5924-30 & 5932 Foothill Blvd. Mixed-Use Project

Initial Study

Environmental Review Case File No. ER07008

October 2007

City Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Ste. 2414
Oakland, CA 94612

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INITIAL STUDY

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250 Frank H. Ogawa Plaza,
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Lamphier-Gregory
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MIXED-USE PROJECT
5924-30 & 5932 FOOTHILL BLVD.

INITIAL STUDY CHECKLIST

PROJECT TITLE AND REFERENCE

5924-30 & 5932 Foothill Blvd. Mixed-Use Project
Oakland, CA 94601

Environmental Review Case File No. ER07008

LEAD AGENCY

City of Oakland
Community and Economic Development Agency
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Contact Person: Leigh McCullen, Planner III
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PROJECT SPONSOR

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PURPOSE OF DOCUMENT

The purpose of this Initial Study Environmental Review Checklist (referred to throughout this document as "Initial Study" or "IS") is to present the environmental analysis and certain supporting technical information that the City of Oakland considered prior to its decision to prepare an Environmental Impact Report (EIR) pursuant to CEQA Guidelines Section 15161. Specifically, the project-level analysis in this Initial Study compares the potential environmental effects that may result from the proposed Project to the effects identified previously in the certified *2003 Central City East Redevelopment Plan EIR* prepared by the City of Oakland (referred to throughout this document as the "*2003 Redevelopment Plan EIR*" and "*2003 EIR*")

RELATIONSHIP OF PROPOSED PROJECT TO PREVIOUS ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15168(a), the *Central City East Redevelopment Plan EIR* is a program EIR, an EIR that analyzes a series of actions that can be characterized as one large project. The *Central City East Redevelopment Plan* area is comprised of 3,340 acres in four different planning areas of the City, including Eastlake/San Antonio, Fruitvale, Central East Oakland and Elmhurst. The proposed Project site is located in the Central East Oakland planning area. The *Redevelopment Plan* encompasses a 30-year planning horizon; however, the *2003 EIR* prepared for the Plan analyzes impacts expected to occur over a 20-year period. Over the next twenty years the *Redevelopment Plan* projects growth in population and employment opportunities of approximately 1,440 net new households, approximately 3,780 people and approximately 2,210 net new employment opportunities.

The proposed Project, a mixed-use development that would provide both housing and commercial opportunities within the redevelopment area and would represent a small portion of the growth projected in the *Redevelopment Plan* and analyzed in the *2003 EIR*. This Initial Study analyzes the impacts of the proposed Project compared to the impacts identified in the *2003 Central City East Redevelopment Plan EIR*.

CEQA Guidelines Section 15168(d) allows a program EIR to be used as the basis for subsequent EIRs and Negative Declarations for later parts of the program in order to determine whether the later activity may have any significant effects. An earlier program EIR may be incorporated by reference to deal with "regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole," and allows the analysis of the subsequent EIR to focus on a subsequent project to "permit discussion solely of new effects which had not been considered before."

This Initial Study hereby incorporates by reference the *Central City East Redevelopment Plan EIR*. It is intended to help the City identify what, if any, environmental topics are to be analyzed in a further EIR for the proposed Project. The analysis in this document will tier off the earlier analysis, when necessary, to provide relevant discussion. If this evaluation determines that the preparation of an EIR is necessary, this Initial Study will assist in its preparation by focusing the

EIR on the effects determined to be significant, identifying effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant. Any effects determined to be potentially significant in this analysis will be fully analyzed in the subsequent EIR.

Pursuant to CEQA Guidelines Section 15168(e), any public noticing of the proposed Project shall include a statement that:

- This activity is within the scope of the program approved earlier, and
- The program EIR adequately describes the activity for the purposes of CEQA.

SEPARATE BASIS FOR CEQA REVIEW

In addition to tiering off the *2003 Central City East Redevelopment Plan EIR,* as described in the previous section, the scope of the environmental analysis for this Project will also be consistent with CEQA Guidelines Section 15183, as described below, because the proposed Project is consistent with the general plan and zoning designation of the site, and the policies that established these designations were analyzed in a previously certified EIR.

The proposed Project is consistent with the land use and density assigned to the Project site by the City of Oakland *General Plan* and zoning ordinance (OMC Title 17). Pursuant to CEQA Guidelines Section 15183(a), projects that are consistent with the land use designation of a zoning ordinance, community plan or general plan for which an EIR was certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

15183(b) further defines the parameters of the scope of environmental analysis required of a project that is consistent with the land use designation of the site:

> **15183(b).** In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
>
> 1. Are peculiar to the project or the parcel on which the project would be located,
> 2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
> 3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
> 4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

PROJECT LOCATION

The proposed Project is located in the Central East Oakland planning area at the northwest corner of Foothill Blvd. and 60th Avenue in the Seminary/Foothill commercial neighborhood of East Oakland. The Project site is also within the *Central City East Redevelopment Plan* area. The single parcel is occupied by one structure with two sets of addresses: one with the address 5924-30 Foothill Blvd., and the other 5932 Foothill/2607 60th Avenue. Project location is shown in **Figure 1** and an aerial image of the Project site is shown in **Figure 2**.

CURRENT GENERAL PLAN LAND USE CLASSIFICATIONS

The Project site has a *General Plan* designation of *Neighborhood Center Mixed Use* according to the Oakland *General Plan* Land Use Diagram adopted as part of the 1998 Land Use and Transportation Element (LUTE).

CURRENT ZONING

The Project site is zoned *C-30: District Thoroughfare Commercial Zone*. This use also allows residential development consistent with the *R-70: High Density Residential* designation.

EXISTING LAND USES

The Project site appears to be occupied by two buildings; however, they occupy a single parcel, are physically connected by a common wall, and share a rear access and rear yard. Moreover, the building with the address 5932 Foothill/2607 60th Avenue is actually two uses. The main entrance of this building, located on the corner, provides access to a commercial use, but a secondary entrance along 60th Ave. provides entrance to an adjoining residence. This appears to be an early 20th Century example of a "live/work" building. The City addresses 5932 Foothill/2607 60th Avenue as one building and 5924-30 Foothill Blvd. as one building; however, in reality they are two structural parts of a single building. The existing structures are shown in **Figures 3 & 4**.

SURROUNDING LAND USES

The Project site is located in the Foothill/Seminary commercial neighborhood. Foothill Boulevard is the primary commercial corridor in Central East Oakland, comprised mainly of commercial uses with occasional residential uses. The block of Foothill Blvd. on which the Project site is located, between 60th Avenue and Seminary Avenue, is characterized by a mixture of businesses including an auto repair shop, a kitchen and bathroom remodel business, two bars, a cafe, a YMCA youth center and a liquor store, in addition to the existing structures on the site. One parcel-depth to the north of Foothill Blvd is characterized by medium density residential land uses (zoned *R-50*, generally 4,000 square foot lots, or approximately 11 units per acre).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

Environmental factors that may be affected by the Project are listed alphabetically below.

Factors marked with a filled-in block (■) have been determined to be potentially affected by the Project, involving at least one impact that has been identified as "Potentially Significant" as indicated in the attached CEQA Evaluation and related discussion that follows.

Unmarked factors (□) were determined to be either not significantly affected by the Project or fully mitigated through the implementation of standard conditions of approval adopted by the City of Oakland and that would be applicable to the Project if approved.

□ Aesthetics	□ Hazards and Hazardous Materials	□ Population and Housing
□ Agriculture Resources	□ Hydrology and Water Quality	□ Public Services
□ Air Quality	□ Land Use and Planning	□ Recreation
□ Biological Resources	□ Mineral Resources	□ Transportation and Circulation
■ Cultural Resources	□ Noise	□ Utilities and Service Systems
□ Geology and Soils		

LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that an Environmental Impact Report (EIR) needs to be prepared to further evaluate potential impacts to the historic resources that comprise the Project site. All other environmental impacts have been adequately analyzed in this Initial Study and all potentially significant impacts would be avoided or reduced to a level of ***less than significant*** with adoption of feasible mitigation measures or City of Oakland standard conditions of approval, and will not be further studied in the Draft EIR.

Leigh McCullen, Planner III
City of Oakland, Zoning Division

October 18, 2007
Date

INTRODUCTION

This document evaluates the proposed mixed-use Project in accordance with requirements and procedures of the California Environmental Quality Act (CEQA). The Project involves the demolition of what appears to be two buildings with two sets of addresses on a single parcel that share a common wall, rear access and rear yard in order to construct a four-story, 22,090 square foot mixed-use building comprised of residential units and retail space.

The primary purpose of this evaluation is to determine if the proposed Project would have a significant effect on the environment, thereby requiring the preparation of an Environmental Impact Report (EIR). If this evaluation determines that the preparation of an EIR is necessary, this document will assist in its preparation by focusing the EIR on the effects determined to be significant, identifying effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant. Any effects determined to be potentially significant in this analysis will be fully analyzed in an EIR that would be required prior to final action on the requested project approvals.

In accordance with CEQA Guidelines Section 15063, the scope of this Initial Study includes the following:

1. All phases of project planning, implementation, and operation are considered in the Initial Study of this Project.

2. This Initial Study relies upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings.

PROJECT DESCRIPTION

PROJECT SITE

The Project site, located at 5924-30 Foothill Blvd. and 5932 Foothill/2607 60th Avenue, is approximately 8,083 square feet in size (0.185 acre) and comprised of a single parcel (APN 038-319201200). **Figure 1** shows the Project location and vicinity. The Project is located in the Central East Oakland planning area and the *Central City East Redevelopment Plan* area.

The site currently contains what appears to be two buildings, one at 5924-30 Foothill Blvd. and one at the corner of Foothill and 60th, with an address of 5932 Foothill/2607 60th Avenue. The portion of the structure with the address 5924-30 is actually an addition to the original structure, joined by a common wall with shared rear access and rear yard. Additionally, 5932 Foothill/2607 60th Avenue itself contains two separate uses. The primary entrance at the corner of Foothill and 60th provides access to a commercial space; a secondary entrance located on 60th Ave. provides access to a residence. This appears to be an early 20th Century example of a "live/work" building. The buildings were constructed between 1922 and 1927. A building permit was issued

for the first structure, 5932 Foothill/2607 60th Avenue, in 1922. In December 1926, a second building permit was issued to construct 5924-30 Foothill Blvd. The latter permit application identifies the latter building as "a building addition to the present building."[1] The existing buildings are shown on **Figures 3 & 4**.

PROPOSED LAND USES

Project

The proposed Project involves the demolition of both the original 1922 structure and the 1926 addition in order to construct a four-story, 22,090 square foot mixed-use building comprised of 18 residential units and 6,193 square-feet of commercial space. The structures proposed for demolition were built between 1922 and approximately 1927, which makes them over fifty years old, the minimum standard of consideration for eligibility as an historical resource under CEQA.

The Project site has a *General Plan* designation of *Neighborhood Center Mixed Use* and is zoned *C-30: District Thoroughfare Commercial Zone*. This use also allows residential development consistent with the *R-70: High Density Residential* designation.

The proposed new construction would provide a mixture of residential and commercial space and a total gross area of 22,090 square feet. The site plan for the proposed Project is shown in **Figure 6** and building elevations are shown in **Figures 9 & 10**.The proposed Project is consistent with the City's requirements under the *General Plan* and zoning code, as discussed below:

Planning and Zoning

The Project site has a *General Plan* designation of *Neighborhood Center Mixed Use* according to the Oakland *General Plan* Land Use Diagram adopted as part of the 1998 Land Use and Transportation Element (LUTE). The site is zoned *C-30: District Thoroughfare Commercial Zone*, which allows residential development consistent with the *R-70: High Density Residential* designation.

The Project would result in the construction of a 22,090 square foot building, consisting of 15,897 gross square feet of residential area on three floors and 6,193 square feet of commercial space on the ground floor.

[1] Preservation Architecture, *Historic Architectural Evaluation – 5924-30 & 5932 Foothill Blvd.*, p.1.

The proposed building would be 49.0 feet in height at the top of parapet and feature four floors. The first floor would be reserved for commercial use and have a 16-foot ceiling; the remaining floors two through four would be for residential use and have 10-foot ceilings. The Maximum Building Height for residential facilities in the *C-30* zone is 40 feet; the Maximum Building Height for non-residential facilities is 45 feet. However, the Project site abuts an *R-50* zone, and in such cases the maximum building height for residential 30 feet

The Oakland Municipal Code allows for a departure from the stated maximum height if the portion of the building above the maximum is set back from the inner line of the minimum rear yard set back.[2] As stated, the maximum building height for at the Project site is 30 feet unless the portion exceeding the maximum is set back one foot horizontal for every vertical foot by which the building would exceed the maximum.[3] As shown on the East Elevation in **Figure 9**, the proposed Project meets this requirement.

The new mixed-use building would provide a total of 18 dwelling units comprised of 14 one bedroom apartments (approximately 450 square feet each) and four efficiency apartments (approximately 300 square feet each). The *R-70* zoning designation allows a maximum residential density of one regular dwelling unit for each 450 square feet of lot area, and one efficiency dwelling unit for each 300 square feet of lot area. With 14 one bedroom and four efficiency apartments, the minimum lot area would need to be 7,500 square feet. The lots actual size is approximately 8,083 square feet, so the Project meets the zoning code's maximum density requirements.

The floor-area-ratio (FAR) requirement for the commercial space, as set forth in Oakland Municipal Code 17.160.30, is 3.00. The Project site has a lot area of 8,083 and a proposed commercial floor area of 6,193 square feet; therefore, the proposed FAR is 0.766, well below the City's threshold.

Open Space

The City's Open Space Requirements, as set forth in the *R-70* zone, would require 2,500 square feet of usable open space. The proposed open space for the residential units, including private open space (balconies, etc.), would be 2,700 square feet. Therefore, the City's Open Space Requirements are met.

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[2] OMC 17.46.150(B).

[3] OMC 17.108.010.

Parking and Circulation

Parking requirements are set forth in Chapter 17.116 of the Oakland Municipal Code. The Code requires one space per dwelling unit for residential space and there are no parking requirements for the proposed commercial space. The Code would require a total of eighteen parking spaces. The proposed Project would provide twenty-one on-site parking spaces; thereby exceeding the Oakland Municipal Code's parking requirements.

REQUESTED ACTIONS AND REQUIRED APPROVALS

This IS and EIR is intended to provide CEQA clearance for all discretionary permits and approvals required for the Project, including without limitation:

- Design Review
- Tentative Parcel Map for Condominium Purposes
- Tree Protection Permit
- Grading Permit
- Encroachment Permit
- Others

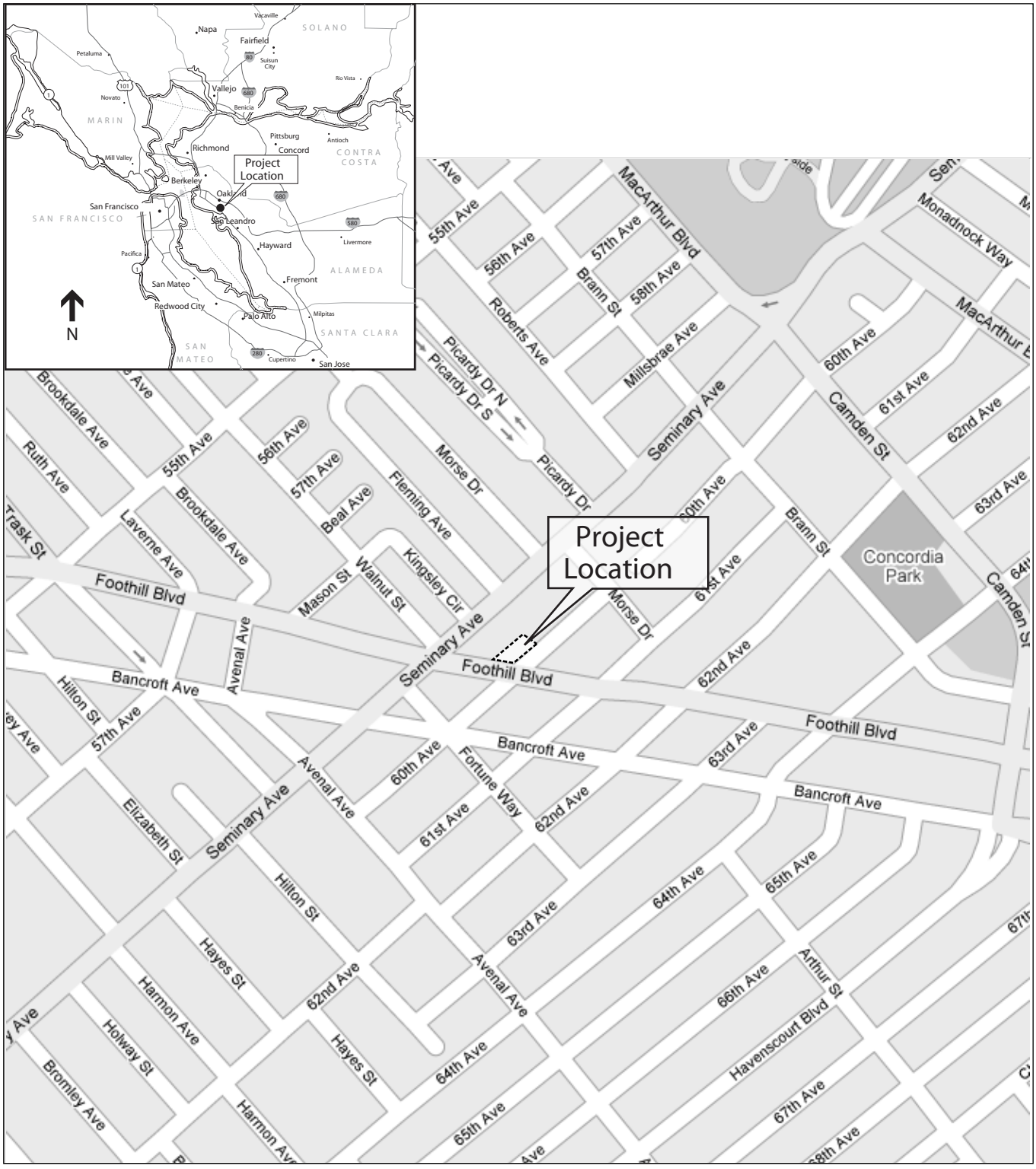

Figure 1
Project Location and Vicinity

Source: Google

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Figure 2
Aerial of Project Site

Source: Google

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Figure 3
Existing Buildings - Foothill Blvd.

Source: Lamphier-Gregory

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Figure 4
Existing Buildings - 60th Ave.

Source: Lamphier-Gregory

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Figure 5
Surrounding Uses

Source: Lamphier-Gregory

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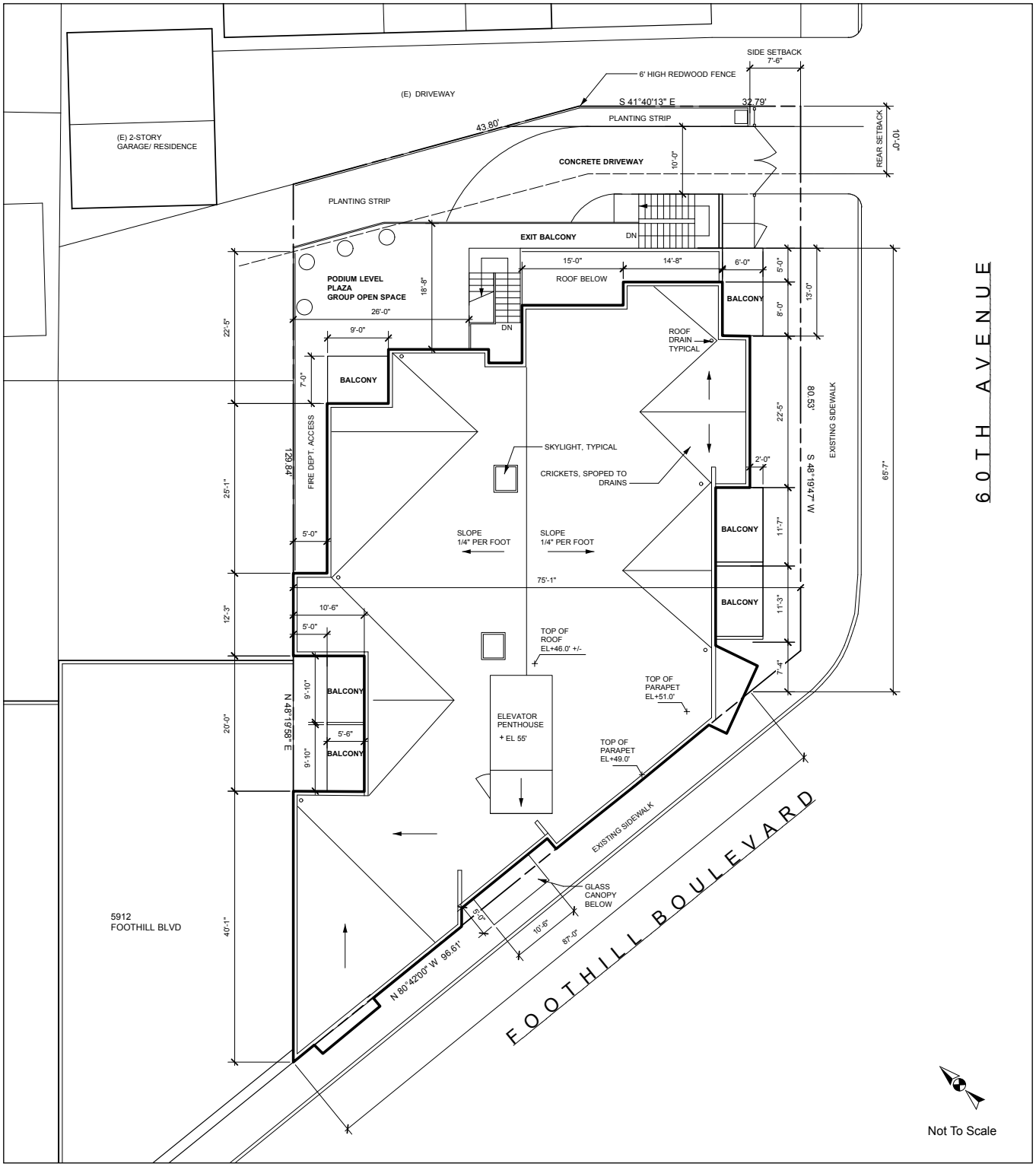

