d) Interfere substantially 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?	☐	☐	☐	☒	☐
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒
f) Fundamentally conflict with the City of Oakland Tree Preservation Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances? Factors to be considered in determining significance include: The number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees. Protected trees include the following: Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.	☐	☐	☐	☐	☒

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
g) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. Although there are no specific, numeric / quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of riparian and aquatic habitat through: (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat?	☐	☐	☐	☐	☒

Discussion

a-b) The project site is a vacant lot that was previously used as a PG&E service yard, an auto repair shop, and a market. The site is flat and consists of mostly dirt and weeds. No riparian habitat or other sensitive natural community exists on the site as it is land locked within an existing urban area and a freeway and contains no vegetation or drainage. There are no species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game[9] or U.S. Fish and Wildlife Service.[10] The impact would be less than significant.

c) The project site is not located within or near any federally protected wetlands; no impact would result from the proposed project.

d) There is no evidence that native residents or migratory fish or wildlife species use the project site as part of a migratory pattern. The project site is disturbed and has once been used as a PG&E service yard, an auto shop, and a market. The project site is now vacant and is mostly dirt. Development of the project site would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established migratory corridors, or impede the use of native wildlife nursery sites. The impact would be less than significant.

[9] California Department of Fish and Game (CDFG). Wildlife Habitat and Data Analysis Branch, California Natural Diversity Database, data request for the Oakland East 7.5-minute USGS topographic quadrangles. June 2010.

[10] U.S Fish & Wildlife Services, Critical Habitat Portal, http://crithab.fws.gov/, accessed June 9, 2010.

e) The project site is not included in any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

f) The project site is vacant, with the exception of a billboard on-site. The project site is mostly dirt with weeds. There are no biological resources, such as trees, that are protected and preserved under a preservation policy or ordinance. No impact would occur.

g) The project site is vacant land covered with dirt and weeds. There are no creeks on the project site and no creeks within the immediate vicinity of the project area. No impact would occur.

References:

California Department of Fish and Game (CDFG). Wildlife Habitat and Data Analysis Branch, *California Natural Diversity Database,* data request for the Oakland East 7.5-minute USGS topographic quadrangles. June 2010.

U.S Fish & Wildlife Services, Critical Habitat Portal, http://crithab.fws.gov/. Accessed June 9, 2010.

V. Cultural Resources

Topics:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Standard Conditions of Approval	Less Than Significant Impact	No Impact
5.	**CULTURAL RESOURCES—Would the project:**					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §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 an historical resource is "materially impaired." The significance of a historical resource is "materially impaired" when a project demolishes or materially alters, in any adverse manner, those physical characteristics of the resource that convey its historical significance **and** that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	☐	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	☐
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐

Discussion

a) The project site consists of undeveloped land with no existing structures. The project site is not located in a historic district and there are no historical buildings on the project site or nearby that would be impacted by the proposed project.[11]

Archaeological deposits can qualify as "historical resources" under CEQA (§15064.5(c)). To identify recorded prehistoric and historical archaeological deposits in the project site and the potential for such deposits underlying the project site, a records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System[12] and a literature review was done.

[11] Marvin, Betty, Planner III, Historic Preservation, Oakland Cultural Heritage Research Project. Personal communication with Urban Planning Partners, Inc. September 2, 2010.

[12] The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official state repository of cultural resources records and reports for Alameda County.

The NWIC records search did not identify archaeological deposits in or adjacent to the project site; no project site-specific archaeological studies were on file at the NWIC. The literature review indicates that the project site has been developed since the 1940s with at least two dwellings, various automotive businesses, and, from 1959 through 1994, a PG&E substation.[13],[14] All buildings and foundations on the project site were removed by 1994. Soil contamination remediation was conducted at the project site between 1999 and 2004, which included removal of 1.0 to 1.5 feet of topsoil from the entire site, focused removal of contaminated soils to depths of up to 4.0 feet below the original ground surface, and removal of an underground storage tank.[15]

Previous development and soil contamination remediation at the project site has resulted in extensive disturbance of the subsurface environment. For this reason, it is unlikely that intact archaeological deposits exist within the project site. The potential for significant prehistoric and/or historical archaeological deposits, however, cannot be entirely ruled out as these may underlie undisturbed alluvium and fill soils that were not previously disturbed. These deposits, should they exist, may qualify as historical resources under CEQA, in which case their disturbance by the project would materially impair their significance, resulting in a significant impact. Implementation of the following Standard Condition of Approval developed by the City of Oakland would reduce potential project impacts to archaeological deposits that qualify as historical resources to less than significant. This would be done by recovering the scientific data that would otherwise be lost if the deposit were destroyed without appropriate analysis.

STANDARD CONDITION CULT-1: *Ongoing throughout demolition, grading and/or construction.*

Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historical subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the

[13] Jonas & Associates, Inc., Phase I Environmental Site Assessment Report Pacific Gas & Electric Company Former High Street Substation. July 19, 1996.

[14] Questa Engineering Corp., Subsurface Investigation of Groundwater and Vadose Zone Soil, 4311-4333 MacArthur Blvd., Oakland, California. November 14, 2006.

[15] Ibid.

ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

b) As discussed above at V.a, no archaeological deposits are recorded in or adjacent to the project site, and historical development and soil remediation efforts have minimized the potential that significant, intact archaeological deposits exist. The possibility of encountering subsurface archaeological deposits, however, cannot be entirely discounted. These deposits, should they exist, may qualify as unique archaeological resources under CEQA, in which case their disturbance by the project would materially impair their significance, resulting in a significant impact. Should unique archaeological resources be identified during project ground-disturbing activities, these resources shall be treated according to the City of Oakland's Standard Condition of Approval, listed above as Standard Condition CULT-1. Implementation of this Standard Condition of Approval would mitigate the project's potential impacts to archaeological

resources to less than significant. This would be done be recovering the scientific data that would otherwise be lost if the deposit were destroyed without appropriate analysis.

c) The project area is underlain by Holocene (present to 10,000 years) and Pleistocene (10,000 to 1.5 million years old) alluvial fan deposits. The Pleistocene alluvial fan deposits are sensitive for significant paleontological resources and underlie the Holocene-aged alluvial fan deposits in the project site at an unknown depth. Pleistocene deposits can locally contain fossils of gastropods and bivalves, and such Pleistocene mega-fauna as horse, camel, bison, sloth, and mammoth.

Dr. Pat Holroyd of the University of California Museum of Paleontology, Berkeley conducted a fossil locality search of the project site on June 29, 2010. No fossil localities are in or adjacent to the project site. However, seven vertebrate fossil localities representing Pleistocene Rancholabrean fauna have been discovered within 4 miles of the project site. These fossil localities were found in the same geologic formation – Late Pleistocene alluvial deposits – that underlies the project site. No unique geologic resources are located in the project site.

It is unlikely that the project would impact paleontological resources since these resources would likely be associated with deeply buried deposits. Based on the presence of fossils within Pleistocene deposits in the vicinity, however, the occurrence of paleontological resources in Pleistocene deposits underlying the project site cannot be discounted, and project ground-disturbing activities below fill soils and Holocene-age deposits has the potential to impact fossils. Implementation of the following Standard Condition of Approval developed by the City of Oakland would reduce potential project impacts to paleontological resources to less than significant.

> STANDARD CONDITION CULT-2: *Ongoing throughout demolition, grading and/or construction.*
> In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating

the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

d) Prehistoric archaeological sites in the East Bay frequently contain Native American interments. Although Native American remains have not been identified in the project site, there is a possibility that human remains could be associated with archaeological deposits that could underlie undisturbed alluvial and fill soils. Such remains could be uncovered during construction activities that involve ground disturbance. Implementation of the following Standard Condition of Approval developed by the City of Oakland would reduce potential impacts of the project to human remains to less than significant.

STANDARD CONDITION CULT-3: *Ongoing throughout demolition, grading and/or construction.*

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

References:

Jonas & Associates, Inc., Phase I Environmental Site Assessment Report Pacific Gas & Electric Company Former High Street Substation. July 19, 1996.

Marvin, Betty, Planner III, Historic Preservation, Oakland Cultural Heritage Research Project. Personal communication with Urban Planning Partners, Inc. September 2, 2010.

