

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

**PURPOSE:** To help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland, the City has established these CEQA Thresholds of Significance Guidelines (which have been in general use since at least 2002). These Thresholds are offered as guidance in preparing all environmental review documents (including Initial Studies and EIRs). Where possible, these Thresholds should be used unless the location of the project or other unique factors warrants the use of different thresholds. In those situations where different thresholds are proposed, justification must be provided and the City Planning and Zoning Division must approve the use of such. These Thresholds are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, including sections 15064, 15064.4, 15064.5, 15064.7, 15065, 15382, and Appendix G, and form the basis of the City’s Initial Study and Environmental Review Checklist.<sup>1</sup> The Thresholds should be used to evaluate the potential primary effects of a project and should be considered when evaluating the potential secondary effects of a project, including the potential effects of mitigation measures.

When incorporating the Thresholds into environmental documents, include the bracketed notes from this Thresholds document in the environmental document. Do not include the footnotes from this Thresholds document in the environmental document, unless otherwise indicated; the footnotes are generally intended to provide guidance to the preparer of the environmental document and not intended for the eventual reader of the final environmental document.

These Thresholds are to be used in conjunction with the City’s Standard Conditions of Approval (contained in a separate document), which are incorporated into projects regardless of a project’s environmental determination, pursuant, in part, to CEQA Guidelines sections 15183 and 15183.3. As applicable, the Standard Conditions of Approval are adopted as requirements of

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<sup>1</sup> Thresholds that pertain to the effect of the environment on the project (as compared to the project’s impact on the environment) are not required to be analyzed under CEQA but are nevertheless included and should be evaluated to provide information to decision-makers and the public. Insert the following language into the CEQA document: “CEQA requires the analysis of potential adverse effects of the project on the environment. Potential effects of the environment on the project are legally **not** required to be analyzed or mitigated under CEQA. However, this document nevertheless analyzes potential effects of the environment on the project in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the project is identified, the document, as appropriate, identifies City Standard Conditions of Approval and/or project-specific non-CEQA recommendations to address these issues.”

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

an individual project when the project is approved by the City and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the Standard Conditions of Approval are applied, based upon the project's characteristics and location, zoning district, applicable plans, and type(s) of permit(s)/approvals(s) required for the project. For example, Standard Conditions related to creek protection permits are applied to projects on creekside properties.

The Standard Conditions of Approval were initially and formally adopted by the City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3), and 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).<sup>2,3</sup>

**AESTHETICS, SHADOW AND WIND**<sup>4</sup>

The project would have a significant impact on the environment if it would:

1. Have a substantial adverse effect on a public scenic vista [**NOTE:** Only impacts to scenic views enjoyed by members of the public generally (but not private views) are potentially significant.];
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings,

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<sup>2</sup> Insert this discussion concerning the City's Standard Conditions of Approval into the environmental document.

<sup>3</sup> Note that certain technical studies required by the Standard Conditions of Approval are required to be performed during the CEQA process (and the results of such studies incorporated into the CEQA documents themselves) rather than after project approval.

<sup>4</sup> See Appendix E for guidance on the cumulative analysis.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

and historic buildings, located within a state or locally designated scenic highway;

3. Substantially degrade the existing visual character or quality of the site and its surroundings;<sup>5</sup>
4. Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;
5. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986);
6. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or
- 7.

**AGRICULTURE AND FOREST RESOURCES**<sup>6</sup>

The project would have a significant impact on the environment if it would:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract;
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
4. Result in the loss of forest land or conversion of forest land to non-forest use; or

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<sup>5</sup> For projects requiring design review, briefly evaluate the project's consistency with the applicable design review criteria. Projects consistent with the design review criteria will generally be found to result in a less than significant impact.

<sup>6</sup> In determining whether impacts to agricultural resources are significant environmental effects, refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation. In determining whether impacts to forest resources, including timberland, are significant environmental effects, refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

**AIR QUALITY**<sup>7,8</sup>

The project would have a significant impact on the environment if it would:

**NOTE:** The thresholds below that pertain to the effect of the environment on the project (as compared to the project’s impact on the environment) are not legally required to be analyzed under CEQA but are nevertheless evaluated in order to provide information to decision-makers and the public.

**PROJECT-LEVEL IMPACTS**

**NOTE:** The thresholds below related to criteria air pollutants (thresholds 1 through 3) pertain to impacts that are, by their nature, cumulative impacts because one project by itself cannot generate air pollution that would violate regional air quality standards. Thresholds 1 through 3 pertain to a project’s contribution to cumulative impacts but are labeled “Project-Level Impacts” here to be consistent with the terminology used by BAAQMD.

1. During project construction result in average daily emissions of 54 pounds per day of ROG, NO<sub>x</sub>, or PM<sub>2.5</sub> or 82 pounds per day of PM<sub>10</sub>;
2. During project operation result in average daily emissions of 54 pounds per day of ROG,

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<sup>7</sup> The City’s thresholds of significance pertaining to air quality are generally based on the thresholds adopted by the Bay Area Air Quality Management District (BAAQMD) in June 2010. In March 2012 the Alameda County Superior Court issued a judgment finding that BAAQMD had failed to comply with CEQA when the thresholds were adopted. In August 2013 the California Court of Appeal reversed the Superior Court’s decision. Pursuant to CEQA, lead agencies must apply appropriate thresholds based on substantial evidence in the record. The City’s thresholds rely upon the technical and scientific basis for BAAQMD’s 2010 thresholds. Use of the City’s thresholds is consistent with and authorized by CEQA Guidelines section 15064. The City’s thresholds have not been challenged and remain in effect. The methodology for assessing air quality impacts (e.g., calculating air pollution emissions and potential health impacts) should be based on the latest version of BAAQMD’s CEQA Guidelines and guidelines published by other regional, state, and federal regulatory agencies.