Figure 6
Site Plan

Source: Thornton Weiler, AIA

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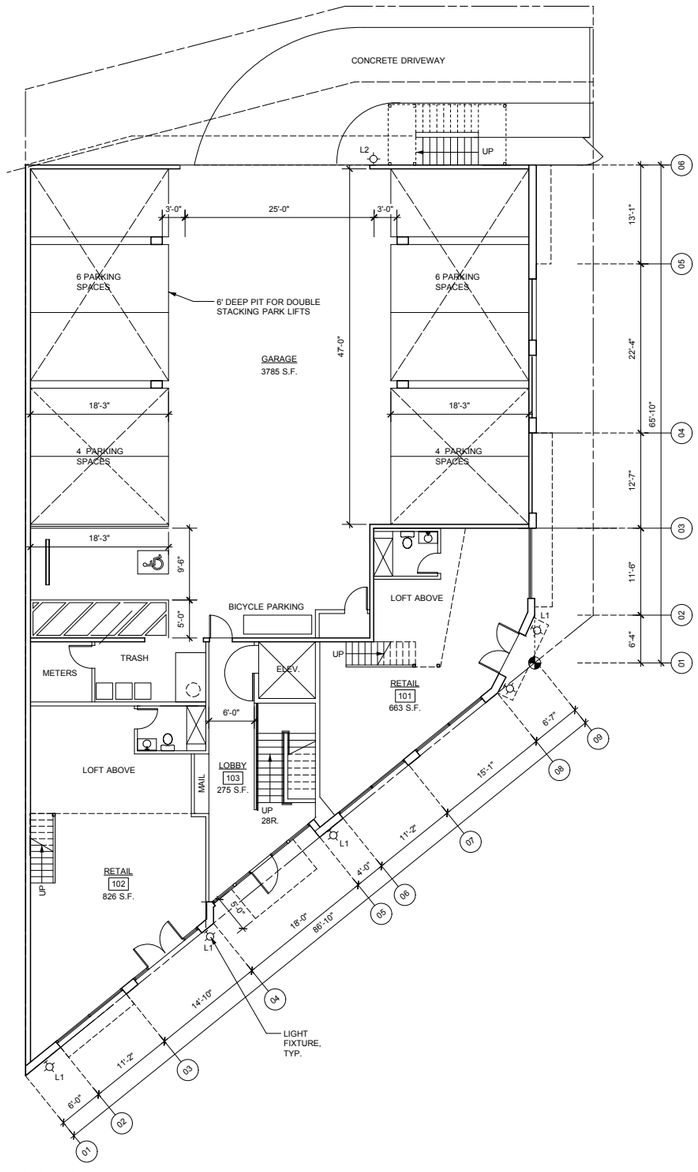
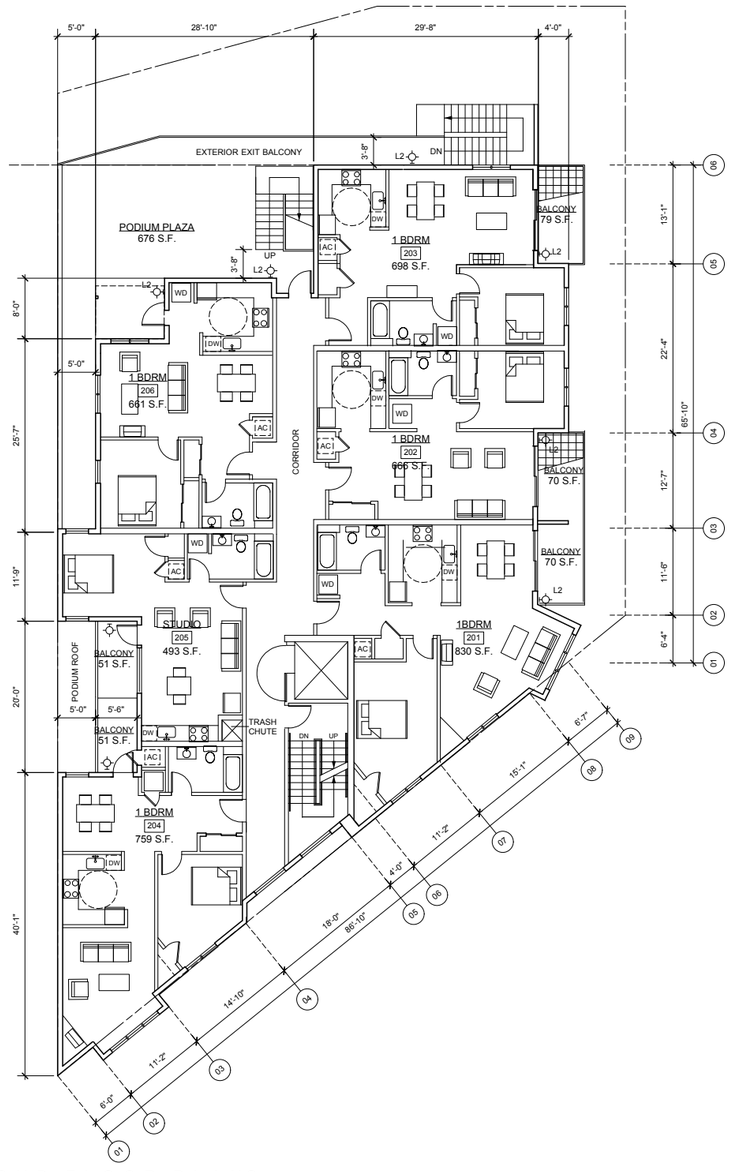


GROUND FLOOR PLAN 1



SECOND FLOOR PLANS 2

Not To Scale

Figure 7
1st & 2nd Floor Plans

Source: Thornton Weiler, AIA

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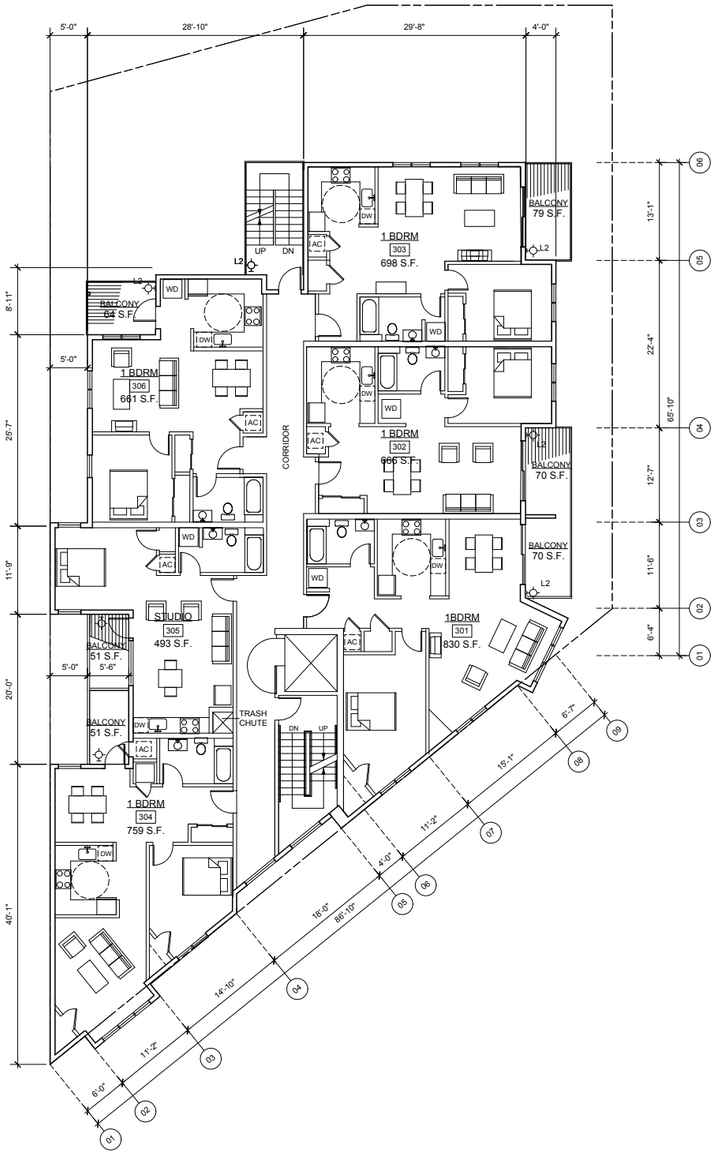
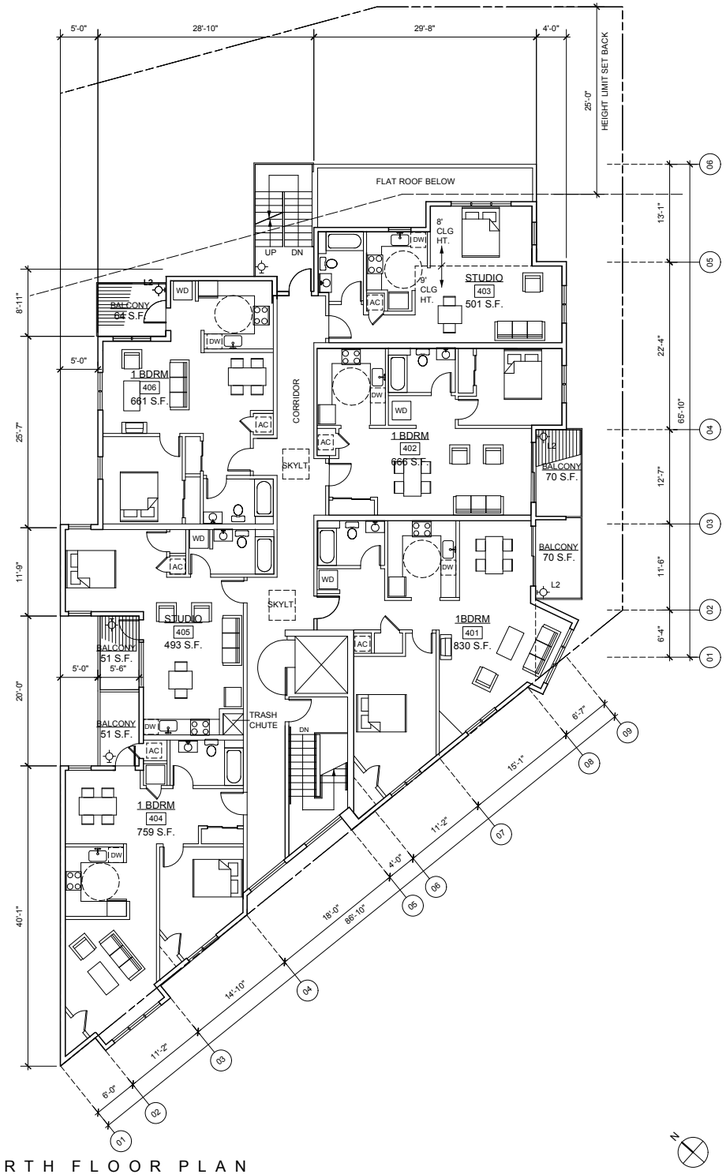


THIRD FLOOR PLAN 1



FOURTH FLOOR PLAN 2

N

Not to Scale

Figure 8
3rd & 4th Floor Plans

Source: Thornton Weiler, AIA

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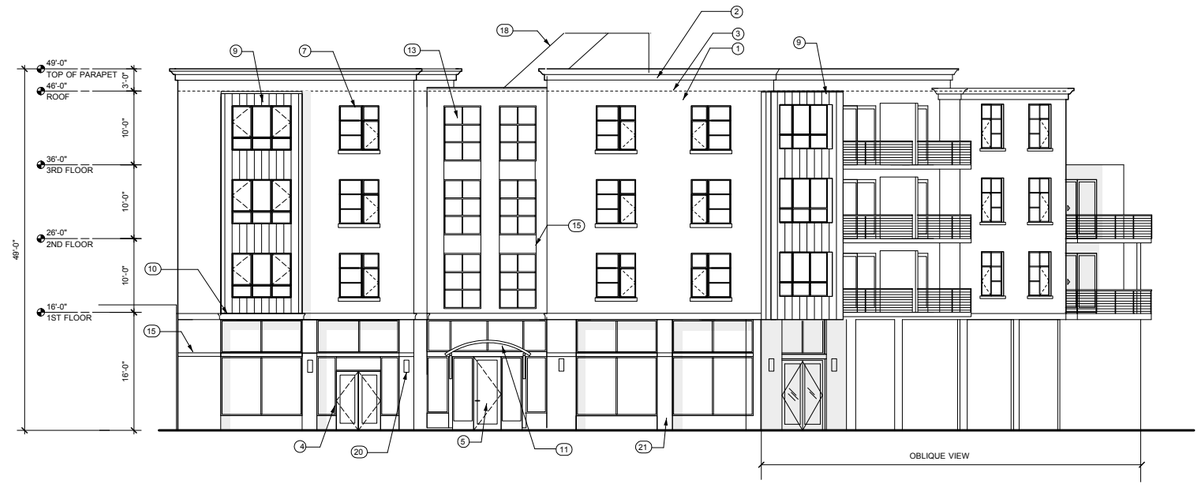
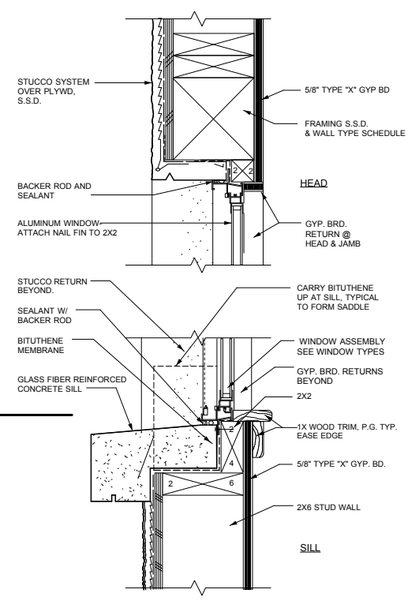


SOUTH ELEVATION- FOOTHILL BLVD. 1

ELEVATION KEY NOTES

1. PAINTED STUCCO FINISH
2. CORNICE MOULDING- GFRC SHAPE TO BE SELECTED
3. TOP OF ROOF BEYOND DASHED
4. ANNODIZED ALUMINUM STORFRONT
5. WOOD DOOR 3'-6" X 10'-0"
6. METAL BALCONY, POWDER COATED PAINT
7. ALUMINUM WINDOWS WITH PLASTER SILL
8. STUCCO AT PODIUM
9. STANDING SEAM METAL SIDING, ZINC COATED
10. BELT MOULDING, GFRC
11. METAL CANOPY, PAINTED WITH GLASS INSET
12. 42" HIGH WALL WITH PRECAST CONCRETE CAP AND STUCCO FINISH
13. ALUMN. STOREFRONT WITH SPANDREL GLASS
14. STEEL POST, PTD
15. REVEAL JOINT
16. METAL SWINGING GATE
17. METAL LOUVERS
18. STAIR AND ELEVATOR PENTHOUSE BEYOND
19. VINE CABLES
20. LIGHT FIXTURE, TYPICAL
21. STUCCO

EAST ELEVATION - 60TH AVE. 2



TYPICAL WINDOW DETAIL
Scale: 3" = 1'-0"

Figure 9
South and East Elevations

Source: Thornton Weiler, AIA

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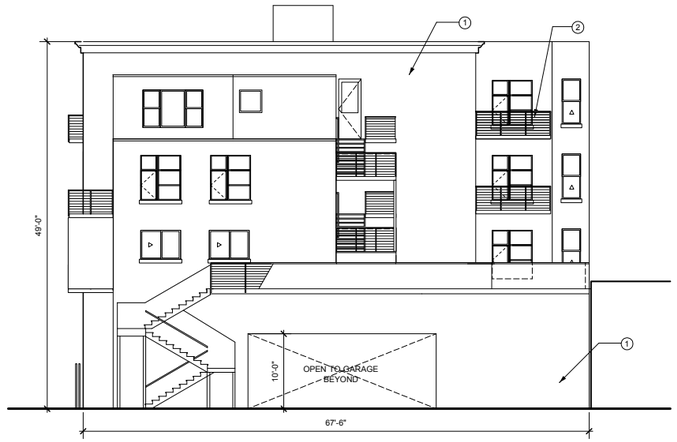
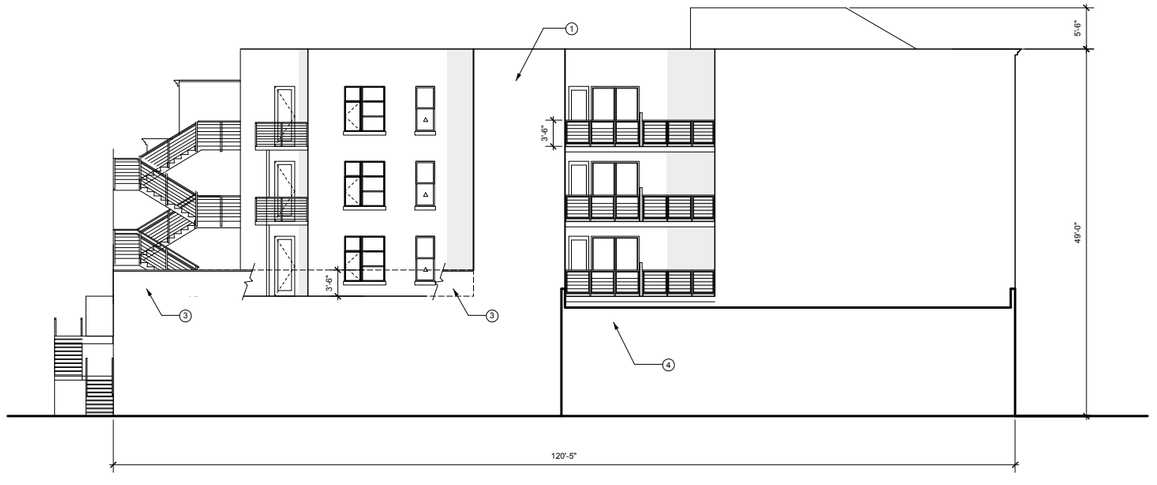


N O R T H E L E V A T I O N

1

ELEVATION KEY NOTES

1. PAINTED STUCCO FINISH
2. METAL BALCONY, POWDER COATED PAINT
3. 42" HIGH WALL WITH PRECAST CONCRETE CAP AND STUCCO FINISH
4. ADJACENT BUILDING



W E S T E L E V A T I O N

2

Figure 10
North and West Elevations

Source: Thornton Weiler, AIA

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Figure 11
3D Simulation of Project

Source: Thornton Weiler, AIA

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CEQA EVALUATION

To help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland, the City has established significance criteria thresholds (which have been in general use since at least 2002) as guidance in preparing all environmental review documents (including Initial Studies and EIRs). Where possible, the City's thresholds should be used unless the location of the project or other unique factors warrants the use of different thresholds. In 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, 15064.5, 15065, 15382 and Appendix G, and form the basis of the City's Initial Study and Environmental Review Checklist.

These thresholds are to be used in conjunction with the City's Uniformly Applied Development Standards, which are incorporated into projects as conditions of approval regardless of a project's environmental determination. As applicable, the Uniformly Applied Development Standards 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.[4]

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[4] 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 upon the specific characteristics of the project type and/or project site, the City will determine which Development Standards apply to each project; for example, Development Standards related to creek protection permits will only be applied projects on creekside properties.

The Development Standards 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 Development Standards, 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).

The following sections provide an evaluation of whether the Project will have any new significant effects on the environment.

- If an environmental issue would not be affected by the project it is identified in the following evaluation as **"*no impact*"**.

- A ***"less than significant"*** response indicates that while there may be potential for an environmental impact, there are standard procedures or regulations in place, or other features of the Project as proposed, which would limit the extent of this impact to a level of less than significant.

- If an environmental issue may cause a significant effect on the environment, but the Lead Agency has devised Standard Conditions of Approval that, if implemented, would reduce this impact to a less than significant level, it is identified in the following evaluation as **"*less than Significant with Standard Conditions of Approval*"** and these conditions are specifically identified.

- If an environmental issue may cause a significant effect on the environment, but the impact was analyzed in the *Central City East Redevelopment Plan EIR* and mitigation measures are provided therein that would reduce this impact to a less than significant level, it is identified in the following evaluation as **"*less than significant with prior mitigation*"** and these measures are specifically identified.

- If an environmental issue may cause a significant effect on the environment, it is identified in the following evaluation as **"*potentially significant*"** and will be analyzed in a project-level EIR.

AESTHETICS, SHADOWS AND WIND

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Prior Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
I.	AESTHETICS — Would the Project:					
	a) Have a substantial adverse effect on a scenic vista?	[ ]	[ ]	[ ]	[ ]	[✓]
	b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state 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 adversely affect day or nighttime views in the area?	[ ]	[ ]	[✓]	[ ]	[ ]
	e) Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resources Code Section 25980-25986)?	[ ]	[ ]	[ ]	[ ]	[✓]
	f) Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	[ ]	[ ]	[ ]	[ ]	[✓]
	g) Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	[ ]	[ ]	[ ]	[✓]	[ ]
	h) Cast shadow on a 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 historical resources or a historical resource survey form (DPR Form 523) with a rating of 1-5.	[ ]	[ ]	[ ]	[ ]	[✓]

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Prior Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
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. [**NOTE:** 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?[5]]	[ ]	[ ]	[ ]	[ ]	[✓]

SETTING

The Project site is located in an urban area characterized by a mixture of residential and commercial uses and is generally flat. Foothill Blvd. is a commercial corridor running generally east-west in the Project vicinity and consisting primarily of small and local businesses. Extending from Foothill Blvd. to the north and south are residential neighborhoods of medium density (approximately 4,000 square foot lots). Northward, the Oakland hills are visible and to the south-southwest is the San Francisco Bay, although it's visibility from the Project site is limited.