Questa Engineering Corp., Subsurface Investigation of Groundwater and Vadose Zone Soil, 4311-4333 MacArthur Blvd., Oakland, California. November 14, 2006.

VI. Geology and Soils

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
6. GEOLOGY AND SOILS— Would the project:					
a) Expose people or structures to substantial risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42 and 117 and PRC § 2690 et. Seq.)?	☐	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐	☐
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?	☐	☐	☒	☐	☐
c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	☐	☐	☒	☐	☐
d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	☐	☐	☐	☒	☐
e) 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?	☐	☐	☐	☐	☒
f) 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?	☐	☐	☐	☐	☒

Discussion

a.i) The project site is not within an Alquist-Priolo Fault Rupture Zone, as designated by the Alquist-Priolo earthquake Fault Zoning Act.[16] Because the project is not located on an active or potentially active fault, the potential for surface fault rapture is low and this impact would be less than significant.

a.ii) The project site is located in the San Francisco Bay Area, a seismically active region of California with numerous active faults. Seismic activity in the region is

[16] Association of Bay Area Governments (ABAG) Earthquake and Hazards Maps/Info, www.quake.abag.ca.gov, accessed June 9, 2010.

dominated by the San Andreas Fault system, which includes San Andreas, Hayward, and Calaveras faults. The project site is located approximately half a mile west of the Hayward Fault. According to the U.S. Geological Survey (USGS) Working Group on Earthquake Probabilities[17], the probability of one or more earthquakes of Richter magnitude 6.7 or higher occurring in the San Francisco Bay Area for the 30-year period from 2003 to 2032 is 62 percent. Of the Bay Area faults, the Hayward and San Andreas faults are the most likely to experience a major earthquake. The probability of a large Hayward Fault earthquake, occurring in the vicinity of the project site during the 30-year period, is 27 percent; the probability for an earthquake on the San Andreas Fault is 21 percent. In the event of a major earthquake on one of these faults, especially the Hayward Fault (due to its proximity to the project site), the project site would experience substantial ground shaking. The Association of Bay Area Governments (ABAG) has developed Earthquake Shaking Hazard Maps, which predict the potential for ground shaking during major earthquakes on the active fault in the Bay Area.[18] The Shaking Hazard Maps rank degrees of ground shaking intensity based on the Modified Mercalli Intensity (MMI) scale. The MMI scale, originally developed by G. Mercalli in 1902, is commonly used to measure earthquake effects due to ground shaking. It is a useful scale because it describes ground motion in terms of effects observed by people in various type structures during past earthquakes. The MM values for intensities range from MM-I (earthquake not felt by people), through more common, moderate earthquakes at MMI-VI to major catastrophic events at MMI-XII (damage nearly total).[19] Because the site is close to the Hayward Fault, the ground shaking intensity could range from very strong (MMI-VIII moderate damage) to very violent (MMI-X, extreme damage).

The 2007 Uniform Building Code (UBC) locates the entire Bay Area within Seismic Risk Zone 4. Of the four seismic zones, Zone 4 is expected to experience the greatest effects from earthquake ground shaking and, therefore, has the most stringent requirements for seismic design. While building codes assume that some damage will occur during an earthquake, they are designed to prevent loss of life and limb and reduce the potential of structural collapse. The proposed project would be required to comply with the geotechnical and seismic design criteria required for construction in Zone 4 of the UBC, California Building Code (Title 24), and building codes set forth by the City of Oakland. Although ground

[17] U.S. Geological Society (USGS), Working Group on California Earthquake Probabilities, Summary of Earthquake Probabilities in the San Francisco Bay Region: 2003-2032, 2003, available online at http://quake.wr.usgs.gov/research/seismology/wg02/.

[18] Association of Bay Area Governments (ABAG) website: http://gis.abga.ca.gov/website/shaking_prob/viewer.htm, assessed June 2010.

[19] Intensities ranging from IV to X could cause moderate to significant structural damage. The damage level represents the estimated overall level of damage that will occur for various MM intensity levels. Some buildings will experience substantially more damage than this overall level, and others will experience substantially less damage. Not all buildings perform identically in an earthquake. The age, material, type, method of construction, size, and shape of a building all affect its performance.

shaking at the subject site would be substantial during a large earthquake on the Hayward Fault and could be considerable during an earthquake on other Bay Area faults, compliance with the California Building Code, and building code requirements set forth by the City of Oakland, would reduce the seismic hazard so that people would not be exposed to substantial injury and death or property would not undergo significant loss. Furthermore, the standard conditions of approval require preparation of a Soils Report. Compliance the following Standard Condition of Approval together with the building codes provisions for structural design and construction in high earthquake hazard areas would ensure the ground shaking effects at the project site remain less than significant.

STANDARD CONDITION GEO-1: *Required as part of the submittal of a tentative tract or tentative parcel map.*

A preliminary soils report for the project site shall be required as part of this project and submitted for review and approval by the Building Services Division. The applicant shall implement the approved report. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:

A. Logs of borings and/or profiles of test pits and trenches:
   a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.
   b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
   c) All boring logs shall be included in the soils report.

B. Test pits and trenches:
   a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
   b) Soils profiles of all test pits and trenches shall be included in the soils report.

C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.

D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and

passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.

E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:

a) Site description;

b) Local and site geology;

c) Review of previous field and laboratory investigations for the site;

d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;

e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;

f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;

g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;

h) All other items which a Soils Engineer deems necessary;

i) The signature and registration number of the Civil Engineer preparing the report.

F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.

a.iii) Soil liquefaction is primarily associated with saturated soil layers located near the ground surface. Soils that are most susceptible to liquefaction are relatively loose, clean, poorly-graded, fine-grained sands. These soils lose strength during ground shaking and become incapable of supporting overlying structures. Due to the loss of strength, the soil acquires "mobility" sufficient to permit both horizontal and vertical movements. Densification, a closely-related phenomenon,

occurs when ground-shaking causes predominantly granular soils to become compact and occupy less volume, which results in settlement.

The project site is not located within a potential liquefaction zone.[20] Given the project location outside of a potential liquefaction zone, the potential for earthquake induced liquefaction as well as secondary ground failure associated with liquefaction is low. Therefore, the project would not be constructed on geologic materials that are unstable or otherwise prone to collapse. There would be a less-than-significant impact associated with unstable soil.

a.iv) The project site is relatively flat land surrounded by urban development that is also located on relatively flat land. The City of Oakland General Plan, Safety Element, does not identify this area as being within a potential landslide area. The impacts of this project would be less than significant.

b) Project construction on the vacant and relatively flat property would include grading and earthmoving activities that could result in some erosion or loss of topsoil. Implementation of the following Standard Condition of Approval that the City applies to all development projects would reduce erosion or loss of soil impacts to a less-than-significant level by eliminating substantial risks to life, property or creeks/waterways.

> STANDARD CONDITION GEO-2: *Prior to any grading activities.*
> The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee.

[20] Association of Bay Area Governments (ABAG) Earth Quake and Hazards Maps/Info, http://quake.abag.ca.gov, accessed June 9, 2010.

The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities.
The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

c) The project site is located in a developed commercial area of Oakland. The local soil geology on the site consists of fill material overlying silty clays and Bay Area mud.[21] The site was graded for the previous use as an auto repair shop, PG&E yard and a market and is not located within a potential liquefaction zone or landslide area; however, expansive soils (as defined by Table 18-B-1 of the Building Code) do exist on-site and a geotechnical analysis should be conducted to determine final design parameters.[22] Compliance with the following Standard Condition of Approval would ensure that a Geotechnical Report is prepared and that impacts associated with expansive soils would remain less than significant.

STANDARD CONDITION GEO-3: *Required as part of the submittal of a tentative tract or tentative parcel map.*

a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part if this project and submitted for review and approval by the Building Services Division. Specifically:

i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.

ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).

iii. The investigations shall be reviewed and approved by a registered

[21] Jonas & Associates, Inc., Phase I Environmental Site Assessment Report Pacific Gas & Electric Company Former High Street Substation. July 19, 1996.