<sup>8</sup> BAAQMD maintains a PM<sub>2.5</sub>, NO<sub>x</sub>, and Ozone monitoring station in East Oakland along International Blvd. and data from this station should be obtained and used. The consultant must submit a public records request to BAAQMD to obtain this information. The form can be submitted via BAAQMD’s website: [http://www.baaqmd.gov/adm/public\\_records\\_request.htm](http://www.baaqmd.gov/adm/public_records_request.htm)

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

NO<sub>x</sub>, or PM<sub>2.5</sub> or 82 pounds per day of PM<sub>10</sub>; or result in maximum annual emissions of 10 tons per year of ROG, NO<sub>x</sub>, or PM<sub>2.5</sub> or 15 tons per year of PM<sub>10</sub>;

3. Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour [**NOTE**: Pursuant to BAAQMD CEQA Guidelines, localized CO concentrations should be estimated for projects in which (a) project-generated traffic would conflict with an applicable congestion management program established by the county congestion management agency or (b) project-generated traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below-grade roadways). In Oakland, only the MacArthur Maze portion of Interstate 580 exceeds the 44,000 vehicles per hour screening criteria.];
4. For new **sources** of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs **under project conditions** resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM<sub>2.5</sub> of greater than 0.3 micrograms per cubic meter; or, **under cumulative conditions**, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM<sub>2.5</sub> of greater than 0.8 micrograms per cubic meter [**NOTE**: Pursuant to the BAAQMD CEQA Guidelines, when siting new TAC sources consider receptors located within 1,000 feet. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers. The cumulative analysis should consider the combined risk from all TAC sources.];
5. Expose new **sensitive receptors** to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM<sub>2.5</sub> of greater than 0.8 micrograms per cubic meter [**NOTE**: Pursuant to the BAAQMD CEQA Guidelines, when siting new sensitive receptors consider TAC sources located within 1,000 feet including, but not limited to, stationary sources, freeways, major roadways (10,000 or greater vehicles per day), truck distribution centers, airports, seaports, ferry terminals, and rail lines. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers.]; or
6. Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people [**NOTE**: For this threshold,

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

sensitive receptors include residential uses, schools, daycare centers, nursing homes, and medical centers (but not parks).].

**PLAN-LEVEL IMPACTS<sup>9</sup>**

7. Fundamentally conflict with the primary goals of the Bay Area Clean Air Plan (CAP);
8. Fundamentally conflict with the CAP because the plan does not demonstrate reasonable efforts to implement control measures contained in the CAP or the plan conflicts with or obstructs implementation of any control measures in the CAP;
9. Not include special overlay zones containing goals, policies, and objectives to minimize potential Toxic Air Contaminant (TAC) impacts in areas located (a) near existing and planned sources of TACs and (b) within 500 feet of freeways and high-volume roadways containing 100,000 or more average daily vehicle trips;<sup>10</sup> or
10. Not identify existing and planned sources of odors with policies to reduce potential odor impacts.

**NOTE:** See the Greenhouse Gas Emissions/Global Climate Change thresholds and the Hazards and Hazardous Materials thresholds for additional thresholds related to air emissions.

**BIOLOGICAL RESOURCES**

The project would have a significant impact on the environment if it would:

1. 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;
2. 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;
3. 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,

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<sup>9</sup> The plan-level thresholds should be applied to long-range planning documents, such as general plans, redevelopment plans, specific plans, area plans, and community plans.

<sup>10</sup> Pursuant to BAAQMD Guidelines, the size of the overlay zones should be based upon the recommended buffer distances contained within the California Air Resources Board's (CARB's) 2005 Land Use Handbook.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

hydrological interruption, or other means;

4. Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan;
6. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances [NOTE: 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) protected trees to remain, with special consideration given to native trees.<sup>11</sup> Protected trees include *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.]; or
7. Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. [NOTE: 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/or 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.]

**CULTURAL AND HISTORIC RESOURCES**<sup>12</sup>

The project would have a significant impact on the environment if it would:

1. Cause a substantial adverse change in the significance of an historical resource as defined in

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<sup>11</sup> Oakland Planning Code section 17.158.280(E)(2) states that “Development related” tree removal permits are exempt from CEQA if no single tree to be removed has a dbh of 36 inches or greater **and** the cumulative trunk area of all trees to be removed does not exceed 0.1 percent of the total lot area.

<sup>12</sup> See Appendix E for guidance on the cumulative analysis.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

CEQA Guidelines section 15064.5.<sup>13</sup> Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of an historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance **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);

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5;
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
4. Disturb any human remains, including those interred outside of formal cemeteries.

**GEOLOGY AND SOILS**

The project would have a significant impact on the environment if it would expose people or structures to geologic hazards, soils, and/or seismic conditions so unfavorable that they could not be overcome by special design using reasonable construction and maintenance practices. Specifically,

1. Expose people or structures to substantial risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault [**NOTE:** Refer to California Geological Survey 42 and 117 and Public Resources Code section 2690 et. seq.];
  - Strong seismic ground shaking;
  - Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or
  - Landslides;
2. Result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property,

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<sup>13</sup> See Appendix A for the definition of an historic resource.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

or creeks/waterways;

3. Be located on expansive soil, as defined in section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property;
4. Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property;
5. Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property ; or
6. 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.