The Oakland *General Plan* Land Use and Transportation Element (LUTE) describes East Oakland as having a checkerboard of industrial, commercial and residential uses, the existence of

[5] Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) 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.

which acts as a disincentive to owners to repair and improve their properties. Decay and neglect are found along major travel corridors and in some residential neighborhoods in this area, including in the vicinity of the Project site. The Foothill/Seminary Commercial Area, within which the Project site sits, is identified in the LUTE as a Target Area for Community and Economic Development. Among the implementation strategies for this area is revitalization through urban design.[6]

SCENIC VISTAS AND RESOURCES

Would the Project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

DISCUSSION

The Project site is located in a developed urban area, surrounded on all sides by similar urban development. It is not located within a protected scenic vista, nor does it afford views of protected vistas. The site is not located within a scenic highway corridor and, as a developed site in an urban area, does not feature protected trees, rock outcroppings or other scenic resources. Historic Resources are discussed more fully in Section V., Cultural Resources. The Project proposes to demolish an existing building that is considered an historic resource for the purposes of CEQA. This is identified as a potentially significant impact and will be studied in an EIR. However, this resource is not located within a state scenic highway; therefore, its demolition would have no impact associated with threshold "b)" above. There would be ***no impact*** to scenic vistas or visual resources as a result of this Project.

VISUAL CHARACTER AND QUALITY

Would the Project:

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

DISCUSSION

The Project would demolish an existing structure in an urban area and replace it with another structure that is similar in scale. Although the elevations of the proposed new structure are

[6] City of Oakland General Plan, Land Use and Transportation Element, pp. 201-203.

included in this analysis (see **Figures 9 & 10**), Project building design has not been finalized; however, the new construction would be required to undergo the City of Oakland's Design Review process to ensure compatibility with the surrounding area. As discussed above, the LUTE identifies the project vicinity as containing a number of land use conflicts and blighted properties, and identifies urban design as a method of improving blight and reducing land use conflicts. The proposed mixed-use project would be constructed within this context. As mentioned, building design has not been finalized; however, initial elevations indicate the building will be generally consistent with the surrounding urban fabric with respect to mass and scale, and would likely enhance the existing visual character. City Design Review procedures and requirements will be implemented to ensure that the new building meets the design expectations as established under that process. Therefore, the proposed Project would have ***no impact*** with respect to degrading the visual character or quality of the site and its surroundings.

LIGHT AND GLARE

Would the Project:

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

DISCUSSION

The proposed Project would not create a new source of substantial light or glare. As discussed, the mixed-use building would generally conform to the surrounding urban fabric in terms of mass and scale. It would likewise generally conform to the surrounding urban fabric in terms of lighting and glare. The proposed new building would have residential uses and commercial uses. Any excess light or glare would affect future tenants' as much as existing surrounding receptors. The City's design review process will ensure that exterior building materials do not cause substantial glare. There are no protected viewsheds in the vicinity; even so, it is not anticipated that the new building's exterior lighting would create substantial light or glare affecting day or nighttime views. Nevertheless, the City of Oakland maintains the following Standard Condition of Approval to address *light and glare* that the Applicant would be required to satisfy:

City of Oakland Standard Condition of Approval

SCA 1: **Lighting Plan.** The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

Resulting Level of Significance

Implementation of **SCA 1**, above would ensure that the potential impact associated with light and glare would be reduced to ***less than significant with Standard Condition of Approval.***

SHADOWS

Would the Project:

e) Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resources Code Section 25980-25986)?

f) Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?

g) Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?

h) Cast shadow on a 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 historical resources or a historical resource survey form (DPR Form 523) with a rating of 1-5?

DISCUSSION

The proposed new building would cast some shadows, but would not cast shadows on existing solar collectors. There are currently no buildings in the Project vicinity that utilize passive solar collectors for energy needs. Nevertheless, the new building would not cast substantial shadows on the adjacent building. The neighboring building on Foothill Blvd. is No. 5912, which is located roughly east of the proposed new building. In the northern hemisphere, passive solar collection potential is greatest for sunlight coming from the south and west; therefore, the proposed new building would not significantly affect 5912 Foothill Blvd's solar gain potential, notwithstanding the fact that 5912 Foothill Blvd. does not currently utilize passive solar collection. The Project site is located on a corner parcel and the new structure would extend along both Foothill Blvd. and 60th Avenue. North of the site on 60th Avenue are residential uses that could be shadowed by the new building located to their south, as south-facing elevations in the northern hemisphere have the best potential for solar gain. However, there is no evidence to suggest any residences immediately adjacent the Project site employ solar collectors. Nevertheless, the height of the new structure would not result in substantial shadows on the residences to the north.

The Project site is in a densely developed urban area; there are no public or quasi-public parks, lawns, gardens or other open space within the vicinity of the site that would receive shadows from the proposed new building.

These impacts are considered ***less than significant***.

Regarding the Project's potential to cast shadows on an historic structure, aside from the existing 5924-30 Foothill Blvd. on the Project site, which is considered an historic resource but is proposed for demolition as part of this Project (see discussion under *cultural resources* later in this document), there are no buildings in the Project vicinity that are listed on, or eligible for

listing on, a national, state or local registry of historical resources. There is ***no impact*** in this regard.

EXCEPTIONS (VARIANCES) AFFECTING ADEQUATE LIGHT

Would the Project:

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?

DISCUSSION

The Project would not require a variance regarding the provision of adequate light. There would be ***no impact*** in this regard.

WIND

Would the Project:

j) Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year. [**NOTE:** 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?

DISCUSSION

The proposed new building is not 100 feet or greater in height, nor located adjacent to a substantial water body or in downtown Oakland. Therefore, there would be ***no impact*** in this regard.

AGRICULTURAL RESOURCES

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
II.	AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the Project:					
	a) 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?	[ ]	[ ]	[ ]	[ ]	[✓]
	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

The Project site is located in a densely populate urban area along a primary business corridor. There would ***no impact*** to agricultural resources.

AIR QUALITY

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
III.	AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:					
	Project Impacts					
	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? NOTE: Pursuant to BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which 1) vehicle emissions of CO would exceed 550 lb/day, 2) intersections or roadway links would decline to LOS E or F, 3) intersections operating at LOS E or F will have reduced LOS, or 4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour.	[ ]	[ ]	[ ]	[✓]	[ ]
	g) Result in total emissions of ROG, NO_x, or PM_{10} of 15 tons per year or greater, or 80 pounds per day or greater?	[ ]	[ ]	[ ]	[✓]	[ ]

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
h) Result in potential to expose persons to substantial levels of Toxic Air Contaminants (TACs) such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds one in 10 million?	[ ]	[ ]	[✓]	[ ]	[ ]
i) Result in ground level concentrations of non-carcinogenic Toxic Air Contaminants 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 individually significant impact; or	[ ]	[ ]	[ ]	[✓]	[ ]
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.	[ ]	[ ]	[ ]	[✓]	[ ]
Plan Impacts (*Only for General Plan Amendments, Redevelopment Plan Amendments & Specific Plans)*					
m) 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; 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; or	[ ]	[ ]	[ ]	[ ]	[✓]
n) 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; or	[ ]	[ ]	[ ]	[ ]	[✓]
o) Fundamentally conflict with the CAP because the project does not demonstrate reasonable efforts to implement transportation control measures (TCMs) in the CAP.	[ ]	[ ]	[ ]	[ ]	[✓]

SETTING

METEOROLOGY

Oakland is located in northern Alameda County, which lies within the San Francisco Bay Area Air Basin. Temperatures in Oakland average 58^0 F annually, ranging on the average from the mid-40s on winter mornings to the mid-70s on summer afternoons. Daily and seasonal fluctuations in temperature are relatively minor because of the moderating effects of the nearby ocean. In contrast to the steady temperature regime, rainfall is highly variable and confined almost exclusively to the "rainy" period from early November to mid-April. Oakland averages 18 inches of precipitation annually, but because much of the area's rainfall is derived from the fringes of mid-latitude storms, a shift in the annual storm track of a few hundred miles can mean the difference between a very wet year and near-drought conditions.[7]

In the Oakland area, the flow of marine air traveling through the Golden Gate, across San Francisco and through the San Bruno Gap is the dominant weather factor. Winds in the Oakland area are typically out of the west, west-northwest, and northwest (about 50 percent of the time). All other wind directions occur no more than seven percent of the time, individually, and calm conditions occur during eight percent of annual observations. Annual average wind speeds are approximately nine miles per hour.[8]

Air pollution potential in northern Alameda County is lowest close to the Bay due largely to two factors: good ventilation from winds that are frequently brisk and a relatively low flux of pollutants from upwind areas. The occurrence of light winds in the early morning and late evening occasionally cause elevated levels of pollutants.[9]

EMISSIONS AND AMBIENT AIR QUALITY

The BAAQMD estimates emissions of five criteria air pollutants: reactive organic gases (ROG, also known as ozone, O_3), carbon monoxide (CO), particulate matter (PM_{10}), nitrogen oxides (NO_x), and sulfur dioxide (SO_2) from seven use categories: residential, commercial, industrial, infrastructure, construction, transportation, and agricultural sources. Annual average emissions

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[7] BAAQMD, 1999; California Air Resources Board (CARB), 1984.

[8] Ibid.

[9] BAAQMD, 1999.

are compiled for each county in the Bay Area Air Basin. $PM_{2.5}$ is not included in this inventory because the federal $PM_{2.5}$ standard was only recently upheld, and Bay Area-wide $PM_{2.5}$ emissions and monitoring data are not yet available. The BAAQMD expects total annual tons of CO, ROGs, and NO_x to decrease over time, and total annual tons of SO_2 and PM_{10} to increase. The District expects the percentage of Alameda County's contribution to basin-wide emissions to remain approximately the same per pollutant, except the County's relative contribution to CO is expected to decrease slightly.[10]

CONSISTENCY WITH AIR QUALITY PLAN / CAP

Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

m) 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; 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; or

n) 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; or

o) Fundamentally conflict with the CAP because the project does not demonstrate reasonable efforts to implement transportation control measures (TCMs) in the CAP.

DISCUSSION

The proposed Project is within the *Central City East Redevelopment Plan* area and represents an increment of the overall growth projected by the *Plan*, which establishes a growth horizon of 20 years. The *Redevelopment Plan* is also consistent with the City of Oakland *General Plan*, therefore, the proposed Project is also consistent with the *General Plan*. The potential impacts of the *Redevelopment Plan* were analyzed in the *2003 Redevelopment Plan EIR*, which determined that the *Redevelopment Plan* was consistent with the *Clean Air Plan* (CAP). Therefore, the proposed Project would not conflict with or obstruct the implementation of the applicable air quality plan.

The Project does not propose an amendment to the *General Plan*, the *Redevelopment Plan*, or any other land use plan associated with the Project site. The Project would not conflict with or

[10] Ibid.

obstruct the implementation of the applicable air quality plan. Therefore, there would be ***no impact***.

VIOLATE QIR QUALITY STANDARDS

Would the Project:

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

DISCUSSION

Construction and Operational Emissions

Construction activities on the Project site could result in short-term air quality impacts due to the generation of particulate matter, both by diesel construction vehicles and equipment, and disturbance of soils through excavation, grading, and construction vehicle travel. The BAAQMD does not require quantitative analysis of the construction impacts of projects, but instead considers the failure to implement appropriate dust control measures to be a potentially significant impact and to conflict with the local CAP.[11] The *2003 Central City East Redevelopment Plan EIR* provides a mitigation measure that addresses the possibility that projects located in within the *Plan* area violate air quality standards or contribute to an existing air quality violation during development activities. The City has since developed a Standard Condition of Approval, listed below, that addresses the same possibility and replaces the corresponding mitigation measure in the *2003 EIR*. The mitigation measure from the *2003 EIR* that this condition replaces is also provided below

City of Oakland Standard Condition of Approval

SCA 2: **Dust Control.** During construction, the Project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for construction sites. These include:

a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased

[11] Ibid., p. 14.

watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.

e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

f) Limit the amount of the disturbed area at any one time, where feasible.

g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

i) Replant vegetation in disturbed areas as quickly as feasible.

j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

k) Limit traffic speeds on unpaved roads to 15 miles per hour.

l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

SCA 3: **Construction Emissions.** To minimize construction equipment emissions during construction, the Project sponsor shall require the construction contractor to:

a) Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1, requires an authority to construct and permit to operate certain types of portable equipment used for construction

purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.

b) Perform low-NO_x tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

Replaced Mitigation Measures from the 2003 Central City East Redevelopment Plan EIR

~~**MM 6-5A: Construction Emission Controls.** Contractors for future development projects pursuant to implementation of the Redevelopment Plan shall implement BAAQMD dust control measures as outlined in BAAQMD CEQA Guidelines (1999) or any subsequent applicable BAAQMD updates.~~

Resulting Level of Significance

SCA 2, which replaces MM 6-5A from the *2003 Redevelopment Plan EIR*, requires the application of the BAAQMD's "Basic" dust control measures. The project site is 8,083 square feet in size (less than 0.2 acres) and, therefore, would not be required to implement the District's "Enhanced" measures required for construction sites greater than four acres in area. **SCA 3** requires the construction contractor to comply with the BAAQMD's General Requirements for portable construction equipment and to perform tune-ups on diesel-powered equipment on a regular basis. Satisfactory compliance with the City of Oakland Standard Conditions of Approval listed above would ensure that construction impacts of the Project remain ***less than significant with Standard Conditions of Approval***.

Greenhouse Gas Emissions and Global Climate Change

There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the Earth's surface warm by trapping heat in the Earth's atmosphere, in much the same way as glass in a greenhouse. While many studies show evidence of warming over the last century, and predict future global warming, the causes of such warming and its potential effects are far less certain. In its "natural" condition, the greenhouse effect is responsible for maintaining a habitable climate on Earth, but human activity has caused increased concentrations of these gases in the atmosphere, thereby contributing to an increase in global temperatures. Carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), ozone (O3), and water vapor (H2O) are the principal GHGs, and when concentrations of these gases exceed the natural concentrations in the

atmosphere, the greenhouse effect may be enhanced. Without these GHGs, Earth's temperature would be too cold for life to exist. CO2, CH4 and N2O occur naturally as well as through human activity. Of these gases, CO2 and CH4 are emitted in the greatest quantities from human activities. Emissions of CO2 are largely by-products of fossil fuel combustion, whereas CH4 results from off-gassing associated with agricultural practices and landfills. Man-made GHGs – with much greater heat-absorption potential than CO2 – include fluorinated gases such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF6) which are byproducts of certain industrial processes.

In 2005, it was estimated that the emission of CO2 equivalents (CO2e) from all major sources totaled 2,200,000 tons, nearly half of which from transportation. From year 2005, emissions are forecast to increase by 12 percent by 2010 (to 2,500,000 tons of CO2e), and 19.5 percent (to 2,700,000 tons of CO2e) by 2020, assuming "business as usual" into the future.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, establishing statewide GHG emission reduction targets. This EO provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced tom80 percent of 1990 levels. On August 31, 2006, the California Assembly passed Bill 32 (AB 32 – signed into law on September 27, 2006), which commits California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the California Air Resources Board (CARB) to establish regulations to achieve these goals. By January 1, 2008, CARB is also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which must be achieved by 2020. By January 1, 2011, CARB is required to adopt rules and regulations, which shall become operative on January 1, 2012, to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

The construction and occupation of residential developments, such as the proposed Project, cause GHG emissions. GHG emissions occur in connection with many activities associated with development, including the use of construction equipment and building materials, vegetation clearing, natural gas usage, electrical usage (since electricity generation by conventional means is a major contributor to GHG emissions), water use (which relies on the use of electricity for pumping), and transportation. However, it is important to acknowledge that new development does not necessarily create entirely new GHG emissions, since most of the persons who will visit or occupy the new development will come from other locations where they were already causing such GHG emissions. Further, it has not been demonstrated that even new GHG emissions caused by a local development project can affect global climate change, or that a project's net increase in GHG emissions, if any, when coupled with other activities in the region, would be cumulatively considerable.

As of preparation of this Initial Study, there are no statutes, regulations, guidelines, or case law decisions requiring analysis of climate change within a CEQA document. Under AB 32, the CARB (the sole agency in charge of regulating sources of emissions of GHG in California) has

been tasked with adopting regulations for reduction of GHG emissions. As of the date of this analysis, no air district in California (including BAAQMD) is known to have identified a significance threshold for GHG emissions or a methodology for analyzing air quality impacts related to GHG emissions. In particular, there is no emission rate criterion for the purpose of identifying a significant contribution to global climate change in CEQA documents.

CEQA Guidelines and the CEQA Initial Study Checklist do not contain any provisions that specifically set forth requirements for analysis of global climate change impacts in an Initial Study or Categorical Exemption. As stated in Section 15064(b) of the State CEQA Guidelines, "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." Additionally, CEQA Guidelines Section 15145 states, "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

Moreover, Governor Schwarzenegger signed SB 97 (Chapter 185, Statutes 2007) into law on August 24, 2007. The legislation provides partial guidance on how greenhouse gases should be addressed in certain CEQA documents.

SB 97 requires the Governor's Office of Planning and Research ("OPR") to prepare CEQA guidelines for the mitigation of GHG emissions, including, but not limited to, effects associated with transportation or energy consumption. OPR must prepare these guidelines and transmit them to the Resources Agency by July 1, 2009.The Resources Agency must then certify and adopt the guidelines by January 1, 2010.OPR and the Resources Agency are required to periodically review the guidelines to incorporate new information or criteria adopted by ARB pursuant to the Global Warming Solutions Act, scheduled for 2012.

The second part of SB 97 codifies safe harbor for highways and flood control projects.It provides that the failure of a CEQA document for a project funded by Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 or the Disaster Preparedness and Flood Prevention Bond Act of 2006 to adequately analyze the effects of GHG emission otherwise required to be reduced pursuant to the regulations adopted under the Global Warming Solutions Act (which are not slated for adoption until January 1, 2012), does not create a cause of action for a violation of CEQA. This portion of SB 97 has a sunset date of January 1, 2010.

The bill does not address the obligation to analyze GHGs in projects not protected by the safe harbor provision. One possible interpretation is that there is no duty until the guidelines are adopted, because CEQA Guidelines section 15007 subdivision (b), provides that guideline amendments apply prospectively only.

The City of Oakland has determined, based upon the discussion above and the factors discussed previously and summarized below, that the Project's impact on global climate change is speculative, and cannot be evaluated at this time because of:

- Uncertainties regarding human activities and climate change and the potential human activities that may reverse global warming trends.

- Lack of guidance for analysis of climate change issues in CEQA documents.

- Lack of methodology for evaluating GHGs, specifically determining the incremental increase in GHG emissions for an individual project, the impacts of a particular development project on global climate change, and the significance of any such impacts under CEQA.

- Lack of methodology for determining whether GHG emissions from an individual project are significant.

- Lack of scientific basis to accurately project future climate trends, much less the likely adverse environmental impacts resulting from those trends in any specific location.

For all of the reasons summarized above, and pursuant to Section 15145 of the CEQA Guidelines, until such time as a sufficient scientific basis exists to 1) ascertain the incremental impact of an individual project on climate change, and to 2) accurately project future climate trends associated with that increment of change, and 3) guidance is provided by regulatory agencies on the control of GHG emissions and thresholds of significance, the significance of an individual project's contribution to global GHG emissions is too speculative to be determined. Therefore, further analysis and application of current emissions scenarios, climate models, and climate change projections to the proposed Project is also speculative.

While the preceding discussion outlines the speculative nature of determining the significance of an individual project's contribution to global GHG emissions at this time, the City of Oakland has provided a discussion of the proposed Project below, for consideration by decision makers. Discussed below are the Project-related activities that could contribute to the generation of increased GHG emissions, and Project design features that would avoid or minimize those emissions.

The approach employed is that, in lieu of an adopted significance threshold for GHG emissions, or a methodology for analyzing air quality impacts related to GHG emissions, the effects of a proposed project may be evaluated based not upon the quantity of emission, but rather on whether practicable available control measures are implemented, similar to construction-related dust emissions within the San Francisco Bay air basin. Theoretically, if a project implements reduction strategies identified in AB-32, the Governor's Executive Order S-3-05, or other strategies to help toward reducing GHGs to the level proposed by the Governor and targeted by the City of Oakland, it could reasonably follow that the project would not result in a significant contribution to the cumulative impact of global climate change. Alternatively, a project could reduce a potential cumulative contribution to GHG emissions through energy efficiency features, density and locale (e.g., compact development near transit and activity nodes of work or shopping).

Since the Project site is located in an area that would not be likely to be subject to coastal or other flooding resulting from climate change during the economic life of the Project, the potential effects of climate change on the proposed Project are not discussed in this Initial Study.

Although it is possible to generally estimate a project's contribution to CO2 into the atmosphere, it is a matter of speculation whether that project increases existing levels of GHGs globally or in the State of California. Moreover, even if it is assumed that a project does create an incremental increase in those emissions, it is typically not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment, given the considerations discussed above.

The amount of increased GHG emissions that may be generated by the proposed Project would not, by itself, influence global climate change. It cannot currently be determined if the proposed Project would provide an incremental contribution to the cumulative increase in GHG emissions.

As previously noted, there are no published thresholds of significance, and no regulatory guidance available that evaluate climate change and GHG emissions in conjunction with individual development projects. In addition, the scientific and technical literature indicates that there is not yet a methodology for reflecting the impact of individual land use decisions in climate change models. Until such time that sufficient scientific basis exists to accurately project future climate trends and guidance is provided by regulatory agencies on the control of GHG emissions and thresholds of significance, the significance of the proposed Project's contribution to global GHG emissions, pursuant to CEQA, cannot be judged, but is likely less than significant.

As discussed above, the construction and operation of the proposed Project would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG) occurring during operation. Typically, more than 80 percent of total energy consumption takes place during the use of the buildings, and less than 20 percent is consumed during construction. As yet, there is no study that quantitatively assesses all of the GHG emissions associated with each phase of the construction and use of an individual residential development.