[22] Willard N. Hopkins, CEG, Senior Engineering Geologist, Questa Environmental Corporation. Personal communication with Urban Planning Partners, September 9, 2010.

geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.

iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.

v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.

vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.

vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.

b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.

d) The project site is located in a commercially developed area of Oakland. The project site is vacant and relatively flat with no evidence of mounds, pits or swamps. Environmental site assessments for the project site have identified that sediment beneath the site consists of mixtures of unconsolidated silts, sands and fine gravels. The presences of wells, tank vaults, or sewer lines from previous site uses were not identified in the site assessments; however, multiple underground storage tanks (USTs) were identified. [23] [24] Analysis of impacts associated with the removal of USTs will be included in the Hazards and Hazardous Materials analysis in the Focused EIR. Implementation of the proposed project would not create substantial risks to life or property due to wells, pits, mounds, swamps or unmarked sewer lines. Therefore, this impact would be less than significant.

[23] Ibid.

[24] Willard N. Hopkins, CEG, Senior Engineering Geologist, Questa Environmental Corporation. Personal communication with Urban Planning Partners, September 9, 2010.

e) The project site is not located above a landfill; therefore, implementation of the proposed project would not create substantial risk to life or property related to landfills.

f) The proposed project does not include the installation of septic tanks or alternative wastewater disposal systems. The project site is located in an urban area and would be required to connect to the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project would not require septic tanks or alternative wastewater disposal systems and the project would have no impact on such conditions.

References

Association of Bay Area Governments (ABAG) website: http://gis.abga.ca.gov/website/shaking_prob/viewer.htm, assessed June 2010.

Association of Bay Area Governments (ABAG) Earth Quake and Hazards Maps/Info, www.quake.abag.ca.gov. Accessed June 9, 2010.

Jonas & Associates, Inc., Phase I Environmental Site Assessment Report Pacific Gas & Electric Company Former High Street Substation. July 19, 1996.

JMK Environmental Solutions, Phase II Environmental Site Assessment Report. March 31, 2003.

U.S. Geological Society (USGS), Working Group on California Earthquake Probabilities, Summary of Earthquake Probabilities in the San Francisco Bay Region: 2003-2032, 2003, available online at http://quake.wr.usgs.gov/research/seismology/wg02/.

Willard N. Hopkins, CEG, Senior Engineering Geologist, Questa Environmental Corporation. Personal communication with Urban Planning Partners, September 10, 2010.

VII. Hazards and Hazardous Materials

Topics:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
8.	**HAZARDS AND HAZARDOUS MATERIALS—Would the project:**					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b)	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?	☒	☐	☐	☐	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐	☐
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?[25]	☒	☐	☐	☐	☐
e)	Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f)	Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒
h)	Expose people or structures to a significant risk of loss, injury or death involving fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	☒

Discussion

a) Implementation of the proposed project would result in the construction of a five-story building containing a mixture of residential and commercial uses. Although small quantities of commercially available hazardous materials could be used within the proposed building and in landscaped areas in the project site for cleaning and maintenance, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. All toxic materials used during the construction and operation period would be handled in

[25] The Cortese List is the compiled list of hazardous materials sites, pursuant to the Government Code Section 65962.5.

compliance with hazardous materials regulations. Implementation of the following Standard Condition of Approval would ensure the impact would be less than significant.

> **STANDARD CONDITION HAZ-1**: *Prior to issuance of a business license*. The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:
>
> a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
> b) The location of such hazardous materials.
> c) An emergency response plan including employee training information
> d) A plan that describes the manner in which these materials are handled, transported and disposed.

b-d) The proposed project consists of developing a five-story mixed use senior residential building with ground floor commercial space. Implementation of the proposed project may result in potentially significant hazard and hazardous materials impacts due to the project site's inclusion on the Cortese List. The Cortese list refers to Government Code Section 65962.5. Section C of that code requires a reporting of the presence of "any unauthorized release which escapes from the secondary containment or from the primary containment . . . of the underground tank system." The project site was previously used by PG&E as a service yard and for an auto repair shop; as a result, it is included on the California Environmental Protection Agency's list of leaking underground storage tank sites. An analysis of potential hazard and hazardous materials impacts and relevant mitigation measures will be included in the EIR.

e-f) The project site is not located within two miles of a public airport, and there are no private landing airstrips in the vicinity. The closest public airport is the Oakland International Airport located approximately 8 miles southwest of the project site. Therefore, the project would have no impacts related to airport-related safety hazards to people residing or working at the project site.

g) Upon review of the City of Oakland's Multi-Hazard Functional Plan, ("City Emergency Plan"), the proposed project would not significantly interfere with emergency response plans or evacuation plans. The proposed project is located within an area that is easily accessible along High Street and MacArthur Boulevard. High Street and MacArthur Boulevard are both listed on the City of Oakland Safety Element of the General Plan Figure 2.1, Public Safety, as emergency evacuation routes[26]. The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. Standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any city streets. Specifically, the job site supervisor is required to call the Fire Department's dispatch center any day construction vehicles would partially or completely block a city street during the construction process. Therefore, assuming compliance with the City's notification requirements, project construction would not significantly interfere with emergency response plans or evacuation plans, nor adversely affect the City's response and operational procedures in the event of a large scale disaster or emergency. There would be no impact.

h) The project site is not located adjacent to wildlands and is not located within the City's Wildfire Prevention Assessment District[27], an area that could potentially expose people and structures to significant risk of loss, injury, or death involving wildland fires. Due to the location of this project within an urban area and not adjacent to wildlands, the project would have no impacts related to wildfire.

It is also noted that the project site is identified as a planned development site in the Housing Element and the Housing Element EIR, which was certified by the City in December 2010 and included an analysis of Transportation/Traffic impacts. Development of the project site, at a level consistent with the proposed project, was considered in the Housing Element EIR. The High and MacArthur Project EIR may tier off of the analysis included in the Housing Element EIR pursuant to the CEQA Statute §21093 and §21094 and CEQA Guidelines §15152 and §15385.

References

City of Oakland General Plan, Safety Element. Figure 2.1, "Public Safety." November 2004.

City of Oakland, Wildfire Prevention District Map, http://www.oaklandnet.com/wildfireprevention/. Accessed June 9, 2010.

[26] City of Oakland General Plan, Safety Element. Figure 2.1, "Public Safety." November 2004.
[27] City of Oakland, Wildfire Prevention District Map, http://www.oaklandnet.com/wildfireprevention/, accessed June 9, 2010.

VIII. Hydrology and Water Quality

Topics:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
9.	**HYDROLOGY AND WATER QUALITY— Would the project:**					
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐
b)	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 planned uses for which permits have been granted)?	☐	☐	☐	☒	☐
c)	Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	☐	☐	☐	☒	☐
d)	Result in substantial flooding on or off-site?	☐	☐	☒	☐	☐
e)	Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	☒	☐	☐
f)	Create or contribute substantial runoff which would be an additional source of polluted runoff?	☐	☐	☒	☐	☐
g)	Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐
h)	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?	☐	☐	☐	☒	☐
i)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	☐
j)	Expose people or structures to a substantial risk of loss, injury or death involving flooding?	☐	☐	☐	☒	☐
k)	Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒
l)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a Creek, river or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site?	☐	☐	☐	☐	☒
m)	Fundamentally conflict with elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c)	☐	☐	☐	☐	☒

Topics:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Standard Conditions of Approval	Less Than Significant Impact	No Impact
depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety?					

Discussion

a) The proposed project has the potential to result in erosion, siltation, and other water quality impacts during project construction and operation. Water quality in surface and groundwater bodies is regulated by the State and Regional Water Quality Control Boards. The project site is under the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB), which is responsible for implementation of State and federal water quality protection regulations. The RWQCB is responsible for implementing the Water Quality Control Plan (Basin Plan), a master policy document for managing water quality issues in the region. The Basin Plan establishes beneficial water uses for waterways and water bodies within the region.

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act); the NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. Locally, the NPDES program is administered by the RWQCB. The RWQCB has conveyed responsibility for implementation of storm water regulations in the vicinity of the project site to the Alameda Countywide Clean Water Program (ACCWP). The ACCWP maintains compliance with the NPDES Permit and promotes storm water pollution prevention within that context. Compliance with the NPDES Permit is mandated by State and federal statutes and regulations.

Participating agencies (including the City of Oakland) must comply with the provisions of the County permit by ensuring that new development and redevelopment projects mitigate water quality impacts to storm water runoff both during construction and operation periods.