**GREENHOUSE GAS EMISSIONS / GLOBAL CLIMATE CHANGE<sup>14</sup>**

The project would have a significant impact on the environment if it would:

1. For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO<sub>2</sub>e annually. [NOTE: Stationary sources are projects that require a BAAQMD permit to operate.]
2. For a project involving a land use development<sup>15</sup>, fail to demonstrate consistency with the 2030 Equitable Climate Action Plan (ECAP) adopted by the City Council on July 28, 2020. [NOTE: Land use developments are projects that do not require a BAAQMD permit to operate.] Consistency with the 2030 ECAP can be shown by either:
  - (a) committing to all of the GHG emissions reductions strategies described on the ECAP Consistency Checklist,<sup>16</sup> or

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<sup>14</sup> The City's Thresholds of Significance pertaining to greenhouse gas (GHG) emissions and global climate change are intended to achieve deeper emissions reductions than the more lenient thresholds adopted by the Bay Area Air Quality Management District (BAAQMD) in June 2010. Pursuant to CEQA, lead agencies must apply appropriate thresholds based on substantial evidence in the record. The City's Thresholds rely upon the technical and scientific basis for the City's 2030 Equitable Climate Action Plan (ECAP), which provide substantial evidence that adherence to the 2030 ECAP action items will achieve GHG emissions reduction targets of 56% below 2005 levels by 2030 and 83% below 2005 levels by 2050. Use of the City's thresholds is consistent with and authorized by CEQA Guidelines section 15064. The City's thresholds have not been challenged and remain in effect.

<sup>15</sup> For projects that involve both a stationary source and a land use development, calculate each component separately and compare to the applicable threshold.

<sup>16</sup> The ECAP Consistency Checklist includes all of the project-level GHG emissions reduction strategies that are either regulatory requirements or are necessary at a project level to meet the adopted city-wide GHG emissions reduction targets of 56% reduction from 2005 levels by 2030 and 83% reduction by 2050. As new strategies are

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

(b) complying with the GHG Reduction Standard Condition of Approval that requires a project-level GHG Reduction Plan quantifying how alternative reduction measures will achieve the same or greater emissions than would be achieved by meeting the ECAP Consistency Checklist.

**HAZARDS AND HAZARDOUS MATERIALS**

The project would have a significant impact on the environment if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. 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;
3. Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors [NOTE: Per the BAAQMD CEQA Guidelines, evaluate whether the project would result in persons being within the Emergency Response Planning Guidelines (ERPG) exposure level 2 for acutely hazardous air emissions either by siting a new source or a new sensitive receptor. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers];
4. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
5. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (i.e., the “Cortese List”) and, as a result, would create a significant hazard to the public or the environment;<sup>17</sup>

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adopted to align with the 2030 ECAP, the Checklist will be updated and new projects will be expected to achieve the revised strategies or comply with GHG Reduction Standard Condition of Approval.

<sup>17</sup> See Appendix B for guidance on the “Cortese List.”

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

6. 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;<sup>18</sup>
7. 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 significant safety hazard for people residing or working in the project area;
8. Be located within the vicinity of a private airstrip, and would result in a significant safety hazard for people residing or working in the project area;
9. Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
10. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

**HYDROLOGY AND WATER QUALITY**

The project would have a significant impact on the environment if it would:

1. Violate any water quality standards or waste discharge requirements;
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted);
3. Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters;
4. Result in substantial flooding on- or off-site;
5. Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems;
6. Create or contribute substantial runoff which would be an additional source of polluted runoff;
7. Otherwise substantially degrade water quality;

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<sup>18</sup> See the Transportation/Traffic thresholds for additional thresholds related to transportation.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

8. 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;
9. Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
10. Expose people or structures to a substantial risk of loss, injury, or death involving flooding;
11. Expose people or structures to a substantial risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow;
12. 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; or
13. Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. [Note: 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) 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.]

**LAND USE AND PLANNING**<sup>19</sup>

The project would have a significant impact on the environment if it would:

1. Physically divide an established community;
2. Result in a fundamental conflict between adjacent or nearby land uses;
3. Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment; or
4. Fundamentally conflict with any applicable habitat conservation plan or natural community

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<sup>19</sup> A list of the City's major planning documents is in Appendix C, as well as recommended language/approach for discussing consistency of the proposed project with the General Plan.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

conservation plan.

**MINERAL RESOURCES**

The project would have a significant impact on the environment if it would:

1. 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; or
2. 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.

**NOISE**

The project would have a significant impact on the environment if it would:

1. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts.<sup>20</sup>

<b>TABLE 1</b>		
<b>City of Oakland Construction Noise Standards at Receiving Property Line, dBA<sup>1</sup></b>		
<b>Receiving Land Use</b>	<b>Maximum Allowable Noise Level (dBA)</b>	
	<b>Weekdays 7 a.m.-7 p.m.</b>	<b>Weekends 9 a.m.-8 p.m.</b>
<b>Less than 10 days</b>		
Residential	80	65
Commercial, Industrial	85	70
<b>More than 10 Days</b>		
Residential	65	55

<sup>20</sup> The acoustical analysis must identify, at a minimum, (a) the types of construction equipment expected to be used and the noise levels typically associated with the construction equipment and (b) the surrounding land uses including any sensitive land uses (e.g., schools and childcare facilities, health care and nursing homes, public open space). If sensitive land uses are present, the acoustical analysis must recommend measures to reduce potential impacts.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

Commercial, Industrial	70	60
Notes: 1) If the ambient noise level exceeds these standards, the standard shall be adjusted to equal the ambient noise level.		