Overall, the following activities associated with a typical residential development could contribute to the generation of GHG emissions:

- Removal of Vegetation – The net removal of vegetation for construction results in a loss of carbon sequestration in plants. Alternately, planting of additional vegetation would result in additional carbon sequestration and lower carbon footprint of the Project.

- Construction Activities – Construction equipment typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as carbon dioxide, methane, and nitrous oxide. Furthermore, methane is emitted during the fueling of heavy equipment.

- Gas, Electricity and Water Use – Gas use results in the emissions of two GHGs: methane (the major component of natural gas) and carbon dioxide from the combustion of natural gas (as before a flame on a stove is sparked0, and from small amounts of methane that is uncombusted in a natural gas flame. Electricity use can result in GHG production if the electricity is generated by combusting fossil fuel. California's water conveyance system is energy-intensive, with electricity used to pump and treat water.

- Motor Vehicle Use – Transportation associated with the proposed Project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips.

While the proposed Project and all development of similar land use would generate GHG emissions as described above, the City of Oakland's ongoing implementation of its Sustainability Community Development Initiative and other programs/policies will collectively reduce the levels of GHG emissions and contributions to global climate change attributable to activities throughout Oakland. [12]

While no significant GHG emissions-related impacts have been identified, and no mitigation is required, Project characteristics and design features that have been included in the Project to reduce the amount of GHG emissions generated during construction and operation are provided below:

- City of Oakland – According the Pedestrian Master Plan, the City of Oakland has the highest walking rates for all cities in the nine-county San Francisco Bay Region. It is noted that these high pedestrian trips are likely because the neighborhoods are densely populated and well served by transit, including Bay Area Rapid Transit (BART), AC Transit, Amtrack, and the Alameda Ferry. As such, the Project would reduce transportation-related GHG emissions compared to emissions from the same level of development elsewhere in the outer Bay Area.

- Energy Efficiency – The proposed project would be required to comply with all applicable local, state, and federal regulations associated with the generation of GHG emissions and

[12] The City of Oakland has adopted legislation related to sustainability and reduction of GHG Emission's which include: the Climate Protection Ordinance, Construction and Demolition Recycling Ordinance, Green Building Ordinance, Green Fleet Resolution, Waste Reduction Resolution, Chicago Climate Exchange Resolution, Zero Waste Resolution, and the Oil Independence Resolution. Current City of Oakland programs that reduce GHG Emissions include: California Youth Energy Services, Residential and Business Recycling, encouraging Transit Village Development Plans, implementation of the Pedestrian and Bicycle Master Plans.

energy conservation. In particular, construction of the proposed project would also be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, and the requirements of pertinent City policies as identified in the City of Oakland General Plan, helping to reduce future energy demand as well as reduce the project's contribution to regional GHG emissions.

- Construction Waste – The proposed project will be required to comply with the Construction and Waste Reduction Ordinance and submit a Construction and Demolition Waste Reduction Plan for review and approval. As a result, construction-related truck traffic, which primarily have diesel fueled engines, would be reduced since demolition debris hauled off site would be reused on site. In addition, reuse of concrete, asphalt, and other debris will reduce the amount of material introduced to area landfills.

- Pedestrian Improvements – The project is proposing extensive streetscape improvements, including new and increased sidewalk, curb, and gutter; right-of-way landscaping; streetlights; street furniture; wayfinding signage; and/or art. These features, as outlined is the Pedestrian Master Plan approved in November 2002, are identified as design amenities that develop a pedestrian oriented environment that facilitate walking and transit use. As such, the project would reduce transportation-related GHG emissions by encouraging additional pedestrian trips.

- Inner Bay Location Near Transit – The project's location in Oakland would reduce transportation-related GHG emissions compared to emissions from development with the same amount of population and employment growth in the outer Bay Area. Because transit service is generally less available in most areas of the outlying areas than in Oakland, development in those locations would likely result in increased peak-hour vehicle trips of relatively long distances, and often in single-occupant vehicles, compared to development at the project site. Development on the project site would include a greater number of potential residents and visitors that could potentially utilize alternative modes of travel.

Although no significant impacts related to GHG emissions have been identified, and no mitigation is required, the Project's GHG emissions generated during construction and operation would be minimized by virtue of the existing characteristics and design features that have been included in the Project. In addition, emissions would also be reduced since the Project is subject to all the regulatory requirements, mitigation measures, and standard conditions in this Initial Study that would reduce GHG emissions of the Project. These include, for example, adherence to best management construction practices and equipment use, and maximizing Provision C.3 standards regulating post-construction stormwater.

TACS AND DIESEL EMISSIONS / SENSITIVE RECEPTOR EXPOSURE

Would the Project:

d) Expose sensitive receptors to substantial pollutant concentrations?

h) Result in potential to expose persons to substantial levels of Toxic Air Contaminants such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds one in 10 million?

i) Result in ground level concentrations of non-carcinogenic Toxic Air Contaminants such that the Hazard Index would be greater than 1 for the MEI?

j) Result in a substantial increase in diesel emissions?

DISCUSSION

The proposed Project is the construction of a mixed residential and commercial use building. Operation of the Project is not expected to result in the potential to expose persons to substantial pollutant concentrations, substantial levels of Toxic Air Contaminants, non-carcinogenic Toxic Air Contaminants or result in substantial increases in diesel emissions. The proposed Project is consistent with the *General Plan* and zoning designation of the Project site. Construction activities, which are discussed above, could result in considerable emissions of criteria pollutants; however, implementation of City of Oakland Standard Conditions of Approval would ensure that construction emissions remain less than significant. **SCAs 2 & 3**, listed above, identify measures to be taken with respect to dust control and equipment emissions.

Demolition and grading activities could result in the potential to expose people to substantial levels of Toxic Air Contaminants. Asbestos, serpentine soils and/or ultramafic rock are not known to occur on the; however, if they are encountered during construction activities, the City maintains a standard condition of approval that would apply. The City of Oakland maintains Standard Conditions of Approval that apply to the Project to address TACs, specifically regarding asbestos removal.

City of Oakland Standard Conditions of Approval

SCA 4: **Asbestos Removal in Structures.** If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolished and disposed of, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

SCA 5: **Asbestos Removal in Soil.** To minimize the release of naturally occurring asbestos in the soil during construction, the Project sponsor shall require the construction contractor to demonstrate compliance with BAAQMD's Asbestos Airborne Toxic Control Measures for Construction, Grading,

Quarrying and Surface Mining Operations (implementing CCR section 93105) for activities that disturb the soil, such as grading, etc.

MINIMUM CONSTRUCTION GRADING OPERATION REQUIREMENTS WHERE AREA TO BE DISTURBED IS 1 ACRE OR LESS:

Administrative

a) No notification required to the BAAQMD office.

b) Upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock the project applicant must notify the BAAQMD's Air Pollution Control Officer (APCO) by the next business day.

Dust Control

c) Vehicle speed ≤ 15 mph.

d) Sufficient water applied to the area prior to disturbance to prevent visible emissions from crossing project boundaries.

e) Areas to be graded or excavated kept adequately wetted to prevent visible emissions from crossing project boundaries.

f) Storage piles kept adequately wetted, treated with chemical dust suppressant, or covered when the material is not being added or removed.

g) Equipment must be washed down before moving from the property onto paved roadway.

h) Visible track-out on paved public road must be cleaned using wet sweeping or High Efficiency Particulate Air (HEPA) filter equipped vacuum device within 24 hours.

i) Implement the preceding dust control measures within 24 hours upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock.

Resulting Level of Significance

SCAs 4 & 5 above will ensure that substantial levels of Toxic Air Contaminants (TACs) are prohibited from being released as a result of demolition, grading and construction activities.

It is possible that a future tenant of the office/commercial portion of the Project engages in a use that could release Toxic Air Contaminants. An example of this would be a dry cleaning operation. If a dry cleaner or other use with the potential to emit Toxic Air Contaminants

proposed to become a future tenant, said tenant would be required to obtain the proper permits. The BAAQMD reviews new and modified source permit applications in accordance with the District's Risk Management Policy, which is aimed at preventing any proposed stationary sources from creating new air toxics problems. All new/modified permit applications are reviewed for potential health impacts. If any TACs are emitted in amounts that exceed de minimus levels, a risk screening analysis is completed by BAAQMD staff. A project that passes this risk screen is judged to have an insignificant impact on public health. Therefore, although the future tenants of the commercial/office component of the Project are unknown at this time, any potential TAC-emitting future use on the Project site would be required to undergo the BAAQMD's Air Toxics New Source Review.

With respect to the Project's potential to result in emissions of substantial levels of Toxic Air Contaminants, the Project's impact would be ***less than significant with Standard Conditions of Approval***, because the City of Oakland maintains Standard Conditions of Approval regarding construction activities and the potential release of TACs, which are included here as **SCAs 4 & 5**, and any future commercial use would be required to undergo the Air Management District's New Source Review.

ODORS

Would the Project:

e) Frequently create substantial objectionable odors affecting a substantial number of people?

DISCUSSION

As discussed above, implementation of the City's Standard Conditions of Approval would result in a less than significant impact with respect to exposure of sensitive receptors to TACs. The *General Plan* incorporates buffer zones between industrial and residential land uses by placing business mix or open space uses, which have lower operational emissions and lower potential for toxics or industrial uses, between residential and industrial uses. Additionally, for project screening purposes, the BAAQMD CEQA Guidelines provide a table listing project screening trigger levels for potential odor sources.[13] None of the uses provided in this list would be permitted uses in the office/general commercial element of the Project. For these reasons, there would be a ***less than significant*** impact in this regard.

CARBON MONOXIDE CONCENTRATIONS (OPERATIONS) AND TOTAL EMISSIONS

[13] Ibid. Table 4, p. 18.

Would the Project:

f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour? NOTE: Pursuant to BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which 1) vehicle emissions of CO would exceed 550 lb/day, 2) intersections or roadway links would decline to LOS E or F, 3) intersections operating at LOS E or F will have reduced LOS, or 4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour.

g) Result in total emissions of ROG, NO_x, or PM_{10} of 15 tons per year or greater, or 80 pounds per day or greater? NOTE: The Port of Oakland maintains PM_{10} and $PM_{2.5}$ monitoring stations in West Oakland and data from these stations should be obtained and used.

DISCUSSION

The Bay Area is currently designated as an "attainment" area for the federal standards of carbon monoxide (CO), sulphur dioxide (SO_2), nitrogen dioxide (NO_2) and particulate matter (PM_{10}), and "non-attainment" for both federal and state ozone standards. Under state standards, the region also has "attainment" status for CO, SO_2, and NO_2, but is "non-attainment" for the state PM_{10} standard.[14]

Small projects that generate less than 550 pounds per day of CO, or 80 pounds per day of reactive organic gasses (ROG, which contribute to the formation of ozone), nitrogen oxides (NO_x), or fine particulate matter (PM_{10}) due to construction activity (dust and exhaust from construction equipment) or from vehicle trips are expected to generate less than significant amounts of air pollution and to be consistent with the CAP.[15]

For individual Project screening purposes, the BAAQMD CEQA Guidelines provide examples of projects, in terms of size and activity level, that would exceed the threshold of total emissions.[16] The District recommends that any project whose size is within 20 percent of the values of the examples provided undergo further, more detailed air quality analysis; however, the

[14] BAAQMD, official website, Ambient Air Quality Standards and Bay Area Attainment Standards, http://www.baaqmd.gov/pln/air_quality/ambient_air_quality.htm, accessed December 22, 2006.

[15] *BAAQMD CEQA Guidelines*, December 1999, p. 24.

[16] Ibid., Table 6, p. 25.

District generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day.[17]

Under examples involving housing as the land use, apartments are estimated to generate 5.9 trips per dwelling unit. At this generation rate, the BAAQMD estimates that an apartment project of 510 units would trigger emissions threshold of generating 80 pounds per day of NO_x. The Project proposes to construct up to 18 (one-bedroom and studio) apartments, which would generate an estimated 106 vehicle trips per day. Since this is much less than 20% of the value of the example, no detailed air quality analysis is required.

Under General Office, the activity that most closely relates to the Project's proposed commercial use, the estimated trip generation rate is 10.9 trips per 1000 square feet, and the likelihood is that an office project of 280,000 square feet would trigger emissions thresholds. The Project proposes to construct approximately 6,193 gross square feet of commercial space, which would generate an estimated 68 vehicle trips per day. Since this is much less than 20% of the value of the example, no detailed air quality analysis is required.

The *2003 Redevelopment Plan EIR* determined that subsequent projects within the Plan Area (e.g., the proposed Project) would not result in significant degradation of air quality. Moreover, this project-level analysis determined that the proposed Project is not within 20 percent of the size of the BAAQMD CEQA Guidelines project screening examples for apartment or general office land-use categories and, using BAAQMD trip generation rates, would generate approximately 174 vehicle trips per day, significantly fewer than the threshold of 2,000 vehicle trips per day. Using either the analysis from the *2003 EIR* or the project-level comparison to BAAQMD thresholds, daily operations emissions from the proposed Project would not significantly degrade regional air quality. Therefore, this impact is considered ***less than significant.***

CUMULATIVE EMISSIONS

Would the Project:

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)?

k) Result in any individually significant impact; or

[17] Ibid., p. 24.

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?

DISCUSSION

As discussed above under item "a)", the Project is consistent with the local CAP and the *General Plan*. According to the BAAQMD CEQA Guidelines, if a project is proposed in a city or county with a general plan that is consistent with the CAP, and the project is consistent with the local general plan, then the project would not have a significant cumulative impact.

The *2003 Central City East Redevelopment Plan EIR* provides an analysis of the effect of the emissions from the Plan's projected growth and build-out to the year 2025, of which, as discussed in this document, the proposed Project is an incremental portion. The *2003 EIR* provides that traffic increases associated with projected growth and development within the *Redevelopment Plan* area would not significantly degrade regional air quality. The VMT growth rate associated with the *Redevelopment Plan* would be less than 1% per year between 2000 and 2020, which is estimated to result in a total daily increase of approximately 21,215 vehicle miles. The daily incremental increase in mobile source emissions associated with this increase in vehicle miles traveled would not exceed BAAQMD project-specific significance thresholds for reactive organic gases (ROG), NO_x, and PM_{10}. Therefore, this increase would not significantly contribute to recent exceedances of applicable state PM_{10} standards in the region.[18]

Additionally, the *2003 EIR* states that although there would be an overall increase in regional mobile source emissions in the City of Oakland attributed to all growth and development consistent with the Oakland *General Plan*, emissions increases from projected growth and development within the *Redevelopment Plan* area would actually be less than would result if this growth occurred elsewhere in the air basin (e.g., in outlying areas). Future growth as may be facilitated by implementation of the *Redevelopment Plan* would be infill development anticipated to provide new jobs near existing housing, and new housing near existing jobs (i.e., "smart growth"). It is also anticipated that as traffic congestion problems worsen in the region and travel times get longer, people will need to shorten their commute distance in order to

[18] City of Oakland, Redevelopment Agency, *Central City East Redevelopment Plan Draft EIR*, 2003, p. 6-17.

maintain the same travel time as they have today. These factors, in addition to some increase in transit use, would tend to reduce trip lengths in the future.[19]

As described in the *2003 EIR*, the proposed Project can be considered infill development (albeit development that would require the demolition of existing buildings) that provides both housing and economic development/jobs consistent with the City's "smart growth" principles.

As discussed above, the *2003 Redevelopment Plan EIR* determined the Plan (i.e. subsequent development projects within the Plan Area) would not result in significant degradation of regional air quality.

Therefore, the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment; this is a ***less than significant*** impact.

[19] Ibid., 6-18.

BIOLOGICAL RESOURCES

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
IV.	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 US Fish and Wildlife Service?	[ ]	[ ]	[ ]	[ ]	[✓]
	c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) 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?	[ ]	[ ]	[ ]	[ ]	[✓]

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
f) Fundamentally conflict with the City of Oakland Tree Preservation and Removal 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.[20]. 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.	[ ]	[ ]	[✓]	[ ]	[ ]
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	[ ]	[ ]	[ ]	[ ]	[✓]

[20] Oakland Planning Code section 17.158.280E2 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.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
h) 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.	[ ]	[ ]	[ ]	[ ]	[✓]

SETTING

The Project site is located within the East Creek Watershed in the City of Oakland.[21] There are many creeks within the East Creek Watershed, however the majority of them, including those in the vicinity of the Project site, flow through underground culverts and storm drains. Seminary Creek is one such underground creek. In the vicinity of the Project site, Seminary Creek flows from the hills to the San Francisco Bay roughly along Seminary Avenue, located one block east of the Project site.

The Project site is located in a densely populated urban environment, surrounded in its entirety by impervious surfaces comprised primarily of street paving and rooftops. There are three street trees along the site's Foothill Blvd. frontage, one of which is a small sapling.

WILDLIFE AND PLANT SPECIES

[21] The Oakland Museum of California Creek and Watershed Information Source, http://www.museumca.org/creeks/1200-OMEast.html

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?

DISCUSSION

The proposed Project would not have a significant impact, either directly or indirectly, on any special status plant or wildlife species. The California Natural Diversity Database (CNDDB) was consulted. A comparison of the database against the USGS 7.5 minute quad within which the Project site is located determined that there are special status species in then area. A table with the search results is provided in **Appendix B**. However, the Project site is characterized by an urban setting, entirely surrounded by like development; the site and its vicinity has little or no habitat value, and would not have a substantial adverse effect, either directly or through habitat modifications on special status species. There would be ***no impact*** in this regard.

RIPARIAN HABITAT / SENSITIVE NATURAL COMMUNITIES

Would the Project:

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 US Fish and Wildlife Service?

DISCUSSION

The Project site is located in a developed urban landscape. There are no riparian habitats or sensitive natural communities in the vicinity. As discussed above, the nearest creek to the Project site is Seminary Creek; however, it flows through an underground culvert or storm drain in the site's vicinity. Therefore there would be ***no impact*** in this regard.

WETLANDS / WATERS OF THE U.S.

Would the Project:

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

DISCUSSION

There are no federally protected wetlands in the vicinity of the Project site. The site is located in a densely developed urban area, the closest creek, Seminary Creek, currently flows through an underground culvert. The Project would not involve direct removal, filling, hydrological interruption or any other adverse effect on a federally protected wetland or Water of the U.S. ***No impact***.

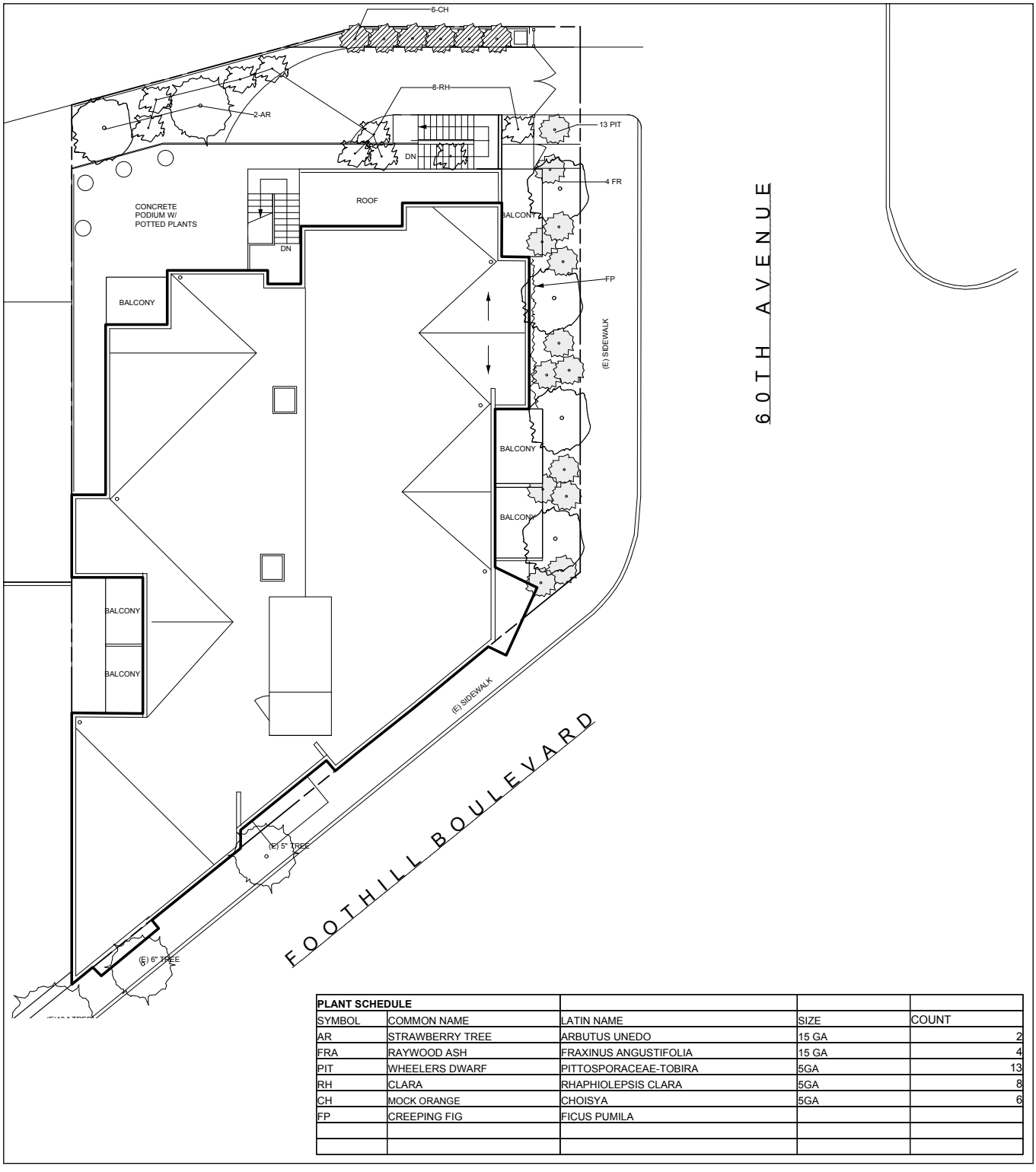
MOVEMENT OF SPECIES

Would the Project:

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?