Compliance with the following City Standard Conditions of Approval will ensure that new development would have a less-than-significant impact on water quality standards and discharge requirements during project construction and operation.

STANDARD CONDITION HWQ-1: *Prior to issuance of a demolition, grading, or construction-related permit.*

The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, stormdrains.

b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.

c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

d) Install filter materials acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

e) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.

f) Direct and locate tool and equipment cleaning so that wash water does not discharge into the street, gutters, or storm drains.

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

h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

i) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

j) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the street, gutter, storm drains.

k) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).

l) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately

STANDARD CONDITION HWQ-2: *Prior to the issuance of building permit (or other construction related permit).*
The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division.

The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

a) The post-construction stormwater pollution management plan shall include and identify the following:
    i. All proposed impervious surface on the site;
    i. Anticipated directional flows of on-site stormwater runoff; and
    ii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
    iii. Source control measures to limit the potential for stormwater pollution; and
    iv. Stormwater treatment measures to remove pollutants from stormwater runoff.
b) The following additional information shall be submitted with the post-construction stormwater pollution management plan.
    i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
    ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection: The applicant shall implement the approved stormwater pollution management plan.

STANDARD CONDITION HWQ-3: *Prior to final zoning inspection.*
For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following.

a) The applicant accepting responsibility for the adequate installation/ construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and

b) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

The implementation of Standard Condition HAZ-1 will also help minimize impacts to water quality and ground water.

b) The project will be connected to the City's water supply system. The domestic potable water supply for the City of Oakland and the proposed project area is not provided by groundwater sources, but rather from surface water sources maintained by the East Bay Municipal Utility District (EBMUD). Because groundwater will not be used to supply water for the project, there will be no impact on the East Bay Plain aquifer volume or regional groundwater levels. This project would have a less-than-significant impact.

c) As noted in Section VIII.a, the construction and post-construction BMPs indicate that stormwater management features would slow the velocity of runoff and allow for the removal of sediments and other pollutants. Therefore, runoff generated by the project would not be expected to cause substantial erosion or siltation on- or off-site. The project would have a less-than-significant impact.

d-g) The proposed project will result in additional impervious surfaces resulting in an increase in the intensity and amount of runoff from the site during rainstorms. The site is located in an urbanized area, with drain systems in place, and would not be expected to substantially increase downstream flooding risks or exceed the capacity of the existing storm drains. To reduce this impact to a less-than-significant level, the project applicant will be required to implement and comply with the City Standard Conditions of Approval listed in Section VIII.a, above.

h-j) The project site is located within Zone X on the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM).[28] Zone X is the area determined to be outside the 500-year flood and protected by levee from 100-year flood. This designation is considered a low risk. Therefore, the project would not place any structures within a 100-year flood area or expose people or structures to substantial risk of loss, injury or death involving flooding. The project's impacts related to flooding would be less than significant.

k) The project site is located in the foothills of eastern Oakland approximately three miles from the San Francisco Bay. The site is not located within an area identified on the California Emergency Management Agency, Tsunami Inundation Map for Emergency Planning.[29] The project site is not located in an area prone to land slides or mudflows as depicted on the ABAG Debris Flow Source Areas and Earthquake-Induced Landslide Hazard maps.[30] The project would have no impact.

l-m) No creek is located on or near the project site, and the project would not affect any creeks subject to the City of Oakland Creek Protection Ordinance 13.16. As a result, the project would have no impact.

References

Federal Emergency Management Administration (FEMA), Flood Insurance Rate Map, 06001C0087G, August 3, 2009.

State of California Department of Conservation, "Tsunami Inundation Map for Emergency Planning," Oakland East Quadrangle. July 31, 2009.

Association of Bay Area Governments (ABAG) Land Slide Hazards Maps and Information. http://www.abag.ca.gov/bayarea/eqmaps/landslide/index.html. Accessed June 9, 2010.

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[28] Federal Emergency Management Administration (FEMA), Flood Insurance Rate Map, 06001C0087G, August 3, 2009.

[29] State of California Department of Conservation, "Tsunami Inundation Map for Emergency Planning," Oakland East Quadrangle. July 31, 2009.

[30] Association of Bay Area Governments (ABAG), Land Slide Hazards Maps and Information. http://www.abag.ca.gov/bayarea/eqmaps/landslide/index.html. Accessed June 9, 2010.

IX. Land Use and Planning

Topics:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
10.	**LAND USE AND LAND USE PLANNING— Would the project:**					
a)	Physically divide an established community?	☐	☐	☐	☒	☐
b)	Result in a fundamental conflict between adjacent or nearby land uses?	☐	☐	☐	☐	☒
c)	Fundamentally conflict with 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?	☐	☐	☐	☒	☐
d)	Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒

Discussion

a) The physical division of an established community would typically involve the construction or removal of large features (such as freeways, roadways or superblock development) that create a barrier between existing neighborhoods, such that access from one neighborhood to another is diminished. The project site is an infill site located within an urban area that is developed with a mix of commercial and residential uses. Although the project site is currently undeveloped, it was previously occupied by a PG&E service yard, an auto repair shop, and a market. Redevelopment of the site with a five-story mixed use building consisting of 115 residential units and ground floor commercial space would not create any barriers between areas surrounding the site particularly given the triangular shape of the site and it's adjacency to the I-580. The project would not change access patterns around the project site or otherwise restrict traffic flow on MacArthur Boulevard, High Street, or other streets in the vicinity of the project site. Therefore, the proposed project would not divide an established community and the impact would be less than significant.

b) Uses surrounding the project site include a mix of neighborhood and service commercial uses and residential. The proposed building height is taller than other buildings in the vicinity, but it will not directly impact the adjacent lots because the project site is situated on a corner lot with no immediately adjacent buildings. Existing residential neighborhoods and commercial zones are located to the north and east of the project site, and the southern border of the project

site is directly adjacent to I-580. The establishment of senior housing and commercial uses on this site would not result in a fundamental conflict with adjacent or nearby land uses as these are other residential uses in the area. Indirect air quality impacts associated with the development proximity to the freeway will be addressed in the EIR.

c) The General Plan designation is Neighborhood Center Mixed Use. The maximum residential density provided in this land use category is 125 dwelling units per gross acre or 166.67 dwelling units per net acre. This works out to a maximum density of 1 unit per 261 square-foot of lot area. The 40,879 square-foot project site could support a maximum of 156 units. The 115-unit project on the site is well under the maximum allowable density.

The General Plan states that the intent of the designation is to "identify, create, maintain, and enhance mixed use neighborhood commercial centers." Vertical integration of uses, including residential units above street-level commercial space is encouraged."

The following General Plan Land Use and Transportation Policies and Objectives apply to the proposed project:

Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.
Policy N3.1 Facilitating Housing Construction
Policy N3.2 Encouraging Infill Development
Policy N3.9 Orienting Residential Development

The project is located immediately south of the Laurel District of Central Oakland. The Land Use Element considers the construction of new housing to be one of the highest priorities in Oakland to meet the demand of a growing population. In addition, the Land Use Element encourages the construction of affordable senior housing to meet a critical need in both the City of Oakland and the region for providing affordable residences for senior citizens. The project meets the objectives listed above by providing 115 new residential units on several underutilized parcels. The Land Use Element of the General Plan identifies the major transportation corridors as appropriate places for high density development. The Land Use Element specifically identifies this section of MacArthur Boulevard as a "grow and change" area. "Grow and change" areas are portions of the City of Oakland that the general plan identified as places able to grow beyond the existing density. They already have various positive factors

such as good access to transportation, connections to city services, and connections to the region. They are often located along major corridors. This project site meets all of those criteria.

On December 21, 2010, the Oakland City Council adopted the 2007-2014 Housing Element and certified the Housing Element EIR. The California Department of Housing and Community Development also has certified the Housing Element as being in compliance with the requirements of State law.

The project site is identified as a planned development site in the Housing Element and the Housing Element EIR. Development of the project site, at a level consistent with the proposed project, was considered in the Housing Element EIR. The proposed project is consistent with the Housing Element and will further the City in meeting its objective to increase housing. The High and MacArthur Project EIR may tier off of the analysis included in the Housing Element EIR pursuant to the CEQA Statutes §21093 and §21094 and CEQA Guidelines §15152 and §15385.