During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard (see Table 2);

2. Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise;
3. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise:

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

<b>TABLE 2</b>			
<b>City of Oakland Operational Noise Standards at Receiving Property Line, dBA<sup>1</sup></b>			
<b>Receiving Land Use</b>	<b>Cumulative No. of Minutes in a 1-Hr Period<sup>2</sup></b>	<b>Maximum Allowable Noise Level (dBA)</b>	
		<b>Daytime 7 a.m.-10 p.m.</b>	<b>Nighttime 10 p.m.-7 a.m.</b>
<b>Residential and Civic<sup>3</sup></b>	20 (L <sub>33</sub> )	60	45
	10 (L <sub>16.7</sub> )	65	50
	5 (L <sub>8.3</sub> )	70	55
	1 (L <sub>1.7</sub> )	75	60
	0 (L <sub>max</sub> )	80	65
<b>Anytime</b>			
<b>Commercial</b>	20 (L <sub>33</sub> )	65	
	10 (L <sub>16.7</sub> )	70	
	5 (L <sub>8.3</sub> )	75	
	1 (L <sub>1.7</sub> )	80	
	0 (L <sub>max</sub> )	85	
<b>Manufacturing, Mining, and Quarrying</b>	20 (L <sub>33</sub> )	70	
	10 (L <sub>16.7</sub> )	75	
	5 (L <sub>8.3</sub> )	80	
	1 (L <sub>1.7</sub> )	85	
	0 (L <sub>max</sub> )	90	
<p>Notes: 1) These standards are reduced 5 dBA for simple tone noise, noise consisting primarily of speech or music, or recurring impact noise. If the ambient noise level exceeds these standards, the standard shall be adjusted to equal the ambient noise level.</p> <p>2) L<sub>x</sub> represents the noise level that is exceeded X percent of a given period. L<sub>max</sub> is the maximum instantaneous noise level.</p> <p>3) Legal residences, schools and childcare facilities, health care or nursing home, public open space, or similarly sensitive land uses.</p>			

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

4. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3 dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project) [**NOTE:** Outside of a laboratory, a 3 dBA change is considered a just-perceivable difference. Therefore, 3 dBA is used to determine if the project-related noise increases are cumulative considerable. Project-related noise should include both vehicle trips and project operations.];
5. Expose persons to interior  $L_{dn}$  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);
6. Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval<sup>21</sup>:

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<sup>21</sup> The evaluation of land use compatibility should consider the following factors: type of noise source; the sensitivity of the noise receptor; the noise reduction likely to be provided by structures; the degree to which the noise source may interfere with speech, sleep or other activities characteristic of the land use; seasonal variations in noise source levels; existing outdoor ambient levels; general societal attitudes towards the noise source; prior history of the noise source; and tonal characteristics of the noise source. To the extent that any of these factors can be evaluated, the measured or computed noise exposure values may be adjusted in order to more accurately assess local sentiments towards acceptable noise exposure. (Oakland General Plan, Noise Element, 2005)

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

<b>FIGURE 1</b>						
<b>Land Use Compatibility Guidelines</b>						
LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE (L <sub>DN</sub> OR CNEL, dB)					
	55	60	65	70	75	80
Residential	NA					
			CA		NU	CU
Transient lodging – motels, hotels	NA					
			CA		NU	CU
Schools, libraries, churches, hospitals, nursing homes	NA					
			CA		NU	CU
Auditoriums, concert halls, amphitheaters	CA					
					CU	
Sports arenas, outdoor spectator sports	CA					
					CU	
Playgrounds, neighborhood parks	NA					
			NU		CU	
Golf courses, riding stables, water recreation, cemeteries	NA					
					NU	CU
Office buildings, business commercial and professional	NA					
			CA		NU	
Industrial, manufacturing, utilities, agriculture	NA					
					CA	NU
NA	NORMALLY ACCEPTABLE: Development may occur without an analysis of potential noise impacts <i>to the proposed development</i> (though it might still be necessary to analyze noise impacts that the project might have <i>on its surroundings</i> ).					
CA	CONDITIONALLY ACCEPTABLE: Development should be undertaken only after an analysis of noise-reduction requirements is conducted and if necessary noise-mitigating features are included.					
NU	NORMALLY UNACCEPTABLE: Development should generally be discouraged; it may be undertaken only if a detailed analysis of the noise-reduction requirements is conducted, and if highly effective noise mitigation features are included.					
CU	CLEARLY UNACCEPTABLE: Development should not be undertaken.					

7. Expose persons to or generate noise levels in excess of applicable standards established by a

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]);

8. During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA):<sup>22</sup>

<b>TABLE 3</b>			
<b>FTA Groundborne Vibration Impact Criteria</b>			
<b>Land Use Category</b>	<b>Frequent Events<sup>1</sup></b>	<b>Occasional Events<sup>2</sup></b>	<b>Infrequent Events<sup>3</sup></b>
Category I: Buildings where vibration would interfere with interior operations	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>
Category II: Residences and buildings where people normally sleep	72 VdB	75 VdB	80 VdB
Category III: Institutional land uses with primarily daytime use	75 VdB	78 VdB	83 VdB
Notes: 1) More than 70 vibration events of the same source per day. 2) Between 30 and 70 vibration events of the same source per day. 3) Less than 30 vibration events of the same source per day. 4) This criterion is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.			

9. Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels; or
10. Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels.

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<sup>22</sup> The FTA criteria were developed to apply to transit-related groundborne vibration. However, these criteria should be applied to transit-related and non-transit-related sources of vibration.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

**POPULATION AND HOUSING**

The project would have a significant impact on the environment if it would:

1. Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed;
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element; or
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.