DISCUSSION

The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or established wildlife corridor. The area is characterized as a densely developed urban area with the most prominent landscape features being existing buildings and streets. There are three existing street trees fronting the site; otherwise, there is little habitat of value on the site that would significantly support native or migratory animal species. The landscape plan for the Project (**Figure 12**) indicates that 33 additional trees would be planted as part of this Project, primarily along 60th Avenue and in the side/rear yard that abuts the adjacent residential use along 60th Ave. Therefore, the Project would not interfere with any species movement and there would be ***no impact*** in this regard.



PLANT SCHEDULE				
SYMBOL	COMMON NAME	LATIN NAME	SIZE	COUNT
AR	STRAWBERRY TREE	ARBUTUS UNEDO	15 GA	2
FRA	RAYWOOD ASH	FRAXINUS ANGUSTIFOLIA	15 GA	4
PIT	WHEELERS DWARF	PITTOSPORACEAE-TOBIRA	5GA	13
RH	CLARA	RHAPHIOLEPSIS CLARA	5GA	8
CH	MOCK ORANGE	CHOISYA	5GA	6
FP	CREEPING FIG	FICUS PUMILA		

Figure 12
Landscape Plan

Source: Thornton Weiler, AIA

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CONSERVATION PLAN

Would the Project:

e) Fundamentally conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

DISCUSSION

There are no conservation plans of any type that apply to the Project site. There would be ***no impact*** in this regard.

OAKLAND TREE ORDINANCE AND TREE REMOVAL

Would the Project:

f) Fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances?

DISCUSSION

As discussed above and shown in the site photos in **Figure 3**, there are three street trees located along the site's Foothill Blvd. frontage. None of the trees on the Project site are protected by the City of Oakland (i.e., none are nine inches or greater in diameter). No trees are proposed to be removed. Any tree removal would require a tree removal permit from the City of Oakland.

Although the trees on the Project site do not have protected status, construction activities have the potential for damaging them, which would be considered a potentially significant impact.

The City of Oakland maintains Standard Conditions of Approval regarding trees and their protection during construction activities, which the Applicant would be required to meet in order to reduce potential construction-related tree impacts to a level considered less than significant.

<u>City of Oakland Standard Conditions of Approval</u>

The City of Oakland also provides the following Standard Condition of Approval regarding tree protection:

SCA 6 **Tree Protection During Construction.** Adequate protection shall be provided during the construction period for any trees which are to remain standing including the following, plus any recommendations of an arborist:

a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

e) If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree

or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

f) All debris created as a result of any tree removal work shall be removed by the applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.

Resulting Level of Significance

Satisfactory compliance with **SCA 6** above will reduce this potential impact to ***less than significant with Standard Conditions of Approval.***

CREEK PROTECTION ORDINANCE

Would the Project:

h) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources?

DISCUSSION

As discussed above, Seminary Creek, the creek nearest to the Project site, flows underground in the site vicinity along Seminary Avenue; therefore, no Project-associated construction or operational activities would conflict with the City's Creek Protection Ordinance. Storm water runoff from the Project site would be discharged into the City's storm drain system, which eventually flows into the San Francisco Bay via Seminary Creek; however, storm water runoff would not contain substantial amounts of pollutants (see discussion under *hydrology and water quality and public services*). Based on the location and condition of Seminary Creek with respect to the Project site, no construction or operational activities would significantly modify the natural flow of the water, deposit substantial amounts of new material into the creek, cause substantial bank erosion or instability, or adversely impact a riparian corridor. The Project would have ***no impact*** with respect to the City's creek protection ordinance.

CULTURAL AND HISTORIC RESOURCES

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
V.	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 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)?	[✓]	[ ]	[ ]	[ ]	[ ]
	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?	[ ]	[ ]	[✓]	[ ]	[ ]

HISTORICAL RESOURCES

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5.?

DISCUSSION

The Project would involve the demolition of the existing structures on the Project site in order to construct the proposed mixed-use building. A survey form (DPR523-B) prepared for this

structure in 1995 by the City of Oakland and filed with the Oakland Cultural Heritage Society (OCHS) contains a National Registry of Historic Places (NRHP) status code of "5B" and, therefore, this building is historically significant under the *Historic Preservation Element* of the *General Plan*. Therefore, for CEQA purposes, this structure is considered an historical resource. Based on this conclusion, and for the purposes of this Initial Study, demolition of this structure as proposed would be considered a "significant impact."

The proposed Project would result in the demolition of a building considered an historical resource for CEQA purposes. Therefore, demolishing the structures on the Project site as proposed would remain a ***potentially significant*** impact. In order to fully address this impact, an EIR will be prepared.

ARCHAEOLOGICAL & PALEONTOLOGICAL RESOURCES AND HUMAN REMAINS

Would the Project:

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

The Project site is currently developed and located in an urban area. The site is surrounded on all sides by similar development and located within a commercial district. There are no unique geologic features on the Project site, and due to its urban setting it is unlikely that development of the Project would cause substantial adverse changes in the significance of archaeological resources, paleontological resources or disturb human remains. Although the probability of discovery of prehistoric or cultural resources is low, the potential for discovery exists, and any discovery that occurs without proper procedures in place would be a potentially significant impact. The *2003 Central City East Redevelopment Plan EIR* provides three (3) mitigation measures that address the possibility that projects located in within the *Plan* area encounter either previously known or previously unknown subsurface cultural resources during development activities. The City has since developed Standard Conditions of Approval, listed below, that address the same possibility and replace the mitigation measures in the *2003 EIR*.

The following City of Oakland Standard Conditions of Approval address accidental discovery of prehistoric, historic or unique archaeological resources, paleontological resources and human remains. The mitigation measures from the *2003 EIR* that these conditions replace are also provided below.

City of Oakland Standard Conditions of Approval

SCA 7: **Archaeological Resources.** Pursuant to CEQA Guidelines 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 historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor and/or lead agency shall consult with a qualified archaeologist or paleontologist 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 mitigation, with the 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 mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the Project sponsor 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 mitigation 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 sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.

SCA 8: **Human Remains.** 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.

SCA 9: **Paleontological Resources.** 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 under the criteria set forth in Section 15064.5 of the CEQA Guidelines. 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.

Replaced Mitigation Measures from the *2003 Central City East Redevelopment Plan EIR*

~~**MM 11.1A:** **Avoidance.** In accordance with CEQA, all cultural resources deemed significant should be avoided during project implementation whenever possible.~~

~~**MM 11.1B:** **Characterization and Research.** If avoidance is not feasible, additional mitigation will be required for potential impacts to be considered less-than-significant. Should subsequent Redevelopment Plan projects, programs or other activities be proposed at archaeological properties, mitigation consisting of subsurface archaeological characterization should be conducted to define the subsurface extent and integrity of the site. Additional archival research may also be conducted as a means of corroborating the archaeological data collected. This additional data gathering phase at each site may be sufficient,~~

~~on an individual basis, to consider loss of the resource during development as a less-than-significant impact.~~

~~**MM 11.1C: Data Recovery.** Some sites may prove to be inherently complex or significant such that testing alone will not be considered adequate mitigation to permit loss. In those cases, data recovery may be warranted, wherein a more comprehensive subsurface examination based on a Research Design formulated to address pertinent research topics may be required.~~

~~**MM 11.2:** In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area until such time a qualified archaeologist, and the City of Oakland, can assess the significance of the find and make mitigation recommendations, if warranted.~~

Resulting Level of Significance

Compliance with **SCAs 7-9** above replace MMs 11.1A, B & C and MM 11.2 from the *2003 Central City East Redevelopment Plan EIR*. **SCAs 7-9** would ensure that any impacts associated with the accidental discovery of prehistoric, historic, paleontological or human remains as a result of the proposed Project are ***less than significant with Standard Conditions of Approval.***

GEOLOGY AND SOILS

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
VI.	GEOLOGY AND SOILS — Would the Project:					
	a) Expose people or structures to potential substantial adverse effects, including the 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?	[ ]	[ ]	[✓]	[ ]	[ ]
	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 waste water disposal systems where sewers are not available for the disposal of waste water?	[ ]	[ ]	[ ]	[ ]	[✓]

SETTING

The City of Oakland lies within the geologic region of California referred to as the Coast Ranges geomorphic province. Discontinuous northwest trending mountain ranges, ridges and intervening valleys composed of ancient seafloor rocks characterize this province.

EXPOSURE TO FAULT RUPTURE AND SEISMIC GROUND SHAKING

Would the Project:

a) Expose people or structures to potential substantial adverse effects, including the 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§2690 et. seq.)?

   ii) Strong seismic ground shaking?

DISCUSSION

The proposed Project site is located in a seismically active region. The closest fault, the Hayward Fault, is less than one mile northeast of the Project site. The Project site is not within an Alquist-Priolo Special Studies Zone; however, according to the Association of Bay Area Government's (ABAG) online interactive hazards mapping website, shown in **Figure 13**, the Project site would be subject to strong seismic ground shaking.[22] Construction activities on the Project site could result in a potentially significant impact associated with the exposure to people or structures to potential adverse effects involving strong seismic ground shaking. The City maintains Standard Conditions of Approval that the Applicant would need to satisfy requiring the preparation and adherence to the recommendations of a site-specific, design level geotechnical investigation.

City of Oakland Standard Condition of Approval

SCA 10 **Geotechnical Report.** 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. Tentative Tract or Parcel Map

[22] Association of Bay Area Governments, Official website, ABAG Shaking Intensity Maps and Information, http://www.abag.ca.gov/bayarea/eqmaps/mapsba.html.

approvals shall require, but not be limited to, approval of the Geotechnical Report, including specifically:

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

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

c) The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer and geotechnical engineer as approved by the City, will be included in the final design.

d) 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.

e) 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.

f) 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.

g) 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.

Resulting Level of Significance

Verification by the City of Oakland that **SCA 10** has been met would result in reducing this potentially significant impact associated with the exposure of people or structures to potential adverse effects involving strong seismic ground shaking to ***less than significant with Standard Conditions of Approval***.

LIQUEFACTION & LANDSLIDES

Would the Project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

   iii) Seismic-related ground failure, including liquefaction?

   iv) Landslides?

DISCUSSION

According to the Association of Bay Area Government's (ABAG) online interactive hazards mapping website, shown in **Figure 14**, the Project site is located in an area with high liquefaction hazard potential.[23] The Project site is located in a topographically flat, densely populated urban area; therefore, the site would not become unstable as a result of a landslide, as shown in **Figure 16**. The City maintains a Standard Condition of Approval, listed above as **SCA 10**, requiring the preparation and adherence to the recommendations of a site-specific, design level geotechnical investigation. Satisfactory compliance with **SCA 10** would reduce any potentially significant impacts of the Project associated with liquefaction to ***less than significant with Standard Conditions of Approval***.

SOIL EROSION AND LOSS OF TOPSOIL

Would the Project:

b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?

[23] Association of Bay Area Governments, Official website, ABAG Shaking Intensity Maps and Information, http://www.abag.ca.gov/bayarea/eqmaps/mapsba.html.

DISCUSSION

The Project site is located in an urbanized area; there are no open creeks or waterways in the vicinity of the Project site. Construction activities would include demolition of the existing buildings on the site, which would expose soil and potentially result in soil erosion and/or the loss of topsoil. However, as discussed in the next section, Hydrology and Water Quality, the City of Oakland maintains a Standard Condition of Approval requiring the preparation of an erosion and sedimentation control plan as part of the grading permit application process. This condition is identified as **SCA 20** in this document. Therefore, satisfactory implementation of **SCA 20** as part of the grading permit application process will reduce any potential impacts resulting in soil erosion or loss of topsoil to a level considered ***less than significant with Standard Conditions of Approval***.

EXPANSIVE SOIL

Would the Project:

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?

DISCUSSION

Expansive soil is fine-grained clay that occurs naturally and is generally found in areas that historically were a flood plain or lake area, but can occur in hillside areas also. Expansive soil is subject to swelling and shrinkage, varying in proportion to the amount of moisture present in the soil. As water is initially introduced into the soil (by rainfall or watering), an expansion takes place. If dried out, the soil will contract, often leaving small fissures or cracks. Excessive drying and wetting of the soil will progressively deteriorate structures over the years. This excessive wetting and drying causes damage due to differential settlement within buildings and other improvements.

It is unknown whether there are expansive soils beneath the Project site at this time; however, the site is not located in a flood plain or on a hillside. Methods for addressing expansive soils typically involve directing drainage away from building foundations. The site-specific, design level geotechnical investigation required above as **SCA 10**, would determine whether expansive soils are present beneath the site and provide design-level recommendations for addressing them accordingly. Therefore, compliance with **SCA 10** would result in reducing the potential impact associated with expansive soils to ***less than significant with Standard Condition of Approval***.

OTHER SUBSURFACE CONDITIONS

Would the Project:

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?

DISCUSSION

The Project site has been occupied by its existing buildings since the mid-1920s. The fact that the same structures have occupied the site for over three-quarters of a century indicates that the potential that there may be subsurface conditions at the site, such as a well, pit, swamp, mound, tank, vault, unmarked sewer line or landfill that would create substantial risk to life or property is unlikely. In spite of this unlikelihood, the City maintains a Standard Conditions of Approval, provided in the next section as **SCAs 17 and 18**, which require the preparation of Phase I and/or Phase II reports and, if necessary, the adherence to any remediation recommendations contained therein. Satisfactory compliance with these conditions will ensure that these impacts remain ***less than significant with Standard Conditions of Approval***.

SOILS SUITABLE FOR ALTERNATIVE WASTEWATER DISPOSAL

Would the Project:

f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

DISCUSSION

The Project site is currently, and would be upon completion, served by municipal sewage systems, and the use of septic systems is not anticipated. ***No impact.***

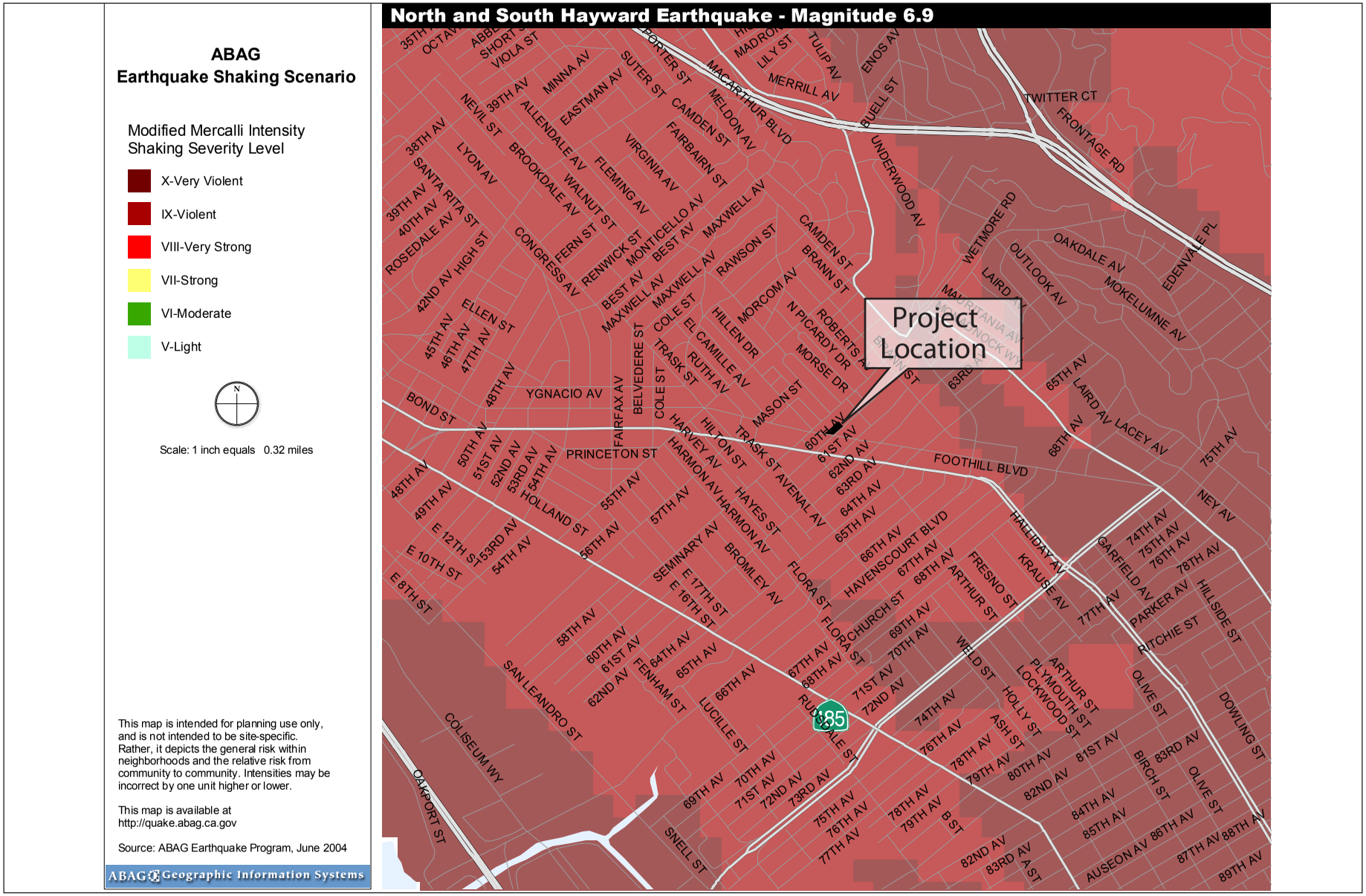

Figure 13
Earthquake Shaking Hazards

Source: ABAG

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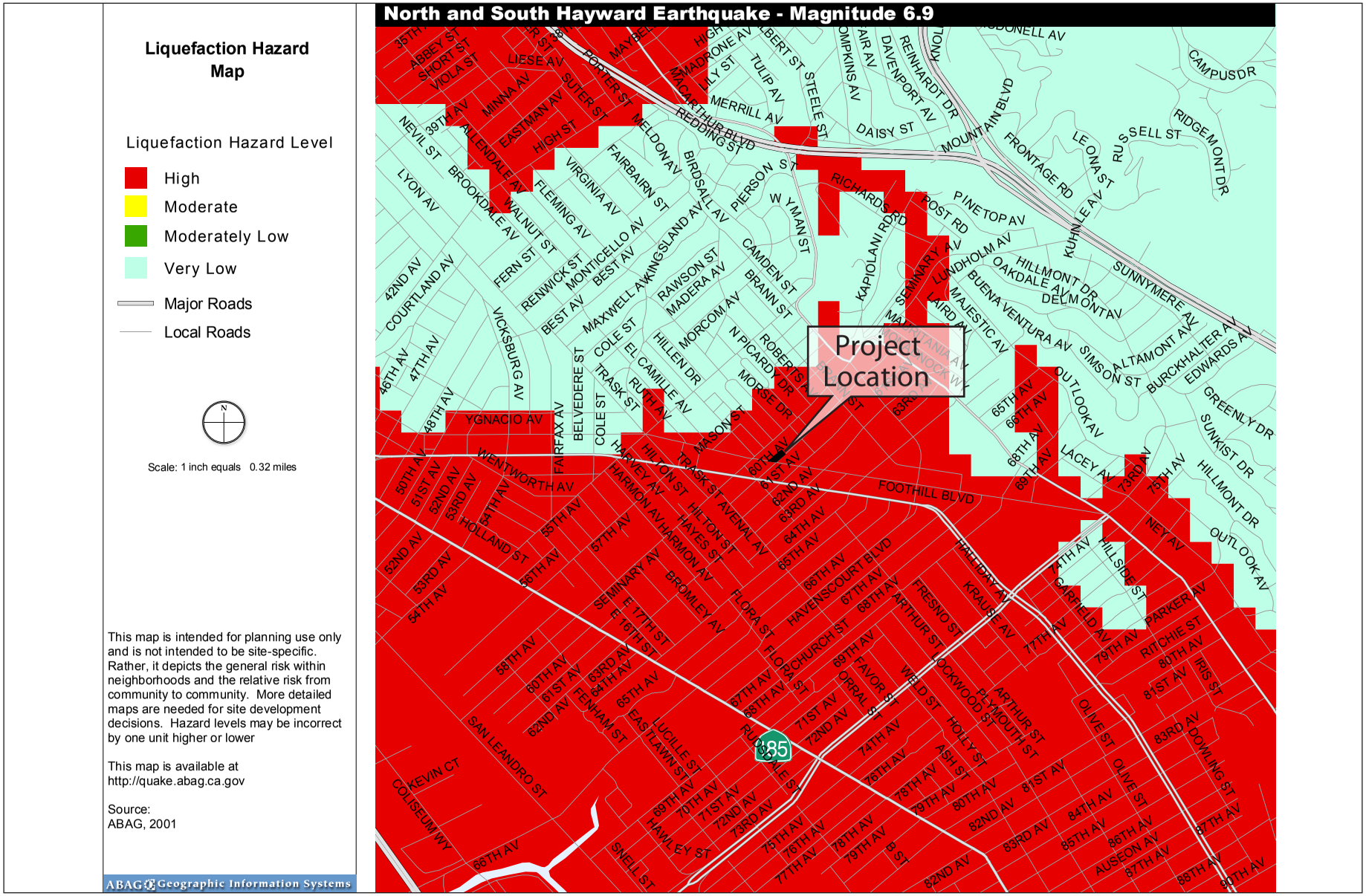

Figure 14
Liquefaction Hazards

Source: ABAG

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HAZARDS AND HAZARDOUS MATERIAL

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
VII.	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?	[ ]	[ ]	[✓]	[ ]	[ ]
	e) For a Project 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, would the Project result in a safety hazard for people residing or working in the Project area?	[ ]	[ ]	[ ]	[ ]	[✓]
	f) For a Project within the vicinity of a private airstrip, would the Project 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 wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	[ ]	[ ]	[ ]	[ ]	[✓]

PUBLIC HAZARD THROUGH ROUTINE USE

Would the Project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

DISCUSSION

The proposed Project entails the construction of residential and commercial space. Project operations are not anticipated to create a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials.