The proposed project meets the referenced objectives, policies, goals, and the general intent of the land use designations and Housing Element. As a result, the project would not conflict with the General Plan. The Zoning and General Plan designations are shown in Figure 4.

The applicable zoning of the project site is split between C-30 District Thoroughfare Commercial Zone & C-31 Special Retail Commercial Zone. The C-30 zone is intended to "create, preserve, and enhance areas with a wide range of retail establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares." The C-31 zone is intended to "create, preserve, and enhance areas with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping, and is typically appropriate along important shopping streets having a special or particularly pleasant character." The C-31 is generally located on the front of the property (the zoning code defines the High Street frontage as the front and the MacArthur frontage as a "corner side") while the C-30 and S-4 portion is to the rear of the triangular shaped project site.

The City recently updated its Zoning Ordinance. The C-30 zoning changed to CN-3 Neighborhood Commercial Zone 3. The C-31 zoning changed to CN-2 Neighborhood Commercial Zone 2. The new zoning regulations took effect on

April 14, 2011. They will not apply to project applications which have been deemed complete prior to that date, which include the proposed project.[31]

There are two commercial spaces on the project site plan, as shown in Figure 2. The small kiosk space fronting High Street is anticipated to be occupied as newsstand or flower stand. The commercial space located at the corner of High Street and MacArthur Boulevard is anticipated to be used for any number of general retail uses and/or consumer services allowed as permitted in the C-30 and C-31 zone. No food service uses are proposed.

Both zoning districts allow permanent residential uses. The maximum residential density for this zone is set forth in the R-70 regulations. According to the R-70 zone, the maximum residential is 1 unit per 450 square feet, which results in a maximum density of 90 units. Section 17.106.060 of the Oakland Planning Code allows the density for senior housing to exceed the zoning density by up to 75% with a Conditional Use Permit (CUP) which could allow a maximum of 157 units on the property. However, this would exceed the maximum density permitted under the General Plan, which is 155 units. The proposed project would exceed the zoning density requirements by approximately 26%, which is within the permitted range with a CUP.

The S-4 Design Review Combining Zone is an additional zoning designation overlaid on the C-30 portion of the site. The S-4 is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities. In the S-4 zone no building, other than a new Secondary Unit shall be constructed unless plans for such proposal have been approved pursuant to the design review procedure. As this is a residential project it is already subject to design review.

The following table depicts the project's comparison to zoning requirements.

[31] Oakland City Council Ordinance No. 13064 C.M.S. Adopted March 15, 2011

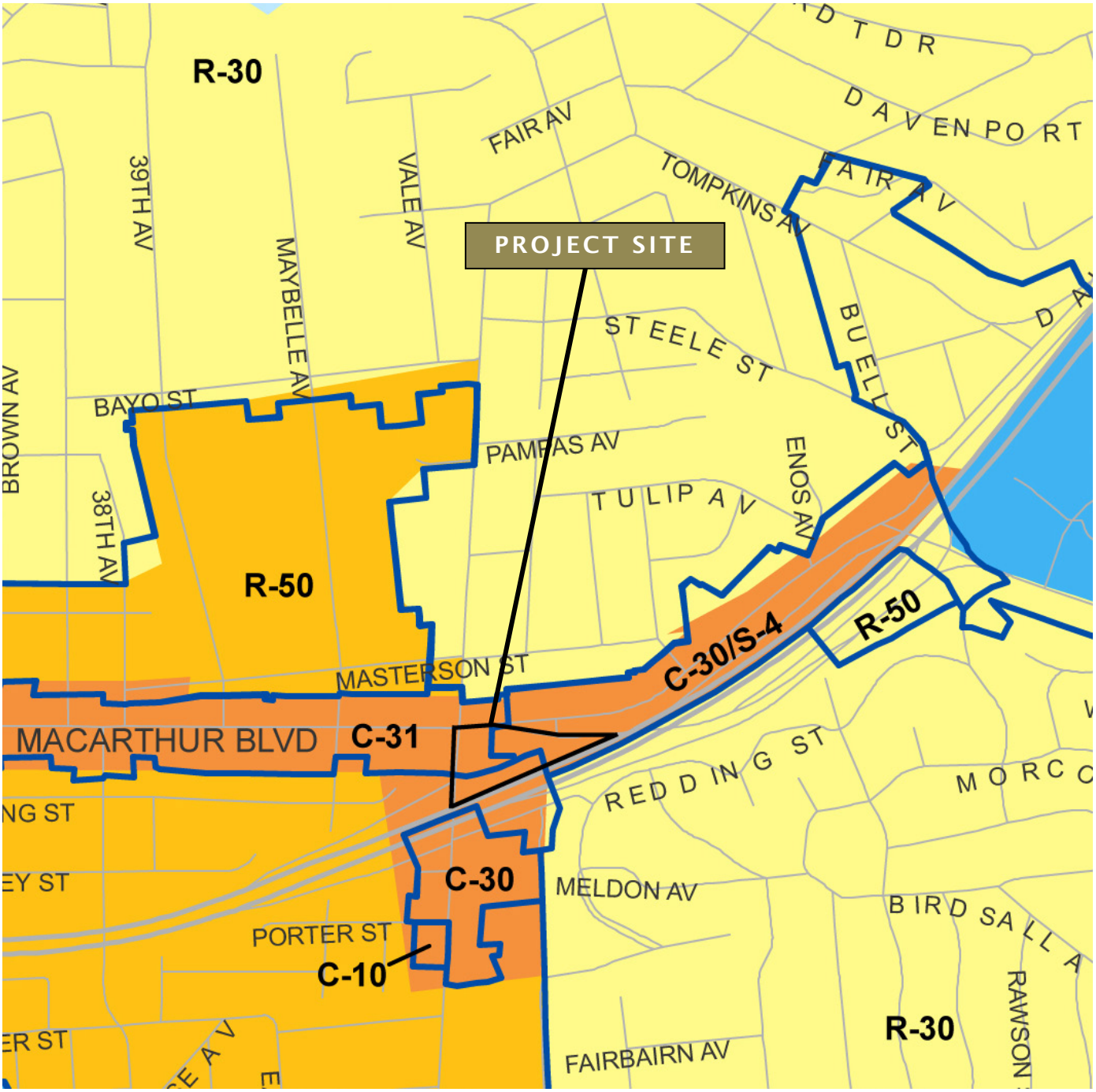

Figure 4
High & MacArthur Mixed-Use Project Initial Study
Land Use & Zoning Map

SOURCE: City of Oakland General Plan and Zoning Map -- http://tinyurl.com/355thkn [accessed August 26, 2010]

Table 1 Zoning Regulation Comparison Table

Criteria	Applicable Requirement C-30 & C-31	Current Requirement CN-2 & CN-3[a]	Proposed Project	Comment[b]
Density	1 unit per 450 square feet of lot area = 90 units	CN-2: 1 unit per 450 square feet of lot area = 90 units CN-3: 1 unit per 375 square feet of lot area = 108 units	115 units	Exceeds the applicable and current requirements. Major CUP required to exceed maximum density for senior housing under section 17.116.060
Yard – Front (High St.)	0'	Minimum 0' Maximum 10' OR Maximum front yard requirement is 75% of street frontage	0' – 16' 4"	Meets the applicable and current requirements.
Yard – Street Side Lot Line (MacArthur Blvd.)	0'	0' OR Maximum front yard requirement is 50% of street frontage	0' – 8'	
Yard – Interior Lot Line	10'	0'	10'	
Yard – Rear	15'	10' – 15'	40'	
Yard – Courts	15'	18' – 50'	43'	
Height – General	40' (C-30) 35' (C-31)	45' (CN-3) 45' (CN-2)	Varies between 47' & 60'. 54' average.	Does not meet the applicable or current requirements. Major Variance is required.
Height – Adjacent to R-50 Zone	30' with allowed increase of 1' height for every additional 1' of setback	N/A	Varies between 47' & 60'. 54' average.	Does not meet the current requirements. Major Variance is required. In new Zoning, the adjacent R-50 zone becomes CN-3 and this will not apply.
Open Space	150 sq.ft./unit = 17,250 sq.ft.	150 sq.ft./unit = 17,250 sq.ft	17,461 sq.ft.*	Meets the applicable and current requirements.
Auto Parking	1 space / unit = 115 spaces. 1 space / 600 sq.ft. retail/ commercial = 6 spaces.	Not specified, however parking access must not be from a primary street	65 automobile spaces	Seeks Major Conditional Use Permit under Section 17.116.110 to reduce parking requirement and to allow ground level parking and loading.