**PUBLIC SERVICES**

The project would have a significant impact on the environment if it would:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:
  - Fire protection;
  - Police protection;
  - Schools;<sup>23</sup> or
  - Other public facilities.

**RECREATION**

The project would have a significant impact on the environment if it would:

1. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
2. Include recreational facilities or require the construction or expansion of recreational

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<sup>23</sup> Although impacts to schools are exempt from CEQA review and mitigation (see SB 50) the impacts should nevertheless be analyzed.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

facilities which might have a substantial adverse physical effect on the environment.

**TRANSPORTATION**<sup>24</sup>

The project would have a significant impact on the environment if it would:

1. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities (except for automobile level of service or other measures of vehicle delay); or
2. Cause substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure); or
3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network.

[NOTE: See the Hazards and Hazardous Materials thresholds for additional thresholds related to transportation.]

**UTILITIES AND SERVICE SYSTEMS**

The project would have a significant impact on the environment if it would:

1. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board;
2. Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects;
3. 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;<sup>25</sup>
4. 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

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<sup>24</sup> Refer to the City's current Transportation Impact Study Guidelines (contained in a separate document) for additional guidance on the transportation analysis, including other planning-related, non-CEQA analyses.

<sup>25</sup> EBMUD needs to be consulted early and a Water Supply Assessment performed for certain, larger projects (see Appendix D).

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

cause significant environmental effects;

5. 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;
6. Violate applicable federal, state, and local statutes and regulations related to solid waste;
7. Violate applicable federal, state and local statutes and regulations relating to energy standards;<sup>26</sup> or
8. 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.

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<sup>26</sup> See Appendix F of the State CEQA Guidelines for guidance on information related to energy-conservation that must be contained in an EIR.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

**APPENDICES**

A. Guidance on Historical Resources

B. Guidance on the “Cortese List”

C. List of Oakland’s Major Planning Documents and Recommended General Plan Consistency Language and Approach

D. Water Supply Assessments and Early Consultation with EBMUD

E. Cumulative Analysis Guidance

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**  
**APPENDIX A**

**GUIDANCE ON HISTORICAL RESOURCES**

In the City of Oakland, an historical resource under CEQA is a resource that meets **any** of the following criteria:

- 1) A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources;
- 2) A resource included in Oakland’s Local Register of historical resources (defined below), unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- 3) A resource identified as significant (e.g., rated 1-5) in a historical resource survey recorded on Department of Parks and Recreation Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- 4) Meets the criteria for listing on the California Register of Historical Resources; or
- 5) A resource that is determined by the Oakland City Council to be historically or culturally significant even though it does not meet the other four criteria listed above.

The City of Oakland’s Local Register (Historic Preservation Element Policy 3.8) includes the following:

- All Designated Historic Properties (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties); and
- Potential Designated Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance.

Each of these criteria is discussed in greater detail below:

**1) California Register of Historical Resources**

The building[s] on the subject site (a) **[are or are not]** listed in the California Register of Historical Resources; and (b) **[have or have not]** been determined eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources. These buildings **[are or are not]** automatically eligible for listing in the California Register (pursuant to Public Resources Code section 5024.1(d)(1) and (2) and 14 Cal. Code Regs. Section 4851(a))

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

as they **[have or have not]** been listed in or formerly determined eligible for the National Register of Historic Places or the California Historic Landmarks program (landmarks 770 or higher).

Therefore, the buildings **[are or are not]** considered historical resources under this criterion.

**2) City of Oakland Local Register of Historical Resources**

A “local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution, unless the preponderance of evidence demonstrates otherwise.

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the General Plan. The Historic Preservation Element sets out a graduated system of ratings and designations resulting from the Oakland Cultural Heritage Survey (OCHS) and Oakland Zoning Regulations. The Element provides the following policy related to identifying historic resources under CEQA:

- Policy 3.8 Definition of “Local Register of Historical Resources” and Historic Preservation “Significant Effects” for Environmental Review Purposes: For purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland’s Local Register of Historic Resources:
  - 1) All Designated Historic Properties (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties); and
  - 2) Potential Designated Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance.

The Oakland Cultural Heritage Survey uses a five-tier rating system for individual properties, ranging from “A” (highest importance) and “B” (major importance) to “E” (of no particular interest). This letter rating is termed the Individual Property Rating of a building and is based on the following criteria:

Visual Quality/Design: Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.

History/Association: Association of person or organization, the importance of any event, association with patterns of history, and the age of the building.

Context: Continuity and familiarity of the building within the city, neighborhood, or district.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**

Integrity and Reversibility: Evaluation of the building’s condition, its exterior and interior alterations, and any structural removals.

Properties with conditions or circumstances that could change substantially in the future are assigned both an “existing” and a “contingency” rating. The existing rating (UPPER CASE letter) describes the property under its present condition, while the contingency rating (lower case letter, if any), describes it under possible future circumstances.

The Local Register also includes properties within Areas of Primary Importance (API). An API is a district that appears eligible for the National Register of Historic Places.

Here, the building[s] are rated \_\_\_\_\_.

Therefore, the buildings **[are or are not]** considered historical resources under this criterion.

**3) State Historic Resources Survey/Inventory**

A resource evaluated and determined by the State Historic Preservation Office to have a significance rating of 1-5 on a Department of Parks and Recreation Form 523 (historic resources survey) is presumed to be a historical resource unless the preponderance of evidence demonstrates it is not.