The future tenants of the proposed commercial space have yet to be determined. The commercial space is proposed to be leased as office space to business uses compatible with site's zoning designation (*C-30: District Thoroughfare Commercial Zone*). It is assumed that both residential and commercial uses of the Project would utilize hazardous materials typical to these uses, but hazardous materials use would occur in negligible amounts that would not pose a significant hazard to the public or the environment. State and federal laws require businesses that handle hazardous materials to ensure that the hazardous materials are properly handled, used, stored and disposed of; and in the event that hazardous materials are accidentally released, to prevent or reduce injury to health and the environment. The Oakland Fire Department implements the Business Plan Act for hazardous material handing locally and also enforces certain fire code regulations pertaining to hazardous materials storage. Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. The California Division of Occupational Safety and Health Administration is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials.

It is possible that equipment used at the site during construction activities could utilize substances considered by regulatory bodies as hazardous, such as diesel fuel and gasoline. However, all construction activities would be required by the City's Standard Conditions of Approval to adhere to recognized Best Management Practices, which provide guidelines for the safe transport, use and disposal of materials and equipment. This condition is listed in this document as **SCA 15**.

Therefore, with respect to the potential of the Project to impact the public or the environment through the routine transport, use or disposal of hazardous materials, there would be a ***less than significant*** impact.

PUBLIC HAZARD RESULTING FROM ACCIDENTAL RELEASE OF MATERIALS

Would the Project:

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?

DISCUSSION

As discussed above, Project operations are not expected to create a significant hazard through the routine transport, use or disposal of hazardous materials. It is assumed that hazardous materials would be utilized typical of the proposed uses, but would be in negligible amounts. It is also noted that state and federal laws require proper handling, use and disposal of hazardous materials. These same laws and regulations require the prevention and reduction of injury to people and the environment in the event of an accidental release. Consequently, there are no reasonably foreseeable operational upset or accidental conditions that would involve a significant release of hazardous materials into the environment.

A Phase I and/or Phase II environmental site assessment has not been prepared for the Project site. Although this study concludes that the presence of underground hazards is unlikely due to the fact that the current buildings have occupied the Project site for 81 years, the potential for the presence of underground hazards does exist. Unknown underground hazards would constitute an accident condition that could involve the release of hazardous materials into the environment if improperly addressed. The City of Oakland maintains Standard Conditions of Approval, provided in this document as **SCAs 17 and 18**, that require the preparation of Phase I and/or Phase II reports and, if necessary, the adherence to any remediation recommendations contained therein. Satisfactory compliance with these conditions would ensure that construction activities do not release hazardous materials into the environment by inadvertently disturbing unknown underground hazards and causing the release of hazardous materials.

There is the potential, however, that construction activities could accidentally cause the release of hazardous materials into the environment through demolition and deconstruction of the existing buildings on the site. As discussed above, **SCA 16** requires the implementation of recognized Best Management Practices, which provide guidelines for the safe transport, use and disposal of materials and equipment, and provide protocol for addressing accidental release by construction equipment or activities. Furthermore, the City maintains additional Standard Conditions of Approval addressing the potential presence of asbestos containing material, lead-based paint, and PCBs, and provides further guidance regarding removal and remediation. Additional conditions also address health and safety of the handlers and demolition workers. These conditions would be required of the Applicant.

City of Oakland Standard Condition of Approval

SCA 11: **Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment.** The project applicant shall submit a comprehensive assessment report, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

SCA 12: **Health and Safety Plan per Assessment.** If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of lead-based paint, asbestos, and/or PCBs, the Project sponsor shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition or renovation of affected structures.

SCA 13: **Lead-Based Paint Remediation.** If lead-based paint is present, the project applicant shall submit specifications signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.:

SCA 14: **Other Materials Classified as Hazardous Waste.** If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

SCA 15: **Hazards Best Management Practices.** The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;

b) Avoid overtopping construction equipment fuel gas tanks;

c) During routine maintenance of construction equipment, properly contain and remove grease and oils;

d) Properly dispose of discarded containers of fuels and other chemicals.

e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval 50 and 52, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

Resulting Level of Significance

Implementing **SCAs 11-15** outlined above regarding hazardous materials would ensure that the Project's impact on a potential public hazard resulting from the accidental release of hazardous materials is ***less than significant with Standard Condition of Approval.***

HAZARDS NEAR SCHOOLS

Would the Project:

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

DISCUSSION

The Project site is located between one-quarter and one-third of a mile from Frick Jr. High School. However, as discussed above under criteria "a" and "b", the Project would not result in a significant impact regarding transportation, storage or accidental release of hazardous materials. Any unknown subsurface hazards would be identified in a Phase I and II report, as required by **SCA 16**, and appropriate remediation would occur. Therefore, the potential impact associated with the emission or handling of hazardous substances within one-quarter mile of an existing or proposed school is considered ***less than significant***.

HAZARDS FROM A LISTED HAZARDOUS SITE

Would the Project:

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?

DISCUSSION

The site is not included on a list of hazardous materials site. The site was not found on the State's "CORTESE list" of sites with leaking underground storage tanks or sites with known hazardous waste substances.[24] As discussed above, the Project site has been occupied by the existing structures on the site since the mid-1920s. However, the City of Oakland maintains Standard Conditions of Approval requiring the preparation of Phase I and/or II reports and subsequent remediation per their recommendations. The preparation of a Phase I and/or Phase II report would determine whether hazardous materials exist on the site that would make it eligible for listing on a government compiled list of hazardous materials sites.

City of Oakland Standard Conditions of Approval

SCA 16: **Phase I and/or Phase II Reports.** Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

SCA 17: **Environmental Site Assessment Reports Remediation.** If the environmental site assessment reports recommend remedial action, the project applicant shall:

a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface

[24] http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm

hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.

b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.

c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

Resulting Level of Significance

The Applicant's compliance with **SCA 16** above will determine whether the site is included on government-compiled list of hazardous materials sites and, if so, provide procedures for remediation. Satisfactory compliance with **SCAs 16 & 17** would result in the determination that this impact is ***less than significant with Standard Conditions of Approval***.

PROXIMITY TO AIRPORT PLAN OR FACILITIES

Would the Project:

e) For a Project 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, would the Project result in a safety hazard for people residing or working in the Project area?

f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?

DISCUSSION

The Project site is not near a public airport or private airstrip nor is it located within an airport plan area. There would be ***no impact*** in this regard.

EMERGENCY RESPONSE

Would the Project:

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

DISCUSSION

The Project would not impair implementation of or physically interfere with an adopted emergency response plan.

HAZARDS FROM A LISTED HAZARDOUS SITE

Would the Project:

h) 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?

DISCUSSION

There are no wildlands on site or adjacent that could pose a risk of wildland fires. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, there would be ***no impact*** in this regard.

HYDROLOGY AND WATER QUALITY

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
VIII.	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 significant risk of loss, injury or death involving flooding?	[ ]	[ ]	[ ]	[✓]	[ ]
	k) 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; or	[ ]	[ ]	[✓]	[ ]	[ ]

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
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) 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?	[ ]	[ ]	[ ]	[ ]	[✓]

DEGRADATION OF WATER QUALITY / VIOLATION OF STANDARDS

Would the Project:

a) Violate any water quality standards or waste discharge requirements?

f) Create or contribute substantial runoff which would be an additional source of polluted runoff?

g) Otherwise substantially degrade water quality?

DISCUSSION

Degradation of water quality and violation of water quality and waste discharge standards can occur as a result of typical construction activities. These include construction activities that may 1) loosen soils and increase erosion and downstream siltation, 2) potentially intercept contaminated groundwater during dewatering, and 3) allow for accidental spill or release of construction-related chemicals that may contact surface waters. After construction, resulting increases in peak stormwater flows can also result in violations of standards intended to reduce sediments and contaminants in the stormwater system.

The proposed Project involves the demolition of existing structures on the Project site in order to construct a new mixed-use building The Project's demolition and grading activities would not involve substantial amounts of cut and fill. Nevertheless, the Project would require a grading permit. The new building on the Project site would occupy a similar building footprint as those proposed for demolition. Post-construction runoff is not expected to exceed runoff from existing conditions; the area of impervious surface is not expected to increase significantly as a result of the Project.

Although the building site is less than one-quarter acre in size and post-construction runoff is not expected to significantly exceed runoff quantities of existing conditions, both construction and post-construction activities of the Project have the potential to violate water quality standards or otherwise degrade water quality unless proper measures are taken. The City of Oakland requires implementation of the following Standard Conditions of Approval that include measures to prevent the significant degradation of water quality.

City of Oakland Standard Conditions of Approval

SCA 18: Erosion and Sedimentation Control Plan [when grading permit required]

Prior to any grading activities

The project applicant shall obtain approval from the Building Services Division of a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 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 provide any off-site permission or easements necessary to present written proof thereof to the Public Works Agency. 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. 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.

Resulting Level of Significance

The Condition above requires the applicant to develop and implement erosion and sedimentation controls pursuant to Section 15.04.780 of the Oakland Municipal Code. Satisfactory compliance

with Conditions of Approval listed above would ensure that this potential impact to water quality standards or waste discharge requirements as a result of the proposed Project is ***less than significant with Standard Conditions of Approval.***

GROUNDWATER SUPPLIES AND REGHARGE

Would the Project:

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)?

DISCUSSION

The Project site does not represent a major groundwater recharge source because it is surrounded by urban development and is majority covered by impervious surface. The Project would have ***no impact*** on groundwater supplies, recharge or local groundwater table levels.

EROSION / SILTATION AFFECTING WATER QUALITY AND INCREASE POLLUTED RUNOFF

Would the Project:

c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?

f) Create or contribute substantial runoff which would be an additional source of polluted runoff?

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?

DISCUSSION

The Project site is almost entirely covered in impervious surface and is topographically flat. Drainage on the site is currently conveyed to the City's storm drain system beneath Foothill Boulevard, where it then travels via underground culvert into Seminary Creek and eventually into the San Francisco Bay. Although the storm drain system in the Project vicinity eventually flows into the East Creek Watershed, the Project site is almost entirely covered in impervious surface and is completely surrounded by urban development; therefore, there are no creeks, streams or rivers in the immediate vicinity into which drainage from the site would directly flow.

As discussed above, the Project would be required to implement erosion and sedimentation control measures to prevent excessive stormwater runoff or the carrying by stormwater of sediments onto adjacent lands, public streets or to creeks as a result of grading operations; therefore, the Project would not result in substantial erosion or siltation that would affect the quality of receiving waters. Furthermore, the Project would not significantly alter the site's drainage patterns or increase impervious surface area over existing conditions; therefore, the

Project is not anticipated to create or contribute substantial runoff that would be an additional source of polluted runoff. However, to ensure that the Project does not contribute significant amounts of substantially polluted post-construction runoff, the City of Oakland requires the incorporation of site-specific design measures for post-construction stormwater pollution management. Examples of such measures include minimizing impervious surfaces, the appropriate replacement of impervious paving surfaces with permeable paving, and establishing vegetated buffer areas. In addition, the City requires the implementation of operational Best Management Practices (BMPs) for structural source control measures to limit the generation, discharge and runoff of stormwater pollution.

City of Oakland Standard Conditions of Approval

SCA 19: **Site Design Measures for Post-Construction Stormwater Pollution Management.** The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

- Minimize impervious surfaces, especially directly connected impervious surfaces;
- Utilize permeable paving in place of impervious paving where appropriate;
- Cluster buildings;
- Preserve quality open space; and
- Establish vegetated buffer areas.

The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.

SCA 20: **Source Control Measures to Limit Stormwater Pollution.**

Prior to issuance of building permit (or other construction-related permit) The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Resulting Level of Significance

Because the Project is surrounded by urban development and not in the vicinity of an open waterway, would be required to implement erosion control measures to address potential erosion and sedimentation, the Project would not result in substantial erosion or siltation that would affect the quality of receiving waters. Furthermore, although the Project is not anticipated to result in increased polluted runoff, implementation of **SCAs 19 & 20** above, requiring site design measures for stormwater pollution management and source control measures to limit stormwater pollution, and **SCA 29**, discussed below under Section XVI, Utilities and Services, requiring confirmation of the City's storm water and sanitary sewer system capacity, would reduce this impact to ***less than significant with Standard Conditions of Approval***.

EXCEED STORM DRAINAGE CAPACITY / FLOODING

Would the Project:

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?

DISCUSSION

As discussed above, the Project would not result in a substantially greater area of impervious surface on the site than under current conditions with the existing structures, and the site is surrounded by similar urban development, including a large amount of existing impervious surface. Therefore, the Project is not expected to substantially increase runoff volumes from the site to a degree that results in substantial flooding on- or off-site or create or contribute substantial runoff such that the existing or planned capacity of the stormwater drainage system is exceeded. Nevertheless, the City of Oakland will require the Project to implement site design measures for post construction stormwater pollution management and source control measures to limit stormwater pollution. Although these measures are aimed at controlling stormwater pollution, their implementation would also reduce drainage and runoff overall. Implementing measures such as minimizing impervious surfaces and establishing vegetated buffer areas improve the quality of runoff as well as limit its discharge into the stormwater system. Furthermore, operational BMPs as required by **SCA 21** above also limit the generation and discharge of stormwater.

Therefore, because the Project is not anticipated to significantly increase impervious surfaces over existing conditions, is located in a developed urbanized area, and is required to implement design and source control BMPs for stormwater and other runoff discharge, the Project would

not result in substantial flooding on- or off-site or create or contribute substantial runoff that would exceed the capacity of existing or planned storm drain systems, this is considered a ***less than significant*** impact.

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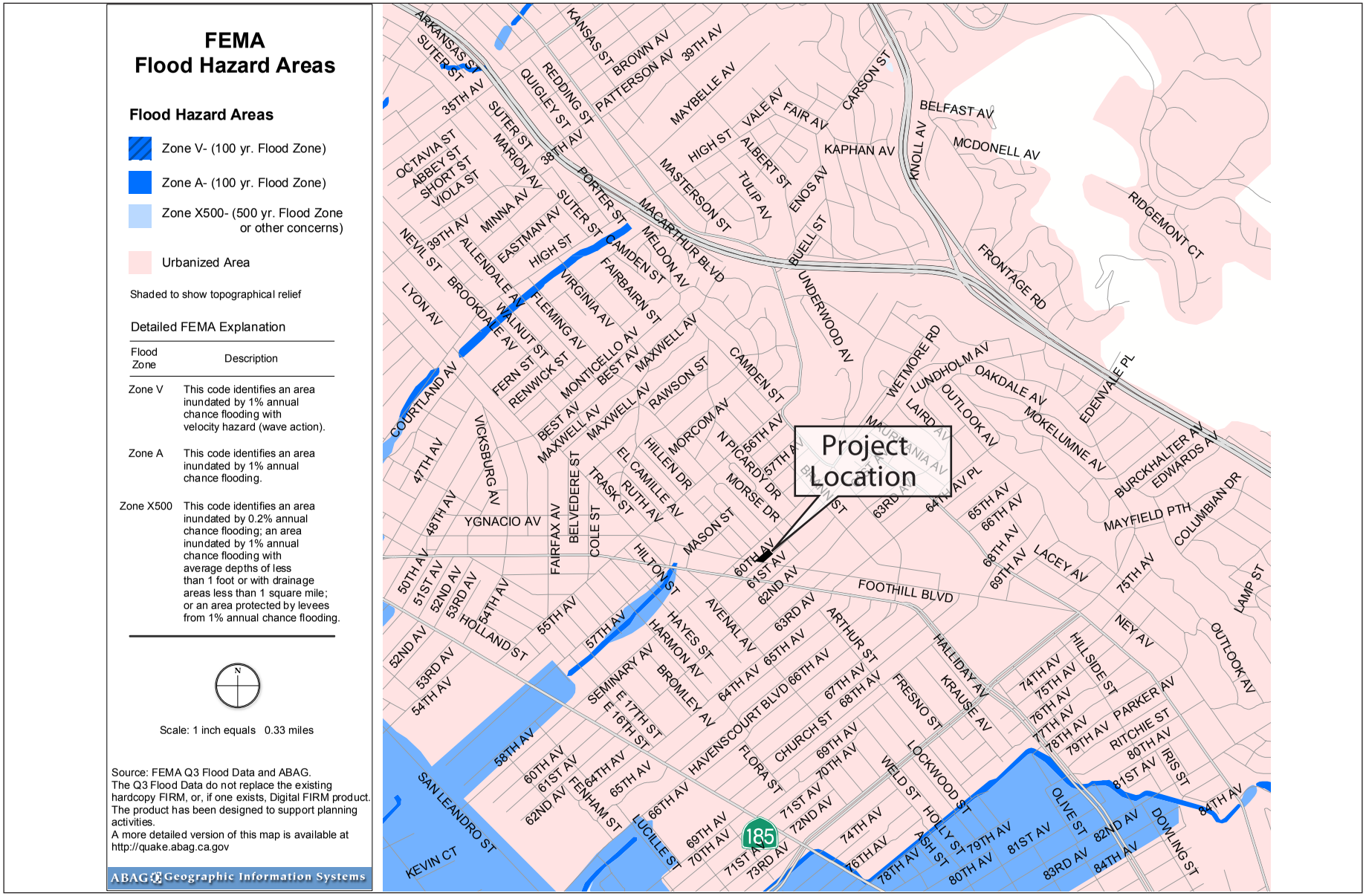

Figure 15
Flood Hazards

Source: ABAG

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FLOOD HAZARD AREAS

Would the Project:

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 significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

DISCUSSION

The Project site is located within two miles of the San Francisco Bay. The Association of Bay Area Governments' (ABAG) online GIS hazard mapping tools for planners was used to determine that the Project site is in an area referred to as "Urbanized Area," and is outside either the 100 or 500 year flood zone and is not within a seiche, tsunami or mudflow hazard area (see **Figures 15 & 17**).[25] In addition, there are no dams or levees in the vicinity of the Project site that would fail and expose people or structures to significant risk of loss. Therefore, there would be a ***less than significant*** impact to people or structures in these regards.

SEICHE, TSUNAMI, AND MUDFLOW

Would the Project:

k) Inundation by seiche, tsunami, or mudflow?

DISCUSSION

As shown in **Figure 17**, the Project site is not located in a tsunami evacuation area; there would be ***no impact*** regarding the possibility of inundation by seiche, tsunami or mudflow.

[25] http://www.abag.ca.gov/

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California Geological Survey Seismic Hazard Zones of Required Investigation

Landslide Zones

Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Mapping In Progress

Mapping Planned

Area Not Yet Evaluated

1 inch equals 0.31 miles

N

Scale: 1 inch equals 0.31 miles

This map is intended for planning use only, and is not intended to be site-specific. Rather, it depicts the general risk within neighborhoods and the relative risk from community to community.