Criteria	Applicable Requirement C-30 & C-31	Current Requirement CN-2 & CN-3[a]	Proposed Project	Comment[b]
Bicycle Parking (long term)	1 space / 10 units = long term 12 spaces. 1 space for each 12,000 sq. ft retail/ commercial (min of 2 spaces) = 2 long term spaces.		14 long-term bicycle spaces	Meets the applicable and current requirements.
Bicycle Parking (short term)	1 space / 20 units = 6 short term spaces. 1 space / 5,000 sq. ft. retail; minimum of 2 spaces = 2 spaces		8 short-term bicycle spaces	
Loading	50,000 – 149,999 sq.ft. residential building = 1 berth	Not specified, however access must be on ground floor with the entrance from a non-primary street.	1 berth	

a The City recently updated its Zoning Ordinance. The current zoning column is included in Table 1 to shown how the project would/would not comply with the newly adopted zoning. The proposed project would not be subject to the newly adopted zoning regulations; therefore the previous zoning regulations would be applicable for the project.
b A Major Variance and a Major Conditional Use Permit are required because the project entails preparation of an Environmental Impact Report.
Sources: City of Oakland Planning Code: www.oaklandnet.com/government/ceda/revised/ OaklandPlanningCode2010-04-15withbookmarks.pdf; and City of Oakland Planning Code Update: www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/LUC/DOWD009051

The project proposes a building height that varies between 47 feet and 60 feet, with an average height of 54 feet. The maximum height allowed on the C-30 zone is 40 feet and the maximum height allowed in the C-31 zone is 35 feet. Additionally, Section 17.108.010 restricts building height to 30 feet with an allowed increase of 1 foot height for every additional 1 foot of setback. The project seeks a minor variance request to achieve the proposed height.

The proposed project includes a CUP for a reduction in the number of parking spaces to be provided. Under Section 17.116 (the parking regulations) 120 spaces are required; 115 for the residential units at a ratio of 1:1 and six for the commercial (3,446 sq. ft. requires parking at 1 space per 600 sq. ft. which works out to 5.7 spaces, rounded up to 6). The regulations, however, allow a further reduction of up to 75 percent of the spaces required for the residential when it's

for a senior apartment project, with the granting of a CUP. That would require 35 spaces (29 residential and six commercial). The applicant is proposing a total of 65 automobile spaces (approximately a 47 percent reduction from the 1:1 ratio), near the midpoint of those two extremes. In addition, three motorcycle parking spaces and one tandem automobile parking space are being provided, but these do not count towards the vehicle parking requirements. A CUP is also required for ground-level parking and loading.

The applicant has proposed a total of 14 long-term and 8 short-term bicycle parking spaces as part of this project. Section 17.117 (bicycle parking ordinance) of the Oakland Planning Code states that 12 long-term bicycle parking spaces are required for residential uses of the project and an additional 2 spaces are required for the commercial spaces proposed in the project for a total of 14 long-term bicycle spaces required. Spaces planned for senior housing use are required at a 10:1 ratio (115 units divided by 10 works out to 11.5 spaces, rounded up to 12). Commercial bicycles spaces are required at 2 per 5,000 square feet of retail/commercial space or a minimum of 2 spaces. Because the project has proposed 3, 446 square feet of retail/commercial, the number of spaces required defaults to the minimum requirement of two spaces. The proposed project is also subject to compliance with the short-term bicycle parking requirements of 1 space per 20 senior housing units plus 1 space per 5,000 square feet of retail/commercial space. At these ratios, 8 short-term bike spaces would be required. The project complies with both the long- and short-term bicycle parking requirements.

The project seeks design review, CUP, and variance approval. The City must determine whether the project meets the applicable findings and criteria that will ensure consistency with the Oakland General Plan, the Oakland Planning Code and Subdivision Regulations, and all other applicable requirements of the Oakland Municipal Code. While the proposed project may have potential physical environmental impacts, all of which will be further studied in the EIR, none of these potential impacts would be caused due to a fundamental conflict with any land use plan, policy, or regulation. Therefore, the project would not fundamentally conflict with applicable land use plans and policy and its impact would be less than significant.

d) The project site is not located within a habitat conservation plan or natural community conservation plan; therefore, there would be no impact.

X. Mineral Resources

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
11. MINERAL AND ENERGY RESOURCES— Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒

Discussion

a–b) The project site has no known mineral resources. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor will it deplete any nonrenewable natural resources. Therefore, the project would not impact mineral resources.

XI. Noise

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
12. NOISE—Would the project result in:					
a) Exposure of persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g., OSHA)?	☒	☐	☐	☐	☐
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	☒	☐	☐	☐	☐
c) Violates the City of Oakland Noise Ordinance (Oakland Municipal Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed?	☒	☐	☐	☐	☐
d) Violates the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	☒	☐	☐	☐	☐
e) Create a vibration not associated with motor vehicle, trains, and temporary construction or demolition work, which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities, except vibration causing activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	☐	☐	☐	☐	☒
f) Expose person to or generate rail-related groundbourne vibration in excess of standards established by the Federal Transit Administration?	☐	☐	☐	☐	☒
g) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories, and long-term care facilities (and may be extended by local legislative action to include single family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24)?	☒	☐	☐	☐	☐
h) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐	☐
i) Conflicts with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise after incorporation of all applicable Standard Conditions of Approval?	☒	☐	☐	☐	☐
j) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
k) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒

Discussion

a-d, g-i)

The proposed project consists of the development of a five-story mixed use building containing 115 senior residential units with approximately 3,446 square feet of ground floor commercial space. The project site's proximity to I-580 and High Street and MacArthur Boulevard, and the associated traffic volumes could expose the proposed uses to noise levels in excess of applicable noise standards. In addition, construction related noise impacts to the neighboring commercial and residential uses could be significant. An analysis of potential noise impacts and necessary mitigation measures will be included in the EIR.

e) The proposed project consists of residential senior housing. No vibration-causing activities would result from implementation of the project; therefore, the project would have no impact associated with vibration.

f) The project site is not located adjacent to, or in close proximity to rail activity. Therefore, implementation of the proposed project would not exposure of persons to rail-related groundbourne vibration.

j-k) The project is not located within 2 miles of a public airport, and there are no private landing airstrips in the vicinity. The closest public airport is the Oakland International Airport located approximately 8 miles south and west of the project site. Therefore, the project would have no impact as it would not expose persons residing or working at the project site to excessive noise due to proximity to an airport or landing strip.

It is also noted that the project site is identified as a planned development site in the Housing Element and the Housing Element EIR, which was certified by the City in December 2010 and included an analysis of Noise impacts. Development of the project site, at a level consistent with the proposed project, was considered in the Housing Element EIR. The High and MacArthur Project EIR may tier off of the analysis included in the Housing Element EIR pursuant to the CEQA Statute §21093 and §21094 and CEQA Guidelines §15152 and §15385.

XII. Population and Housing

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
13. POPULATION AND HOUSING— Would the project:					
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 extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☐	☒

Discussion

a) The project would incrementally impact the population by adding an additional 115 senior residential units. However, the units proposed are consistent with the General Plan and zoning designations of this area and consistent with the policies of the City of Oakland General Plan Land Use and Transportation and Housing Elements. The population growth is an incremental growth in persons and housing and the impacts would be considered less than significant.

a) The project site does not currently contain any residential units. Therefore, the project would not displace housing. The project would increase the housing supply in Oakland by 115 units; therefore, no existing housing units would be displaced and no impact would occur.

b) The project site does not contain residential population. Therefore, implementation of the project would not displace people and there would be no impact.