Here, a DPR Form 523 **[was submitted on [date] with a significance rating of \_\_] or [has not been submitted to the State]. [NOTE: AN UPDATE MUST BE PERFORMED]**

Therefore, the buildings **[are or are not]** considered historical resources under this criterion.

**(4) Meets Criteria for Listing in the California Register of Historical Resources**

**A. California Register of Historic Resources**

In order for a resource to meet the criteria for listing in the California Register, it must satisfy all of the following three provisions:

1. It meets one of the following four criteria of significance (Public Resources Code section 5024.1(c) and CEQA Guidelines section 15064.5):
  - (a) The resource “is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;”
  - (b) The resource “is associated with the lives of persons important in our past;”

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

- (c) The resource “embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;” or
  - (d) The resource “has yielded, or may be likely to yield information important in prehistory or history” (this criterion applies primarily to archaeological sites).
2. The resource retains historic integrity;<sup>27</sup> and
  3. It is fifty years old or older (except where it can be demonstrated that sufficient time has passed to understand the historical importance of the resource).

**B. National Register of Historic Places**

Generally, a resource eligible for listing on the National Register of Historic Places is also eligible for listing on the California Register.

The National Register of Historic Places evaluates a resource’s eligibility for listing based on the following four criteria: districts, sites, buildings, structures, and objects.

Criterion A (Event): That are associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B (Person): That are associated with the lives of persons significant in our past.

Criterion C (Design/Construction): That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Criterion D (Information Potential): That have yielded, or may be likely to yield, information important in prehistory or history.

**Significance:** To be listed on the National Register, a property must be shown to be “significant” at the local, state, or national level under one or more of the National Register criteria. Mere association with historic events or trends, individuals, or styles is not enough: the property’s specific association must be considered important as well.

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<sup>27</sup> The California Register defines “integrity” as “the authenticity of a property’s physical identity, evidence by the survival of characteristics that existed during the property’s period of significance.” That is, it must retain enough of its historic character or appearance to be recognizable as an historical resource. The California Register regulations specify that integrity is a quality that applies to historic resources in seven ways: location, design, setting, materials, workmanship, feeling, and association. A property must retain most of these qualities to possess integrity. Moved or reconstructed buildings can be eligible under certain circumstances.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

Integrity: The property must also possess historic “integrity.” Integrity is defined as “the ability of a property to convey its significance.” The National Register criteria recognize seven qualities that define integrity: location, design, setting, materials, workmanship, feeling, and association.

- “Location” refers to the place where the historic property was constructed.
- “Design” is the combination of architectural elements that create the form, structure, and style of the property.
- “Setting” is the physical environment surrounding a historic property.
- “Materials” are the original physical components that were combined during a particular period in time and in a particular pattern to form the historic property.
- “Workmanship” is the physical evidence of the building crafts and skills of a particular culture during a given period.
- “Feeling” is a property’s expression of the aesthetic or historic sense of a particular period of time.
- “Association” is the direct link between an important historic event or person and a historic property.

Special considerations apply to moved or reconstructed properties, cemeteries, religious or commemorative properties, and properties achieving significance within the past 50 years.

Here, the resource[s] **[are or are not]** eligible for listing on the California Register.

**appear[s] eligible, according to \_\_\_\_\_, because \_\_\_\_\_**

**has/have been formally determined eligible by \_\_\_\_\_, on [date]**

**do[es] not appear eligible, according to \_\_\_\_\_, because \_\_\_\_\_**

**has/have been formally determined ineligible by \_\_\_\_\_, on [date]**

Also, the resource[s] **[are or are not ]** eligible for listing on the National Register.

**appear[s] eligible, according to \_\_\_\_\_, because \_\_\_\_\_**

**has/have been formally determined eligible by \_\_\_\_\_, on [date]**

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

**do[es] not appear eligible, according to \_\_\_\_\_, because \_\_\_\_\_**  
**has/have been formally determined ineligible by \_\_\_\_\_, on [date]**

Therefore, the resources **[are or are not]** considered historical resources under this criterion.

**5) Determined by a Lead Agency to be Historically Significant**

The fact that a resource is not considered historic pursuant to the above four criteria does not preclude a lead agency from determining that the resource is nonetheless a “historical resource” for CEQA purposes.

Here, the buildings **[are or are not]** considered to be historically significant because they **[have or have not]** been determined by the City of Oakland to be a historic resource **[this would be an unusual situation that would require some narrative & explanation]**.

[NOTE: There are just three very early State Historical Landmarks (Site of College of Calif., Site of St. Mary’s College, Camino of Rancho San Antonio) not covered by the categories above unless SHPO has got around to evaluating them.]

Therefore, the buildings **[are or are not]** considered historical resources under this criterion.

**Non-CEQA General Plan Policies Regarding Historic Resources**

There are other General Plan policies that relate to historic resources, but do not involve CEQA issues. Such policies do not provide thresholds of significance for CEQA purposes (as they apply to a much wider range of properties, not just those that meet the CEQA standards set forth above). These policies are discussed solely for the benefit of the decision-makers who will, as a policy matter, consider and apply them for consistency prior to issuing discretionary permits for the project.

- Policy 3.1 Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions: The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.
- Policy 3.5 Historic Preservation and Discretionary Permit Approvals: For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property’s existing or historical design; (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

existing design is undistinguished and does not warrant retention, and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention, and the proposed design is compatible with the character of the neighborhood.