For more detailed information regarding this map, please visit the CGS website at http://gmw.consrv.ca.gov/shmp/

Source:
California Geological Survey, 2007

This map is available at http://quake.abag.ca.gov

ABAG Geographic Information Systems

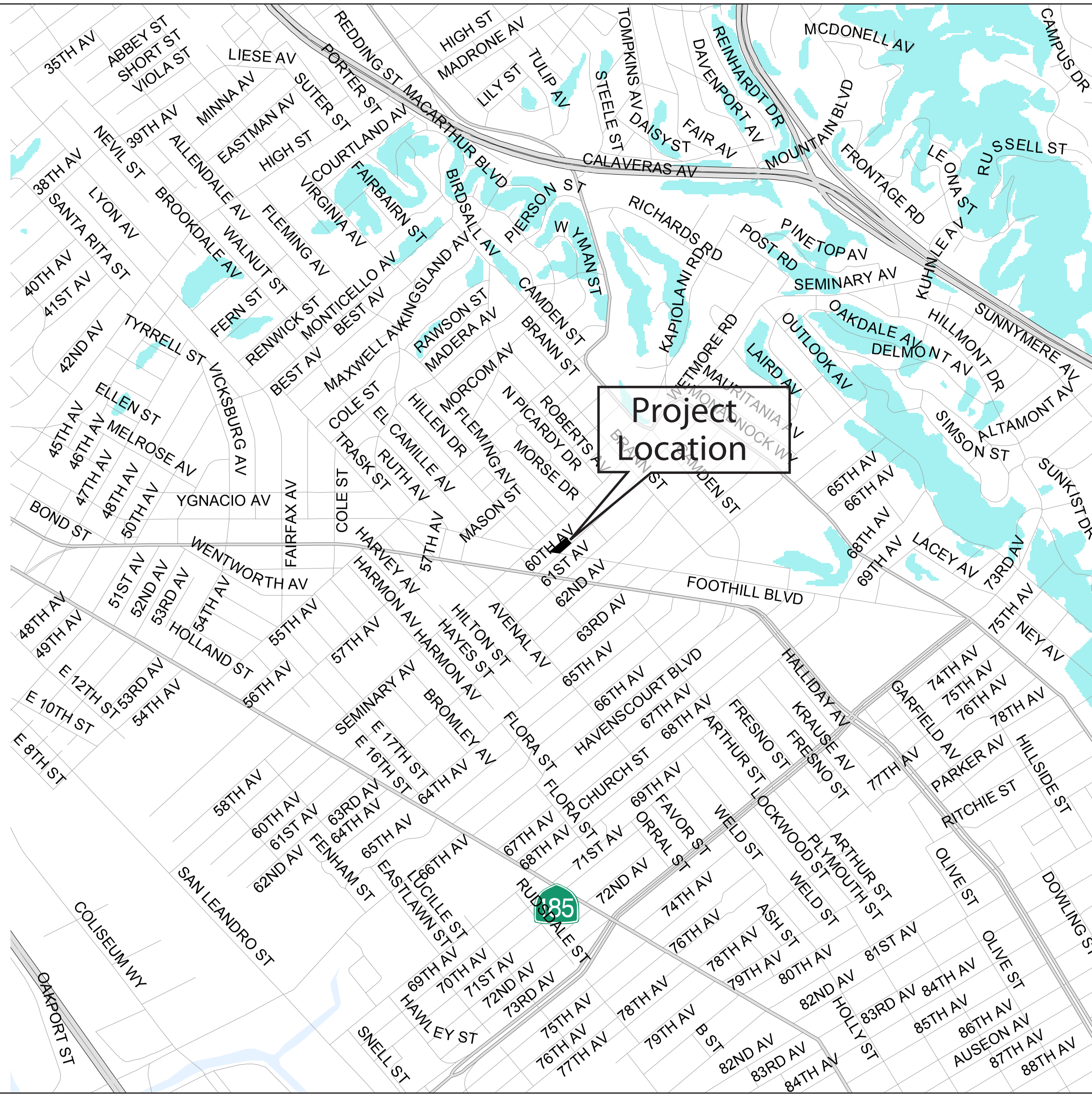

Figure 16
Landslide Hazards

Source: ABAG

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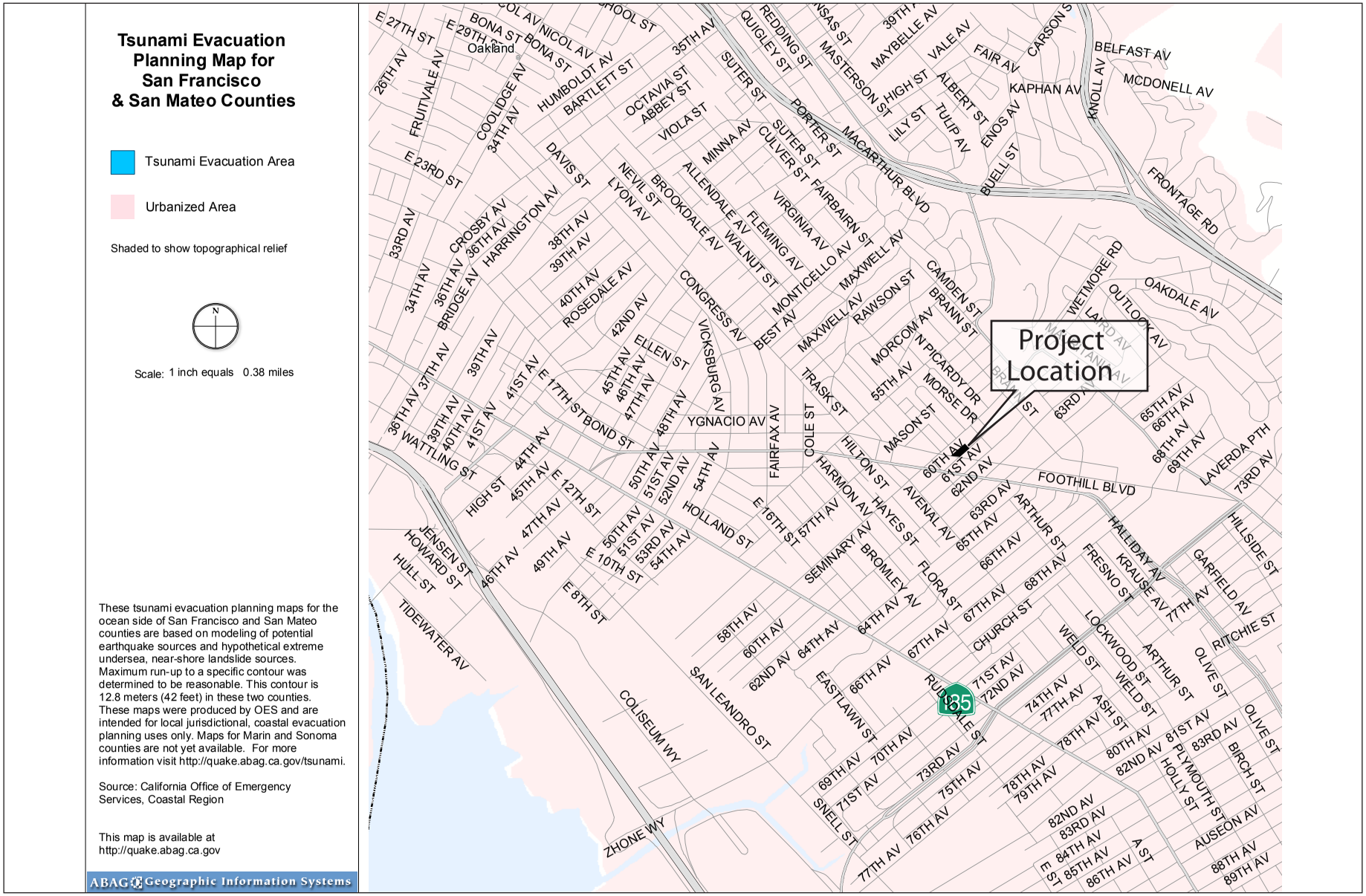

Figure 17
Tsunami Hazards

Source: ABAG

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CREEK PROTECTION ORDINANCE

Would the Project:

m) Fundamentally conflict with elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources?

DISCUSSION

There are no creeks that flow through the Project site. As discussed above, Seminary Creek flows toward the Bay along Seminary Avenue, approximately 300 feet east of the Project site. The creek at this point is conveyed via an underground culvert. Based upon the analysis provided above, the Project would not fundamentally conflict with provisions of the City of Oakland Creek Protection ordinance. There would be ***no impact***.

LAND USE AND PLANNING

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
IX.	LAND USE AND 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 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?	[ ]	[ ]	[ ]	[✓]	[ ]
	d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	[ ]	[ ]	[ ]	[ ]	[✓]

SETTING

The Project site is located in the East Oakland planning area in the City of Oakland. The East Oakland planning area is also within the *Central City East Redevelopment Plan* area. The Project site has a *General Plan* designation of *Neighborhood Center Mixed Use* and is zoned *C-30: District Thoroughfare Commercial Zone*. This designation also allows residential development consistent with the *R-70: High Density Residential* designation.

The *2003 Central City East EIR* provides an analysis of the *Redevelopment Plan's* impacts on *land use and planning*, and determined that it would not result in significant environmental impacts due largely to the fact that the *Central City East Redevelopment Plan* is intended to be consistent with the Land Use and Transportation (LUTE) element

of the *General Plan* and will further the implementation of specific improvement strategies identified within the LUTE.[26]

However, the *2003 Redevelopment Plan EIR* does not determine whether subsequent individual projects within the *Redevelopment Plan* area are consistent with the City's land use policies. Therefore, this section of this Initial Study analyzes the proposed Project with respect the City's land use policies.

PHYSICAL DIVISION OF COMMUNITY / LAND USE COMPATIBILITY

Would the Project:

a) Physically divide an established community?

b) Result in a fundamental conflict between adjacent or nearby land uses?

DISCUSSION

The proposed Project is located on an existing developed lot within an urbanized redevelopment area in the City of Oakland. The Project involves the demolition of existing structures in order to construct a new mixed-use (residential and commercial) building on the site. The proposed uses are consistent with the uses in the site vicinity, which consist of neighborhood commercial establishments along Foothill Blvd. and Seminary Ave. that serve the nearby residential neighborhood. The Project site has a *General Plan* designation of *Neighborhood Center Mixed Use*, which is intended to create, maintain and enhance mixed-use neighborhood commercial areas of the City. The proposed mixed-use residential and commercial structure complies with this *General Plan* designation.

Because the Project site is located in an existing neighborhood and proposes land uses similar to the existing uses on the site, it would not physically divide an established community. Because the proposed mixed-use commercial and residential Project would fully meet the intent of the *Neighborhood Center Mixed Use* land use designation, it would not result in a fundamental conflict between adjacent or nearby uses. Therefore, there would be ***no impact***.

PLANS, POLICIES AND ZONING

Would the Project:

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[26] City of Oakland, *Central City East Redevelopment Plan EIR,* 2003, p.4-17.

c) 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?

DISCUSSION

This section discusses the proposed Project's consistency with the City of Oakland's applicable plans and major policies and regulations. Several land use plans, policies and regulations apply to the Project site. The following City of Oakland major planning documents were addressed for the analysis contained in this section:

- *City of Oakland General Plan* (and all applicable elements)
- *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations*
- *Central City East Redevelopment Plan*
- City of Oakland Zoning Code (OMC Title 17)

General Plan

The *General Plan*, by its comprehensive nature, contains a number of competing policies. City decision-makers must determine whether a Project is consistent with the *General Plan*. All projects must be consistent with the *General Plan*, even if the City determines that it may not be fully consistent with all specific *General Plan* policies.

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 Plan*s in the Setting section of the document (not under Impacts).

Further, Appendix G of the 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 Initial Study.

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)

The following are the City of Oakland *General Plan* policies that apply to the proposed Project:

Land Use and Transportation Element (LUTE)

Policy T3.6 **Encouraging Transit.** The City should encourage and promote use of public transit in Oakland by expediting movement of and access to transit vehicles on designated "transit street" as shown on the Transportation Plan.

Policy T4.1 **Incorporating Design Features for Alternative Travel.** The City will require new development rebuilding, or retrofit to incorporate design features in their projects that encourage the use of alternative modes of transportation such as transit, bicycling, and walking.

Policy T6.2 **Improving Streetscapes.** The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian oriented, include lighting, directional signs, trees, benches, and other support facilities.

Policy N1.8 **Making Compatible Development.** The height and bulk of commercial development in the *Neighborhood Mixed Use Center* and *Community Commercial* areas should be compatible with that which is allowed for residential development.

Policy N3. 1 **Facilitating Housing Construction.** Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.5 **Encouraging Housing Development.** The City should actively encourage development of housing in designated mixed housing type and urban housing areas, through regulatory and fiscal incentives, assistance in identifying parcels that are appropriate for new development, and other measures.

Policy N3.9 **Orienting Residential Development.** Residential developments should be encouraged to face the street, and orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.

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

Policy N7.2 **Defining Compatibility.** Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing lot size, predominant development type and height, scenic values, distance to public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining "compatibility". These factors should be balanced with the citywide need for additional housing.

Policy N8.2 **Making Compatible Interfaces Between Densities.** The height of development in Urban Residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interference between the different types of development.

Objective N8 Direct urban density and mixed-use housing development to locate near transit or commercial corridors, transit stations, the Downtown, waterfront, underutilized properties where residential uses do not presently exist, but may be appropriate, areas where this type of development already exists and is compatible with desired neighborhood character, and other suitable locations.

Pedestrian Master Plan (Part of the Land Use and Transportation Element)

PMP Policy 3.2 Promote land uses and site designs that make walking convenient and enjoyable.

Bicycle Master Plan (Part of the Land Use and Transportation Element)

BMP Policy 8 Insure that the needs of bicyclist are considered in the design of new development and redevelopment projects.

“”Open Space, Conservation, and Recreation (OSCAR)

Policy OS-4.1 Continue to require new multifamily development to provide usable outdoor open space for its residents.

Policy OS-4.2 Recognize the value of residential yards as a component of the City’s open space system and discourage excessive coverage of such areas by buildings or impervious surfaces.

Analysis

The proposed mixed-use development would be generally consistent with above policies. The Project is located on a major transportation and commercial corridor, which would encourage transit ridership. The Project conforms to the zoning code in terms of height, bulk, density and scale (discussed later in this section); would feature continuous street frontage and pedestrian orientation in an area characterized by a mix of retail, housing and office uses; and is compatible with surrounding uses in terms of height and character. The Project meets the City’s open space requirements, as set forth in the *R-70* zone, by providing 2,500 square feet of usable open space. The Project must undergo the City’s Design Review process, which will ensure alternative travel design features and pedestrian oriented streetscape improvements are incorporated into the design.

As discussed throughout this Initial Study, the Project would not result in significant impacts to the environment in manner that would conflict with any of the above policies intended to avoid such purpose.

The EIR that will be prepared for this project will provide a *Cultural and Historical Resources* analysis that will discuss the Project’s consistency with policies of the *Historic Preservation Element* of the *General Plan.*

Zoning

The Project would be consistent with the zoning designation of the site. The Project site is zoned *C-30: District Thoroughfare Commercial Zone*, which also allows residential development consistent with the *R-70: High Density Residential* designation. The

proposed new construction would provide a mixture of residential and commercial space and a total gross area of 22,090 square feet.

Height

The proposed building would be 49.0 feet in height at the top of parapet and feature four floors. The first floor would be reserved for commercial use and have a 16-foot ceiling; the remaining floors two through four would be for residential use and have 10-foot ceilings. The Maximum Building Height for residential facilities in the *C-30* zone is 40 feet; the Maximum Building Height for non-residential facilities is 45 feet. However, the Project site abuts an *R-50* zone, and in such cases the maximum building height for residential 30 feet

The Oakland Municipal Code allows for a departure from the stated maximum height if the portion of the building above the maximum is set back one foot horizontal for every vertical foot by which the building would exceed the maximum, measuring from the inner line of the minimum rear yard set back.[27] [28] As shown on the East Elevation in **Figure 9**, the proposed Project meets this requirement.

Open Space

The City's Open Space Requirements, as set forth in the *R-70* zone, would require 2,500 square feet of usable open space. The proposed open space for the residential units, include private open space (balconies, etc.) and a common area. Total on-site open space would be 2,656 square feet, therefore, the City's Open Space Requirements are met.

Commercial FAR

The floor-area-ratio (FAR) requirement for the commercial space, as set forth in Oakland Municipal Code 17.160.30, is 3.00. The Project site has a lot area of 8,083 and a proposed commercial floor area of 6,193 square feet; therefore, the proposed FAR is 0.766, well below the City's threshold.

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[27] OMC 17.46.150(B).

[28] OMC 17.108.010.

Residential Density

The Project proposes a total of 18 residential units, comprised of fourteen one-bedroom and four efficiency units. As noted, residential densities are subject to the City's *R-70* zone, which allows one dwelling unit per 450 square feet of lot area and one efficiency unit per 300 square feet of lot area. Fourteen 450 square-foot one-bedroom units and four 300 square-foot efficiency units would require a minimum lot size of 7,500 square feet. Since the Project site is 8,083 square feet, the Project meets the City's density requirements.

Parking

Parking requirements are set forth in Chapter 17.116 of the Oakland Municipal Code. The City requires one off-street space per dwelling unit for residential space and there are no off-street parking requirements for the proposed commercial space; the City would require a total of eighteen off-street parking spaces. The proposed Project would provide twenty-one off-street parking spaces; thereby exceeding the City's parking requirements.

Analysis

As discussed above, this analysis focuses on the Project's consistency with land use policies adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment. Therefore, with respect to land use policies adopted for the purpose of avoiding or mitigating an environmental effect, the Project is consistent. The Project would have ***no impact*** regarding consistency with the zoning code.

CONSERVATION PLAN

Would the Project:

d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?

DISCUSSION

The Project is located in a densely developed urban area; there is no applicable habitat conservation plan or natural community conservation plan that the Project would need to comply with. ***No impact.***

MINERAL RESOURCES

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
X.	MINERAL 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

The proposed Project would not result in the loss of availability of a known or locally important mineral resource. The site is located in a densely developed urban area of Oakland; there would be ***no impact*** in this regard.

NOISE

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
XI.	NOISE — Would the Project:					
	a) Expose of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, 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) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is preformed and all feasible mitigation measures are imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001. 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, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?	[ ]	[ ]	[✓]	[ ]	[ ]
	d) Violate the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction related noise?	[ ]	[ ]	[✓]	[ ]	[ ]
	e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except 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) 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)?	[ ]	[ ]	[✓]	[ ]	[ ]
	g) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	[ ]	[ ]	[✓]	[ ]	[ ]

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
h) Conflicts with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003 (Appendix C, Figure 2))?	[ ]	[ ]	[✓]	[ ]	[ ]
i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[ ]	[ ]	[✓]
j) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[ ]	[ ]	[✓]

CONSTRUCTION IMPACTS

Would the Project:

a) Expose of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (e.g. OSHA)?

c) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is preformed and all feasible mitigation measures are imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001. 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, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?

d) Violate the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction related noise?

DISCUSSION

Future construction on the site would generate noise and would temporarily increase noise levels at adjacent land uses. Residential land uses are located nearby that host sensitive receptors.

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily occur when construction activities occur during

noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time.

Construction activities generate considerable amounts of noise. Construction-related noise levels are normally highest during the demolition phase and during the construction of project infrastructure. The demolition and infrastructure phases of construction require heavy equipment that generates the highest noise levels. Typical hourly average construction generated noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). The highest maximum noise levels generated by project construction would typically range from about 90 to 98 dBA at a distance of 50 feet from the noise source. Construction-related noise levels are normally lower during building framing, finishing, and landscaping phases. There would be variations in construction noise levels on a day-to-day basis depending on the specific activities occurring at the site. Noise levels generated by the construction of the Project would at times exceed the noise ordinance standards and the ambient noise environment at nearby sensitive land uses.

The *2003 Central City East Redevelopment Plan EIR* provides a mitigation measure that addresses construction noise for projects located in within the *Plan* area. The City has since developed Standard Conditions of Approval, listed below, that address the same possibility and replace the mitigation measure in the *2003 EIR*. The mitigation measure from the *2003 EIR* that these conditions replace is also provided below.

City of Oakland Standard Conditions of Approval

In order to reduce impacts generated by construction activities at the Project site, the following City of Oakland Standard Conditions of Approval would apply:

SCA 21: **Days/Hours of Construction Operation.** The Project Applicant shall require construction contractors to limit standard construction activities as required by the City Building Department.

a) Such activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a

consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

   1. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

   2. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.

d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.

e) No construction activity shall take place on Sundays or Federal holidays.

f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

SCA 22: **Noise Control.** To reduce noise impacts due to construction, the Project sponsor shall require construction contractors to implement the following measures: site-specific noise reduction program, subject to city review and approval, which includes the following measures:

a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine

enclosures and acoustically-attenuating shields or shrouds, wherever feasible).

b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

d) If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time.

SCA 23: **Pile Driving and Other Extreme Noise Generators.** To further mitigate potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the Project Sponsor, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the Project Sponsor. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the Project sponsor concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as feasible: (Major projects only)

a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example,; and

e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

SCA 24: **Noise Complaint Procedures.** Prior to the issuance of each building permit, along with the submission of construction documents, the Project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

a) A procedure and phone numbers for notifying the City Building Division staff and Oakland Police Department; (during regular construction hours and off-hours);

b) A sign posted on-site showing permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

c) The designation of an on-site construction complaint and enforcement manager for the project;

d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and

e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Replaced Mitigation Measure from the *2003 Central City East Redevelopment Plan EIR*

~~**MM 7.1A:** **Construction Noise.** Compliance with the City Noise Level Standards for Temporary Construction or Demolition Activities would mitigate construction noise impacts associated with the future development projects pursuant to implementation of the Redevelopment Plan to a less-than-significant level.~~

Resulting Level of Significance

The inclusion of the procedures and controls outlined in **SCAs 21-24**, which replace MM 7.1A from the *2003 Redevelopment Plan EIR*, would reduce the impact from Project construction to levels considered ***less than significant with Standard Conditions of Approval*** in conformance with the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise.

VIBRATION

Would the Project:

e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except 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)?

DISCUSSION

The Project does not propose uses that would create perceptible vibration beyond any lot line. The uses proposed are residential and commercial and would be consistent with the land use designations of the site. No conditional use permits would be required for the proposed uses, and the *C-30* (and *R-70*) zone does not permit uses that would create perceptible vibrations. There would be ***no impact*** as a result of the Project regarding vibration.

OPERATIONAL IMPACTS

Would the Project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, 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?

f) Generate 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)?

g) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

h) Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003 (Appendix C, Figure 2))?

DISCUSSION

The *land use* discussion above listed General Plan policies that would apply to the Project. The Noise element of the General Plan provides **Policy 1** and **Action 1.1**, listed below, directing analysis to incorporate the Noise element's land use compatibility matrix in conjunction with the noise contour maps to evaluate the acceptability of proposed land uses on a given site and to identify the need for mitigation measures to achieve the desired degree of acceptability:

Policy 1 Ensure the compatibility of existing and, especially, of proposed development projects not only with neighboring land uses but also with their surrounding noise environment.

Action 1.1 Use the noise-land use compatibility matrix (Figure 6) in conjunction with the noise contour maps (especially for roadway traffic) to evaluate the acceptability of residential and other proposed land uses and also the need for any mitigation or abatement measures to achieve the desired degree of acceptability.

According to Figures 2 and 3 of the General Plan *Noise* element, "Roadway Noise Contours (2025)," and "Railroad/BART Noise Contours (2020)," respectively, the Project site is located within the 60 L_{dn} contour (i.e. the community noise exposure of the project site would be 60 L_{dn}). The "Noise-Land Use Compatibility Matrix" in Figure 6 of the *Noise* element indicates that this would be a "normally acceptable" exposure within both the "Residential" and "Office buildings, business commercial and professional" land use categories. "Normally Acceptable" indicates that development may occur without the analysis of potential noise impact to the proposed development; however, it may still be necessary to analyze noise impacts that the proposed Project might have on *its* surroundings. However, the Project's proposed uses would also generate acceptable noise levels, as its proposed uses are consistent with all applicable land use categories.

City of Oakland Standard Conditions of Approval

Although the Project is not expected to generate or receive noise levels that exceed the standards of the General Plan, the City of Oakland maintains the following Standard Condition of Approval addressing interior noise that the Project would need to satisfy:

SCA 25: **Interior Noise.** If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

Resulting Level of Significance

The Project sponsor would be required to comply with the above condition if it is determined during the design phase that such measures are necessary. Satisfactory compliance with **SCA 25** would make any potential impacts regarding exposure of people to noise levels in excess of standards established in the local *General Plan* ***less than significant with Standard Condition of Approval***.

AIRPORTS

Would the Project:

i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?

j) 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

The Project site is not located within an airport land use plan or in the vicinity of a private airstrip. Therefore, there would be ***no impact*** in these regards.