XIII. Public Services

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
14. PUBLIC SERVICES— Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:					
i) Fire protection?	☐	☐	☐	☒	☐
ii) Police Protection?	☐	☐	☐	☒	☐
iii) Schools?[32]	☐	☐	☐	☐	☒
iv) Other public facilities?	☐	☐	☐	☒	☐

Discussion

a.i) The project site is located within a developed area of Oakland already served by public services. Fire protection and emergency medical response services are provided to the project site by the Oakland Fire Department. The Oakland Fire Department currently has 25 fire stations, the nearest station being Station 17 located at 3344 High Street, approximately ¼-mile from the project site.[33] In accordance with standard City practices, the proposed project would be designed in compliance with Oakland's Building Code, and the Fire Department would further review the project plans at the time of building permit application to ensure that adequate fire and life safety measures are designed into the project and in compliance with all applicable state and city fire safety requirements.

The increased population attributable to this proposed development would result in an incremental increase in the number of emergency medical calls at the project site. This increase would not be substantial given the relatively small percentage of total growth within the context of the surrounding vicinity, and would not require new or physically altered fire facilities.[34] Therefore, the impact would be less than significant.

[32] Although impacts to schools are exempt from CEQA review and mitigation (see SB 50) the impacts should nevertheless be analyzed.

[33] City of Oakland Fire Department, *http://www.oaklandnet.com/fire/operations/*. Accessed June 2, 2010.

[34] Phillip C Basada, Fire Protection Engineer. City of Oakland Fire Department. Personal Communication with Urban Planning Partners. June 14, 2010.

a.ii) Police protection services to the site are provided by the Oakland Police Department headquartered in downtown Oakland at 455 Seventh Street, approximately 6 miles from the project site. The project site is located in Patrol Area 2.[35] The proposed project would incrementally increase the demand for police services, but the increased demand generated by 115 senior residential units would not be substantial; therefore, the project will not substantially require new or physically-altered police facilities to ensure the provision of adequate police service.[36] The impact would be less than significant.

a.iii) The project proposes 115 residential units of senior housing. Since the residential portion of the project is limited to senior housing, there will be no students generated as a result of this project. Therefore, this project would have no impact on schools.

a.iv) See Section XIV. Recreation, for discussion of impacts to park facilities.

References

City of Oakland Fire Department, http://www.oaklandnet.com/fire/operations/. Accessed June 2, 2010.

City of Oakland Police Department, http://www2.oaklandnet.com/Government/o/OPD/o/PatrolDivision/index.htm. Accessed June 2, 2010.

Thomas, Jeff. Public Information Officer, City of Oakland Police Department. Personal communication with Urban Planning Partners. June 11, 2010.

Phillip C Basada, Fire Protection Engineer. City of Oakland Fire Department. Personal Communication with Urban Planning Partners. June 14, 2010.

[35] City of Oakland Police Department, http://www2.oaklandnet.com/Government/o/OPD/o/PatrolDivision/index.htm. Accessed June 2, 2010.

[36] Thomas, Jeff. Public Information Officer, City of Oakland Police Department. Personal communication with Urban Planning Partners. June 11, 2010.

XIV. Recreation

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
15. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

Discussion

a–b) The project site is located immediately south of the Laurel District in the City of Oakland. Nearby parks and recreational facilities include McCrea Memorial Park and Leona Heights Park. Residents of the project site would be expected to use local parks and community facilities in Oakland, in addition to regional facilities in the area. The City of Oakland's Office of Aging, Health and Human Services also operates four multi-purpose seniors senior centers located throughout the City of Oakland.[37] Although the project would incrementally increase use of these facilities, this increase in use is not expected to result in substantial physical deterioration of local parks, trails, and community centers. Use of local and regional parks would be distributed over several locations on any given day, and would be commensurate with the relatively low number of residents that would occupy the project site (approximately 115 persons). In addition, use of public facilities by occupants of the project would be marginally reduced due to the provision of private open space on the project site (including an interior courtyard and balconies adjacent to every residential unit). The project would not require the construction or expansion of new recreational facilities that might have an adverse physical effect on the environment. The project impact would be less than significant.

References

City of Oakland Parks and Recreation Department, http://www.oaklandnet.com/parks/facilities/senior.asp. Accessed June 14, 2010.

[37] City of Oakland Parks and Recreation: http://www.oaklandnet.com/parks/facilities/senior.asp. Accessed June 14, 2010.

XV. Transportation/Traffic

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
16. TRANSPORTATION / TRAFFIC— Would the project:					
Cause an increase in traffic which is substantial in relation to the traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e.) street closures, changing direction of travel) in a manner that would substantially impact access or traffic load capacity of the street system? Specifically:					
a) At a study, signalized intersection which is located outside the Downtown area[38], the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?	☒	☐	☐	☐	☐
b) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	☐	☐	☐	☐	☒
c) At a study, signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	☒	☐	☐	☐	☐
d) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e., F)?	☒	☐	☐	☐	☐
e) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately)?	☒	☐	☐	☐	☐
f) At a study, unsignalized intersection, the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?	☒	☐	☐	☐	☐

[38] The downtown Area is defined in the Land Use and Transportation Element of the General Plan as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south and I-980/Brush Street to the west.

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
g) For a Congestion Management Program (CMP) required analysis, (i.e., projects that generate 100 or more p.m. peak hour trips) cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project?	☐	☐	☐	☒	☐
Other Thresholds					
h) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	☐	☐	☐	☐	☒
i) Substantially increase traffic hazards due to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐	☐
j) 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?	☒	☐	☐	☐	☐
k) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle routes, pedestrian safety)?	☒	☐	☐	☐	☐
Cumulative Impacts					
l) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project exceeds at least one of the intersection-related thresholds listed above in threshold #a through #g for years 2015 or 2030.	☒	☐	☐	☐	☐

Discussion

a-l) The proposed project consists of developing a five-story mixed use building that includes 115 senior residential units with approximately 3,446 square feet of ground floor commercial space. The project site is located on the corner of High Street and MacArthur Boulevard, adjacent to the I-580 freeway. The intersection receives high levels of AM and PM peak vehicle trips. The proposed project would not have no impact on Downtown intersections (checklist question b) as it is not located near Downtown; it would not generate more than 100 peak hour trips, thus not requiring a CMA analysis (checklist question g); and it would not result in any impacts to air traffic patterns (checklist questions h). However, implementation of the proposed project may result in potentially significant transportation and traffic impacts related to study intersection located outside of

the Downtown Area, design features, emergency access, and alternative transportation related policies (e.g., bus turnouts, bicycle routes) (checklist questions a, c–f, and i–l). An analysis of potential transportation and traffic impacts and relevant mitigation measures will be included in the EIR.

It is also noted that the project site is identified as a planned development site in the Housing Element and the Housing Element EIR, which was certified by the City in December 2010 and included an analysis of Transportation/Traffic impacts. Development of the project site, at a level consistent with the proposed project, was considered in the Housing Element EIR. The High and MacArthur Project EIR may tier off of the analysis included in the Housing Element EIR pursuant to the CEQA Statute §21093 and §21094 and CEQA Guidelines §15152 and §15385.

XVI. Utilities and Service Systems

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
17. UTILITIES AND SERVICE SYSTEMS— Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
c) 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?	☐	☐	☐	☒	☐
d) 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?	☐	☐	☒	☐	☐
e) 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?	☐	☐	☒	☐	☐
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	☐
g) Violate applicable federal, state and local statutes and regulations relating to energy standards?	☐	☐	☐	☒	☐
h) 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?	☐	☐	☐	☒	☐

Discussion

a) The East Bay Municipal Utility District (EBMUD) provides wastewater treatment services to approximately 640,000 people within an 83-square mile area of Alameda and Contra Costa counties, including the City of Oakland. EBMUD's main wastewater treatment plant, which provides primary and secondary wastewater treatment, is located southwest of the I-580/Interstate I-80 interchange in Oakland. Currently, the EBMUD plant has the dry weather capacity of 168 million gallons of water per day (mgd). With the current average flow of 80 mgd, the plant is operating at 47.6 percent capacity. Additionally, primary wastewater treatment can be provided for up to 320 mgd.[39]

According to the City of Oakland Sanitary Sewer Design Guidelines, the proposed project would generate approximately 17,562 gallons[40] of wastewater per day (gpd) or approximately 6.9 million gallons per year.[41] The amount of wastewater that is anticipated by the project is not expected to exceed the wastewater treatment requirements of the EBMUD[42]. Furthermore, other than extending the existing infrastructure to the project site, no additional wastewater treatment facilities would need to be constructed to accommodate the proposed project. The project's impact to wastewater and stormwater systems would be less than significant with implementation of the following Standard Condition of Approval:

> STANDARD CONDITION UTIL-1: *Prior to completing the final design for the project's sewer service*.
> Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

[39] East Bay Municipal Utility district (EBMUD), "All About EBMUD," Published by the Public Affairs Office, 2007

[40] (150 gpd/1 bedroom unit x 115 units) + (100 gpd/1000 gross sq ft x 3,124 sq ft) = 17,562 gallons.