- Policy 3.7 Property Relocation Rather than Demolition as Part of Discretionary Projects: As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site, including advertising the availability of the property for at least ninety (90) days.
- Policy 3.11 Historic Preservation and Seismic Retrofit and Other Building Safety Programs:
  - (a) The City’s building safety programs, including seismic retrofit programs, will seek to preserve existing or Potential Designated Historic Properties and their Character-Defining Elements. Where changes to such elements are unavoidable to achieve code compliance or other City-mandated modifications, the City will encourage owners to design the changes in a manner which minimizes visual impacts.
  - (b) Prevailing codes for the City’s building safety programs when applied to existing or Potential Designated Historic Properties will be the Oakland Building Code; the Uniform Code for Building Conservation where permitted under state law; and, for qualified historical buildings, the State Historical Building Code.
- Land Use Element Policy D6.2 Reusing Vacant or Underutilized Buildings: Existing vacant or underutilized buildings should be reused. Repair and rehabilitation, particularly of historic or architecturally significant structures, should be strongly encouraged. However, when reuse is not economically feasible, demolition and other measures should be considered.

**[THERE MAY BE MORE POLICIES DEPENDING ON PROJECT AND WHETHER CITY/AGENCY FINANCIAL OR OTHER SUPPORT IS PROVIDED—SEE LIST OF POLICIES IN GENERAL PLAN CONFORMITY GUIDELINES]**

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**  
**APPENDIX B**

**GUIDANCE ON THE “CORTESE LIST”**

The list of hazardous materials sites compiled pursuant to Government Code section 65962.5 is commonly referred to as the “Cortese List.” The Cortese List is located on the California Environmental Protection Agency’s website at:

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm>

The list on Cal EPA’s website is a compilation of the following lists:

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database
- List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit (PDF)
- List of "active" CDO and CAO from Water Board (MS Excel, 632 KB)
- List of hazardous waste facilities subject to corrective action pursuant to section 25187.5 of the Health and Safety Code, identified by DTSC

Each of these lists meets the Cortese List requirements. A project site listed on any of these lists is considered to be listed on the Cortese List. Pursuant to section 15300.2 of the CEQA Guidelines, a categorical exemption shall not be used for a project located on a site included on the Cortese List.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**  
**APPENDIX C**

**LIST OF OAKLAND’S MAJOR PLANNING DOCUMENTS**

**I. OAKLAND GENERAL PLAN ELEMENTS**<sup>28</sup>

- 1) Land Use and Transportation Element (LUTE) (adopted 3/98; text amended 12/99 and 6/05; check with City for latest land use map)
- 2) Estuary Policy Plan (adopted 6/99; amended 6/06)
- 3) Open Space, Conservation and Recreation (OSCAR) Element (adopted 6/96)
- 4) Historic Preservation Element (adopted 3/94; amended 7/98 and 1/07)
- 5) Bicycle Master Plan (updated and adopted 12/07 as part of the LUTE)
- 6) Pedestrian Master Plan (adopted 11/02 as part of the LUTE)
- 7) Housing Element (adopted 12/10)
- 8) Noise Element (adopted 6/05)
- 9) Safety Element (adopted 11/04)
- 10) Scenic Highways Element (adopted 9/74)

**II. OTHER PLANS AND DOCUMENTS**

- 1) Oakland Policy Plan (adopted 9/74; amended by LUTE to combine all remaining policies into a “Governance Document;” the Governance Document has not been issued but the goals/policies are listed in the LUTE as part of the amendments)
- 2) Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations (adopted 5/98) [NOTE: Contains a helpful list of major general plan policies]
- 3) North Oakland Hill Area Specific Plan (NOHASP) (adopted 11/86)

**III. BASE REUSE PLANS**

- 1) Oak Knoll (adopted 8/96)
- 2) Army Base (adopted 7/02; amended 12/06; 12/07; 6/12)

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<sup>28</sup> Check to see if mitigation measures were adopted for these elements and incorporate as appropriate.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

**IV. OTHER PLANNING STUDIES**

- 1) Mandela Parkway Corridor
- 2) West Oakland 2000
- 3) Gateway Development
- 4) Shepard Canyon Corridor
- 5) Medical Hill
- 6) LUTE Technical Appendix
- 7) Census
- 8) Harrison /Oakland Community Transportation Plan (2/10)

**IV. REDEVELOPMENT PLANS<sup>29</sup>**

- 1) Acorn
- 2) Broadway/MacArthur/San Pablo
- 3) Central District
- 4) Central City East
- 5) Coliseum
- 6) Oak Center
- 7) Oak Knoll
- 8) Oakland Army Base
- 9) Stanford/Adeline
- 10) West Oakland

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<sup>29</sup> Check to see if mitigation measures were adopted for these plans and incorporate as appropriate.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

**V. CONSISTENCY OF PROJECT WITH PLANS AND POLICIES**

[NOTE: The following language should be included in any discussion of the consistency of the proposed project with the General Plan:]

Conflicts with a General Plan do not inherently result in a significant effect on the environment within the context of CEQA. As stated in section 15358(b) of the CEQA Guidelines, “[e]ffects analyzed under CEQA must be related to a physical change.” Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the proposed project and applicable General Plans.

Further, Appendix G of the CEQA Guidelines (Environmental Checklist Form) makes explicit the focus on *environmental* policies and plans, asking if the project would “conflict with any applicable land use plan, policy, or regulation . . . *adopted for the purpose of avoiding or mitigating an environmental effect*” (emphasis added). Even a response in the affirmative, however, does not necessarily indicate the project would have a significant effect, unless a physical change would occur. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed elsewhere in this document.

Regarding a project’s consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following:

The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). (City Council Resolution No. 79312 C.M.S.; adopted June 2005)

[NOTE: AFTER LISTING THE MOST APPLICABLE GENERAL PLAN POLICIES, DISCUSS THE OVERALL CONSISTENCY OF THE PROJECT WITH THE POLICIES.]