[41] City of Oakland, Sanitary Sewer Guidelines, Table 1 – Average Flow Rate on Specific Developments, November 2004. Revised August 2005.

[42] Lee, Diana, P.E. EBMUD Engineering and Planning. Personal communication with Urban Planning Partners. June 2010.

b) Water supply and treatment, and wastewater treatment are provided to Oakland by EBMUD. As noted in XVI.a, the project site is currently served by sanitary sewer and water lines. Minor connections to these existing lines would be required to serve new structures on the project site.

The most current EBMUD Urban Water Management Plan (2009) has projected that water demand will be approximately 230 MGD in 2040.[43] The increased demand that would result from the proposed project is an insignificant fraction of this anticipated demand; water could be supplied to the project via existing and planned entitlements.

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the project and the wastewater generated by the project meet the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined. Implementation of City Standard Condition of Approval UTIL-1 will ensure that adequate stormwater and sanitary sewer

[43] East Bay Municipal Utility District. "Urban Water Management Plan." October, 2009.

infrastructure improvements are implemented, as needed, to serve the project.[44] Specifically, it will ensure that the proposed project will replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow; ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible; and pays sewer mitigation fees required by the City's Public Works Agency. Therefore, this impact would be less than significant.

c) EBMUD currently supplies water for nearly 1.3 million customers, including the City of Oakland, and is expected to grow to 1.7 million by the year 2040. Per capita daily water use in 2006 averaged 162 gallons. The highest annual water consumption on record was in 1976 at 222 million gallons.[45]

According to the Public Policy Institute of California, per capita water use in California is 232 gallons per day. Implementation of the project would increase the local population by 115 residents. Therefore, a rough estimate of the project's anticipated water demand is 26,680 gallons per day (115 persons x 232 gallon per day). This amount is consistent with EBMUD's future projections and will not be expected to exceed EBMUD's water supply capacity[46]. Because the projected demand comprises less than 0.01 percent of total EBMUD projected water demand, the project's impact on water provisions would be less than significant.

d) Please see checklist question response a above. The impact would be less than significant with the implementation of Standard Conditions of Approval.

e-f) The City of Oakland is serviced by the Altamont Landfill located in Livermore, CA. Waste collection is run by Waste Management of Alameda County (WMAC), WMAC collects solid waste from residential, commercial and industrial customers and delivers it to the Davis Transfer Station in San Leandro, where it is then transferred to larger vehicles and hauled to Altamont Landfill. Assembly Bill 939 requires that all cities divert 50 percent of their solid waste from landfills by December 31, 2000. The waste diversion rate in the City of Oakland was 55 percent in 2004[47]. The project sponsor would be required to comply with the City's construction and demolition debris recycling ordinance, which requires

[44] Ibid

[45] EBMUD, "Water Supply Management Program 2040." http://www.ebmud.com/our-water/water-supply/long-term-planning/water-supply-management-program-2040. Accessed June 9, 2010.

[46] Rehnstrom, David. EBMUD Senior Civil Engineer, Water District Planning. Personal communication with Urban Planning Partners. October 2010.

[47] City of Oakland, Public Works Agency. "Zero Waste Strategic Plan." November 2006.

submittal of a plan to divert at least 50 percent of the construction waste generated by the project from landfill disposal.

The following discussion summarizes waste reduction regulations that apply to projects in Oakland:

California Integrated Waste Management Act (AB 939). State-mandated solid waste diversion goals are established in the California Integrated Waste Management Act (AB 939), including source reduction, composting, and recycling. AB 939 required all municipalities in the State to divert at least 50 percent of their waste streams by 2000. Source reduction, which is given the highest priority, is defined as the act of reducing the amount of solid waste generated by waste producers. Recycling and composting are given the next highest priority. AB 939 specifies that all other waste that is not diverted be properly and safely disposed of in a landfill or through incineration.

Alameda County Measure D. Approved by voters in 1990, Measure D established the Alameda County Source Reduction and Recycling Board to coordinate the creation of the Alameda County Source Reduction and Recycling Plan. This Plan established a Countywide goal of achieving a 75 percent solid rate diversion rate from landfills by the year 2010.

Oakland Municipal Code Chapter 15.34. This section of the Oakland Municipal Code requires building permit applications for new construction, demolition, or alterations and additions (with a valuation of $50,000 or greater) to be accompanied by an approved Waste Reduction and Recycling Plan (WRRP), as noted in Standard condition UTIL-2. The WRRP is required to document the ways that the applicant will reduce the quantity of construction and demolition debris disposed at landfills by 50 percent or more. The City of Oakland will not approve a building permit for a project until the WRRP is approved.

The project applicant, the project design, and occupants of the project site would be required to comply with the waste reduction and recycling regulations outlined above – particularly Oakland Municipal Code Chapter 15.34. Therefore, the project would not be expected to conflict with applicable solid waste regulations. Compliance with this ordinance would result in less than significant short-term impacts on solid waste:

STANDARD CONDITION UTIL-2: *Prior to issuance of demolition, grading, or building permit*.

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/ modifications with construction values of $50,000 or more (except R-3), and all demolition (including soft demo).The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing. The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

g-h) The project would increase energy consumption at the project site, but not to a degree that would require construction or expansion of new facilities. The project energy demand will be typical for a project of this scope and nature and will meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the City of Oakland through its building permit review process. The project would have a less-than-significant impact.

References

City of Oakland, Public Works Agency. "Zero Waste Strategic Plan." November 2006.

City of Oakland, Sanitary Sewer Guidelines, Table 1 – Average Flow Rate on Specific Developments, November 2004. Revised August 2005.

East Bay Municipal Utility district (EBMUD), "All About EBMUD," Published by the Public Affairs Office, 2007.

East Bay Municipal Utility District. "Urban Water Management Plan." October, 2009.

EBMUD, "Water Supply Management Program 2040." http://www.ebmud.com/our-water/water-supply/long-term-planning/water-supply-management-program-2040. Accessed June 9, 2010.

Lee, Diana, P.E. EBMUD Engineering and Planning. Personal communication with Urban Planning Partners. June 2010.

Rehnstrom, David. EBMUD Senior Civil Engineer, Water District Planning. Personal communication with Urban Planning Partners. October 2010.

XVII. Mandatory Findings of Significance

Topics:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant with Standard Conditions of Approval*	*Less Than Significant Impact*	*No Impact*
18. MANDATORY FINDINGS OF SIGNIFICANCE—					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐	☒
b) Does the project have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)	☒	☐	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐	☐

Discussion

a) As discussed in the preceding chapters, the proposed project does not have the potential to significantly degrade the environment. Section IV, Biological Resources, indicates there is no significant habitat that will be threatened by the proposed project. The project would also have no significant impact to California history or prehistory.

b) Given the scale of the proposed project and the demand resulting from new population and uses on the site, the incremental effects of the project can reasonably be expected to not be cumulatively considerable. Development of the project site is consistent with the General Plan and zoning designations for the site. However, potential cumulative impacts may result for aesthetics, air quality, geology, greenhouse gas emissions, noise, and traffic, and will be addressed fully in the EIR.

c) As discussed in Section VII, Hazards and Hazardous Materials and Section XV, Transportation and Traffic, the proposed project may have significant adverse effects on human beings regarding hazards due to contaminated soils and increased traffic at key intersections. As previously indicated throughout this Initial Study, each of these topics, and specifically the potential effects each may have on human beings, will be fully analyzed in the EIR.

The project site is identified as a planned development site in the Housing Element and the Housing Element EIR. Development of the project site, at a level consistent with the proposed project, was considered in the Housing Element EIR. The proposed project is consistent with the Housing Element and will further the City in meeting its objective to increase housing. The High and MacArthur Project EIR may tier off of the analysis included in the Housing Element EIR pursuant to the CEQA Statutes §21093 and §21094 and CEQA Guidelines §15152 and §15385.