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**  
**APPENDIX D**

**WATER SUPPLY ASSESSMENTS AND EARLY CONSULTATION WITH EBMUD**

**CEQA GUIDELINES SECTION 15083.5**

Projects affecting water agencies and meeting the criteria established in CEQA Guidelines section 15083.5 are required to send the Notice of Preparation for an EIR to each public water system that serves or would serve the proposed project. These agencies have 30 days to submit a water supply assessment addressing the adequacy of the supply to support the demand created by the project. The lead agency shall include in the EIR the information provided by the water agency (up to 10 pages) and must determine whether project water supplies will be sufficient to meet the demand of the project, in addition to existing and planned future uses.

**SB 221 (GOVERNMENT CODE SECTION 66473.7)**

SB 221 requires that cities and counties demonstrate that there is sufficient water supply before they approve a tentative map for the residential development. The sufficiency of water supply can be established by obtaining a written verification from a public water supplier that confirms that total water supplies available within a 20 year projection will adequately meet projected demand associated with proposed subdivision.

SB 221 applies to proposed residential subdivisions of more than 500 dwelling units and does **not apply** to infill development -- residential housing proposed for a site that is within or immediately contiguous to an **urbanized area** -- or to housing projects that are exclusively for low-income households (Gov't Code section 66473.7(i)(1). Oakland should be considered an urbanized area<sup>30</sup> and thus SB 221 **does not apply here**.

**SB 610**

SB 610 applies to the following:

- Residential developments of more than 500 units;
- Shopping centers or business establishments employing more than 1,000 persons or containing more than 500,00 square feet of floor area;

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<sup>30</sup> Although SB 221 does not provide a definition of “urbanized area,” Oakland meets the definition of such contained in other statutes/regulations (Health & Safety Code section 33320.1; CEQA Guidelines section 15387).

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

- Commercial office buildings employing 1,000 persons or containing more than 250,000 square feet of floor area;
- Hotels or motels containing more than 500 rooms;
- Industrial plants occupying more than 40 acres or containing more than 650,000 square feet; or
- Any combination of the above that results in equivalent water consumption.

SB 610 requires that before approving any projects that fall within the categories above, cities and counties must request a water supply assessment from the water supplier most likely to serve the project and must include the water supply assessment in any CEQA environmental documents.

Additionally, the water supply assessment must evaluate if the total water supplies during a 20-year projection will meet the projected water demand associated with the proposed project (Water Code sections 10912(a), 10911(b), 10910(b), and 10910(c)(4)).

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**  
**September 26, 2023**  
**APPENDIX E**

**CUMULATIVE ANALYSIS GUIDANCE**

The cumulative analysis must evaluate whether the project’s incremental effect is cumulatively considerable when combined with other projects causing related impacts. The analysis shall include **all past, present, and reasonably foreseeable future projects**. To account for these other projects, CEQA allows cities to use the “list method” (i.e., a list containing past, present, and reasonably foreseeable future projects) and/or the “forecast method” (i.e., a projection or model). The City of Oakland uses a combination of both the list method and the forecast method for cumulative analyses.

For transportation-related impacts (including transportation-related noise, air quality, and greenhouse gas impacts) the City generally uses the forecast method, by utilizing the countywide transportation model of the Alameda County Transportation Commission (formerly the Alameda County Congestion Management Agency). For guidance on the cumulative analysis for transportation-related impacts, refer to the City’s current Transportation Impact Study Guidelines (separate document).

For all other impacts, the City generally uses the list method, which is based upon the past, present, and reasonably foreseeable future projects contained in the City’s latest List of Major Development Projects. Assume that all projects on the List, including projects with pre-application discussions and those that are under review, approved, and completed, are existing in both the Cumulative Baseline (without project) condition and the Cumulative Baseline Plus Project condition.

For each of the topics below, evaluate both the Cumulative Baseline (without project) condition and the Cumulative Baseline Plus Project condition:

**Cultural**

If the project is located on a site with an historic resource, within an historic district, or adjacent to an historic resource:

1. Evaluate the project site.
2. Evaluate adjacent buildings.
3. Evaluate the district.

**CITY OF OAKLAND**  
**CEQA THRESHOLDS OF SIGNIFICANCE GUIDELINES**

**September 26, 2023**

4. Also evaluate the potential impact with consideration to the citywide impact. [NOTE: See the analysis for the Kaiser Center Office development project, as an example.]

**Visual**

1. View points should be developed through the scoping session, public comments, and consultant recommendations.
2. Look at the visual impact analysis of other projects in the vicinity of the project.
3. Refer to the City's wind database for information on reasonably foreseeable projects (see "Wind" discussion below).

**Shadow**

1. Unless directed otherwise by the City, evaluate the following dates/times: 9:00 a.m., 12:00 p.m., and 3:00 p.m. for the Spring Equinox, Summer Solstice, Fall Equinox, and Winter Solstice.

**Wind**

1. The City maintains a database of projects to be used for the cumulative wind analysis. Check with City staff.
2. The wind consultant must determine the wind radius and provide the City with a wind radius map to be used to identify projects to be used in the cumulative analysis.
3. The applicant is responsible for adding the project and all reasonably foreseeable projects from the wind database within the wind radius to the wind model.
4. The applicant is responsible for modifying the wind model to physically modify buildings that have changed.
5. The applicant is responsible for repairing any damaged buildings in the wind model.
6. The applicant must notify the City of modifications made to the wind model so that the City can update the City's wind database. This is important so that the City knows what is in the actual physical model.