POPULATION AND HOUSING

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
XII.	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?	[ ]	[ ]	[ ]	[✓]	[ ]

POPULATION INDUCEMENT REQUIRING INFRASTRUCTURE NOT PREVIOUSLY CONSIDERED

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?

DISCUSSION

The proposed Project would provide additional housing in this area, which would increase the population proportionately; however, the proposed Project is consistent with the *General Plan* designation of the Project site. *General Plan* land use designations must be consistent with ABAG population projections; therefore, if a proposed Project is consistent with the *General Plan*, then it is consistent with ABAG population projections.

The site is in a developed area and is currently served by necessary infrastructure; therefore, additional infrastructure would not be required that was not previously considered or analyzed.

The Project proposes to develop 18 dwelling units comprised of 14 one-bedroom and four efficiency apartments. The US Census Bureau collects annual demographic characteristics of households and families that can be focused further regional or city-wide averages. Data for the San Francisco Bay Area shows that the average household size in Oakland is 2.56 people.[29] Applying that average to the proposed Project indicates that the population of Oakland could increase by approximately 85 people as a result of the Project.

As discussed, the proposed Project is consistent with ABAG population projections, and the addition of up to 85 people to the population of Oakland would not be considered substantial. Therefore, there would be a ***less than significant*** impact with respect to population growth, either directly or indirectly, as a result of the proposed Project.

DISPLACEMENT OF HOUSING

Would the Project:

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?

DISCUSSION

The proposed Project would displace neither substantial existing housing nor people necessitating the construction of replacement housing elsewhere. One single family dwelling unit exists on the Project site; however, the Project would result in the construction of 18 more dwelling units, resulting in a net increase in the housing supply in this district of Oakland. Therefore, this impact is ***less than significant***.

DISPLACEMENT OF PEOPLE

Would the Project:

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?

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[29] Bay Area Census, http://www.bayareacensus.ca.gov/cities/Oakland.htm.

DISCUSSION

The proposed Project would not displace substantial people necessitating the construction of replacement housing elsewhere. One single family dwelling unit exists on the Project site. If occupied, alternate housing options exist in the City; the Project would not require the construction of replacement housing elsewhere. The Project would result in a net increase of housing on the site. Therefore, this impact is ***less than significant***.

PUBLIC SERVICES

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
XIII.	PUBLIC SERVICES —					
	a) Would the Project 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?	[ ]	[ ]	[ ]	[✓]	[ ]
	iv) Parks?	[ ]	[ ]	[ ]	[✓]	[ ]
	v) Other public facilities?	[ ]	[ ]	[ ]	[ ]	[✓]

SETTING

The *2003 Central City East Redevelopment Plan EIR* addressed the Plan's impacts on public services. Although mitigation measures were provided in the analysis, the responsibility for implementing them is placed upon the Redevelopment Agency; no project level measures were included. Overall, project-level impacts on local services were determined to be less than significant.

The proposed Project would not result in significant impacts to the provision of public services, as discussed in the following analysis.

FIRE PROTECTION AND EMERGENCY MEDICAL 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?

DISCUSSION

The *2003 Redevelopment Plan EIR* determined that the increase in population in its project area would increase the demand for fire protection and emergency services. Alternately, however, the *2003 EIR* determined that implementation activity could also reduce certain fire hazards by renovating, reusing or removing existing derelict structures, and replacing older structures with new buildings that incorporate sprinkler systems and other fire prevention measures.[30]

The *2003 EIR* identifies *General Plan* policies and mitigation measures from the EIR prepared for the LUTE that would apply to all *Redevelopment Plan* implementation activities within the project area, which would address this increase in demand and reduce associated impacts to a less than significant level.[31] The proposed Project is considered an "implementation activity" of the *Redevelopment Plan*; the *General Plan* Land Use policies and applicable mitigation measures listed in the *2003 Redevelopment Plan EIR* would apply to the Project, resulting in less than significant impacts to *fire protection and emergency medical services*:

The Oakland Fire Department (OFD) currently has 25 fire stations and over 500 employees that provide comprehensive fire prevention and fire code enforcement, fire suppression, emergency medical services, and community emergency preparedness to the City of Oakland. Annually, the OFD responds to over 60,000 calls citywide. The majority of service calls are for emergency medical response. Other types of response calls include structure, vehicle and grass fires; utility calls; fire investigations; vehicle accidents; hydrant shut off; police assists for commercial and residential alarms, BART, Airport and other emergency service responses. Each fire station within the Department is capable of providing fire protection, fire rescue, and emergency response, including emergency medical services, 24 hours a day. [32]

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[30] City of Oakland, *Central City East Redevelopment Plan EIR,* 2003, p. 10-23.

[31] LUTE EIR, p. III.D-28.

[32] James Edwards, Deputy Fire Chief, Oakland Fire Dept, telephone conversation, December 12, 2006

Fire Station No. 23, located approximately 0.09 miles east of the Project site at 7100 Foothill Blvd., would serve the project site. The estimated response time from Station 23 is less than three minutes. Station 23 is equipped with one first-line engine and four full-time Firefighters.[33]

Water for fire-fighting purposes is transported by the East Bay Municipal Utility District from reservoirs in the Oakland hills through their supply system. The minimum required fire flow is 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) gauge pressure for all structures other than single-family dwellings and duplexes.

OFD provides the first emergency response vehicles to respond to medical emergencies in the City. Presently all Oakland Fire Suppression personnel are Emergency Medical Technician (EMT) Certified and 24 of the 26 engine companies provide Advance Life Support Services (firefighter/paramedics). Upon arrival, the Fire Department stabilizes patients, and American Medical Response West, an ambulance service, provides transport to a hospital if necessary. American Medical Response West operates under an exclusive contract in Alameda County, and is deployed to meet a 10.5-minute response criterion for urban areas 90 percent of the time.

Implementation of the proposed project would result in 18 residential units in new buildings on the site. These newly occupied units would increase calls for emergency medical services, possible alarm malfunctions, fire inspection services, fire suppression, and rescues.

However, as required by the City's Standard Condition of Approval below, the Fire Department would review all project designs at the time building permits are issued to ensure that adequate fire and life safety measures are incorporated into the Project in compliance with all applicable state and city fire safety requirements. The site is less than one mile from the nearest fire station, with an estimated response time of less than 3 minutes.

<u>City of Oakland Standard Conditions of Approval</u>

SCA 26 **Site Review by the Fire Services Division.** The project applicant shall submit plans for site review and approval to the Fire Prevention

[33] Ibid.

Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

Resulting Level of Significance

The addition of approximately 50 new residents in 18 new units, plus associated commercial employees on the Project site, would not significantly impact the availability of fire protection services. Fire Department review of all project designs, and implementation of any recommendations by the Fire Department, would ensure that the Project would have a ***less than significant*** impact on city fire protection.

POLICE PROTECTION

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 public services:

ii) Police protection?

DISCUSSION

The *2003 Redevelopment Plan EIR* determined that the increase in population in its project area would potentially increase the demand for police protection services. The need for additional police staff, facilities and equipment would likely increase primarily along transit-oriented corridors where most new development activity under the *General Plan* is anticipated. Alternately, implementation activity within the *Redevelopment Plan* area would create more economic vitality, provide more jobs, and make more efficient use of currently vacant or obsolete structures, all of which would potentially beneficially affect crime rates in the Plan area.[34]

The *2003Redevelopment Plan EIR* identifies previously identified *General Plan* policies and mitigation measures from the EIR prepared from the LUTE that would apply to all *Redevelopment Plan* implementation activities within the project area, which would

[34] City of Oakland, *Central City East Redevelopment Plan EIR,* 2003, p. 10-22.

address this increase in demand and reduce associated impacts to a less than significant level.[35] The proposed Project is considered an "implementation activity" of the *Redevelopment Plan*; the *General Plan* Land Use policies and applicable mitigation measures listed in the *2003 Redevelopment Plan EIR* would apply to the Project, resulting in less than significant impacts to *police services*:

The Oakland Police Department (OPD) provides police protection services in the City of Oakland. The Police Department is headquartered at 455 Seventh Street, in downtown Oakland. The Department divides the City into six Police Service Areas, which are further divided into a total of thirty-five police beats. The project site is located within Beat 29X, in Oakland's Police District.

Oakland police officers typically work four ten-hour shifts per week. There are three shifts: first watch begins at 9:00 p.m., second watch begins at 6:30 a.m., and third watch begins at 2:00 p.m. The maximum sworn personnel at each shift consist of thirty-seven officers and two wagon drivers (plus a Watch Commander and several supervising sergeants) for the City as a whole. In addition, there are fourteen officers, or Crime Reduction Units, per area working the third watch. Traffic Operations personnel have six officers on duty in the morning, eight officers on duty at noon time, and six officers during mid-afternoon. Eight additional Special Duty Unit officers work floating schedules depending on current projects and assignments.

OPD has approximately 777 authorized sworn personnel positions, which is equivalent to 1.9 officers per 1,000 residents. Estimates by the California Department of Finance show that the City of Oakland is ranked within the bottom half with fewer average sworn officers per 1,000 residents compared to other cities in Oakland's population range. The Department does not have a standard of sworn personnel per 1,000 residents.

Implementation of the proposed Project would result in up to 18 residential units and approximately 6,193 square feet of commercial space in new buildings at the site. The proposed Project is not considered a *major new development proposal*; therefore newly occupied units would not result in a significant increase in calls for police protection services. Therefore, there would be a ***less than significant*** impact on police services.

SCHOOLS

Would the Project:

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[35] LUTE EIR, p. III.D-28.

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 public services:

iii) Schools?

DISCUSSION

The *2003 Redevelopment Plan EIR* determined that the increase in population in its project area would potentially increase the number of school-aged children attending public schools; however, the *2003 EIR* determined that the increase in school demand by projects in the *Redevelopment Plan* area would be less than significant.[36]

The Oakland Unified School District (OUSD) operates Oakland's public school system, which consisted of 105 schools during the 2005-2006 school year. These include fifty-nine elementary schools, nineteen middle schools, one alternative middle school, fifteen high schools, nine alternative high schools, and two special education schools. From the 2002-2003 school year to the 2005-06 school year, OUSD enrollment decreased from 50,050 students to 41,904 students, a decrease of over sixteen percent.[37]

According to the *2003 Redevelopment Plan EIR,* the project site lies within the Fremont High School Attendance Area (HSAA)

The *2003 Redevelopment Plan EIR*, determined potential *Redevelopment Plan* area student generation using the statewide average student yield factor of 0.7 students per household.[38] In the Central East planning area, within which the proposed Project is sited, the *2003 Redevelopment Plan EIR* determined that the *Redevelopment Plan* would

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[36] City of Oakland, *Central City East Redevelopment Plan EIR,* 2003, p. 10-19.

[37] Oakland Unified School District, Official Website, Directory & School Data, http://public.ousd.k12.ca.us/Schools.aspx, accessed December 13, 2006.

[38] Ibid. p. 10-19.

generate 310 new households and generate 220 new students over the 20-year planning horizon.[39]

The proposal to develop up to 18 dwelling units on the Project site could add approximately 13 new school aged children to the area, which is approximately 6 percent of the *Redevelopment Plan's* projected increase. As discussed above, overall enrollment in Oakland Unified Schools has declined in recent years, falling by just over eight percent between 2003 and 2006. The schools within the vicinity of the Project site have also experienced decreased enrollment. All new development in the *Redevelopment Plan* area would be required to pay school impact fees to offset the costs of new school facilities. These fees would effectively mitigate the Plan's projected increase in school capacity demand.[40]

The *2003 Redevelopment Plan EIR* provides mitigation measures, derived from the OUSD's *Long Range Facility Master Plan*, which would address the *Redevelopment Plan*'s contribution toward cumulative school capacity deficits; however, the responsibility for their implementation falls on the City's Redevelopment Agency. Therefore, the increase in enrollment that could result from the development of the proposed Project – the addition of approximately 13 children – would not impact these schools' ability to maintain acceptable service, or cause the need for new schools to be constructed. The Project Applicant would be required to pay school impact fees to offset the costs of developing new school facilities, as required by current City and OUSD policies. Therefore, there would be a ***less than significant*** impact in this regard as a result of the proposed Project.

PARKS

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 public services:

iv) Parks?

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[39] Ibid., Table 10-3, p. 10-19.

[40] Ibid. p. 10-21.

DISCUSSION

The *2003 Redevelopment Plan EIR* determined that the increase in population in its project area would potentially increase the demand on parks and recreation facilities in the *Redevelopment Plan* area; however, the *2003 EIR* determined that the increase in park facilities demand by projects in the *Redevelopment Plan* area would be less than significant.[41]

PROPOSED PROJECT

Total estimated population increase that would result from the proposed Project is expected to be approximately 85 people who would be within walking distance to the various parks in the Project vicinity. This represents approximately 2.25 percent of the 3,780 people the *Redevelopment Plan* area is expected to increase by through the year 2020. The *2003 Redevelopment Plan EIR* determined that the projected population increase in the *Redevelopment Plan* area would result in a less than significant impact on parks and recreation facilities in the Plan area, and the proposed Project would represent a small increment of this projected increase. For these reasons, there would be a ***less than significant*** impact on parks as a result of the Project.

OTHER PUBLIC FACILITIES

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 public services:

   v) Other public facilities?

DISCUSSION

There would be a ***no impact*** to other services as a result of the proposed Project.

[41] City of Oakland, *Central City East Redevelopment Plan EIR,* 2003, p. 10-15.

RECREATION

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
XIV.	RECREATION —					
	a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	[ ]	[ ]	[ ]	[✓]	[ ]
	b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	[ ]	[ ]	[ ]	[ ]	[✓]

ACCELERATED PHYSICAL DETERIORATION OF FACILITIES

Would the Project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

DISCUSSION

As discussed above under *public services*, the Project would potentially increase the demand on parks and recreation facilities, including neighborhood and regional parks and other facilities. However, the increase in population by 50 residents, as expected under the proposed Project, would not represent a significant increase considering that in 2003 Central East Oakland had a population of approximately 25,330 people who have access to approximately 41.7 acres of recreational land (including schoolyards).[42] [43] The expected population increase would represent a small incremental increase in population that would not significantly increase the use of neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would occur. Therefore,

[42] Ibid.

[43] City of Oakland, *Central City East Redevelopment Plan EIR*, 2003, p. 3-10.

there would be a ***less than significant*** impact with respect to the Project's potential to increase the use of recreational facilities in the vicinity.

EFFECT OF NEW OR EXPANDED FACILITIES

Would the Project:

b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

DISCUSSION

No recreation facilities are being proposed by this Project. The Project proposes on-site open space in the form of private courtyards and balconies; however, the Project would not require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. There would be ***no impact*** in this regard.

TRANSPORTATION / TRAFFIC

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
XV.	TRANSPORTATION/TRAFFIC — Would the Project:					
	PROJECT IMPACTS					
	a) Cause an increase in traffic which is substantial in relation to the existing 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:					
	i) At a study, signalized intersection which is located ***outside the Downtown area***, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?[44] [45]	[ ]	[ ]	[ ]	[✓]	[ ]
	ii) 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)?	[ ]	[ ]	[ ]	[✓]	[ ]

[44] Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) 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.

[45] LOS and delay calculations for local intersections should be based on the Highway Capacity Manual, Transportation Research Board, National Research Council, 2000 edition. For CMA intersections (project proposes a general plan amendment, or if an EIR is performed and there are 100 or more peak trips), use the 1985 *Highway Capacity Manual*. For state facilities, consult with the Planning Department.

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
iii) 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)?	[ ]	[ ]	[ ]	[✓]	[ ]
iv) 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)?	[ ]	[ ]	[ ]	[✓]	[ ]
v) 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)?	[ ]	[ ]	[ ]	[✓]	[ ]
vi) 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?	[ ]	[✓]	[ ]	[ ]	[ ]
b) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than 3% for a roadway segment that would operate at LOS F without the project?	[ ]	[ ]	[ ]	[✓]	[ ]
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[ ]	[ ]	[ ]	[ ]	[✓]
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[ ]	[ ]	[ ]	[ ]	[✓]
e) Result in fewer than two emergency access routes for streets exceeding 600 feet in length?	[ ]	[ ]	[ ]	[ ]	[✓]
f) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle routes)?	[ ]	[ ]	[ ]	[✓]	[ ]
g) Generate added transit ridership that would:					

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
i) Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period;	[ ]	[ ]	[ ]	[✓]	[ ]
ii) Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains; or	[ ]	[ ]	[ ]	[✓]	[ ]
iii) Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute.	[ ]	[ ]	[ ]	[✓]	[ ]
CUMULTATIVE IMPACTS[46]					
h) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project contributes five (5) percent[47] or more of the cumulative traffic increase as measured by the difference between "Existing" conditions and "Future with Project" conditions **AND** results in a substantial increase in traffic. More specifically, the project must contribute five (5) percent or more of the incremental growth **AND** exceed at least one of the intersection-related thresholds listed above in threshold #1 through #7.	[ ]	[ ]	[ ]	[✓]	[ ]

[46] The Alameda County Congestion Management Agency (CMA) recently released an updated Countywide Transportation Model which models traffic conditions in Year 2015 and Year 2030.

[47] The five (5) percent threshold is based on the fact that day-to-day traffic volumes can fluctuate by as much as ten (10) percent. Therefore, a variation of less than five (5) percent is unlikely to be perceptible to the average motorist.

SETTING

The *2003 Central City East Redevelopment Plan EIR* states that *General Plan* growth projections for the *Central City East Redevelopment Plan* area include the following:[48]

- approximately 1,440 net new households,
- an increase in population of approximately 3,780 people, and
- approximately 2,210 net new employment opportunities.

Using the Alameda County Congestion Management Agency's Countywide Transportation Model to forecast traffic conditions for the year 2025, the *2003 EIR* estimates that the projected growth and development within the *Plan* area would generate the following motor vehicle traffic:[49]

- 917 vehicles during the a.m. peak hour
- 1,317 vehicles during the p.m. peak hour

The proposed Project represents an increment of the growth projected in the *2003 EIR*. The Project proposes the construction of a four story, 22,090 square foot mixed-use building with 18 high density residential units and 6,193 square feet of commercial space. Vehicle trip generation rates for the proposed uses were obtained using the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, *7th Edition*. Based on these rates, the estimated vehicle trip generation for the proposed Project is shown in the following table:

[48] *Central City East Redevelopment Plan Draft EIR*, p. 5-13.

[49] Ibid.

TABLE 1: PROJECT TRIP GENERATION

Land Use	Unit	Quantity	Daily Trips per Unit	A.M. Peak Hour Trips per Unit	P.M. Peak Hour Trips per Unit	Total Daily Trips	Total A.M. Trips	Total P.M. Trips
Multi-Family Housing[1]	Dwelling Unit	18	6.63	0.51	0.62	119.34	9.18	4.11
Office/Commercial[2]	1000 sf Gross Floor Area	6.193	11.01	1.56	1.49	68.18	9.66	9.23
Totals						**187.52**	**18.84**	**13.34**

Notes:

1. ITE, Code: 220, Residential/Multiple Family – Two- and multiple-family dwelling units, including apartments, condominiums, and mobile homes in mobile home parks.

2. ITE, Code: 710, Office/Commercial – Professional offices, business parks, business or administrative offices, insurance/financial/real estate services, research & development, medical or dental services, government offices, and similar uses.

The table above shows that the proposed Project would generate approximately 187.52 total daily vehicle trips, 18.84 a.m. peak hour trips and 13.34 p.m. peak hour trips. The estimated a.m. and p.m. peak hour trips of the proposed Project represent, respectively, 2.05% and 1.01% of the estimated net increase in a.m. and p.m. peak hour trips analyzed in the *2003 EIR*.

INTERSECTION OPERATIONS

Would the Project:

a) Cause an increase in traffic which is substantial in relation to the existing 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:

i) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?[50] [51]

ii) 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)?

iii) 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)?

iv) 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)?

v) 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)?

vi) 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?

b) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than 3% for a roadway segment that would operate at LOS F without the project?

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[50] Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) 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.

[51] LOS and delay calculations for local intersections should be based on the *Highway Capacity Manual, Transportation Research Board, National Research Council, 2000 editio*n. For CMA intersections (project proposes a general plan amendment, or if an EIR is performed and there are 100 or more peak trips), use the 1985 *Highway Capacity Manual*. For state facilities, consult with the Planning Department.

DISCUSSION

Central City East Redevelopment Plan EIR

The *2003 Central City East Redevelopment Plan EIR* provides an analysis of the *Redevelopment Plan's* impacts on the surrounding street system's load and capacity. The *2003 EIR* determined that, although new growth and development facilitated by the *Redevelopment Plan* would add traffic to the surrounding area, the amount of traffic would be small and would not result in a significant impact at any signalized intersections in the vicinity. However, the *2003 Redevelopment Plan EIR* determined that growth and development from individual projects pursuant to implementation of the *Plan* would add more than ten (10) vehicles to two unsignalized intersections within the *Plan* area where Caltrans' peak hour volume traffic signal warrants would be satisfied. The *Redevelopment Plan EIR* identified this as **Potential Impact 5.3** and determined that it would be a *potentially significant* impact of redevelopment.

The *2003 Redevelopment Plan EIR* determined that the following unsignalized intersections would be impacted by individual development projects within the *Plan* area:

- Embarcadero/5th Avenue
- Embarcadero/I-880 NB Off-ramp

The *2003 Redevelopment Plan EIR* provides the following mitigation measures to address both Project-specific and cumulative impacts to the unsignalized intersections listed above:

MM 5.3A: **Install a Traffic Signal at the Embarcadero / 5th Avenue Intersection.** Installing a traffic signal at the Embarcadero / 5th Avenue intersection would provide for the orderly movement of traffic. The traffic signal would be equipped with railroad preemption to prevent southbound motor vehicle queues from extending onto the Union Pacific Railroad tracks that cross 5th Avenue just north of the intersection. Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.

MM 5.3B: **Install a Traffic Signal at the Embarcadero / I-880 NB Off-Ramp Intersection.** Installing a traffic signal at the Embarcadero / I-880 NB Off-Ramp would provide for the orderly movement of traffic. The

> intersection \would operate at LOS A during the a.m. and p.m. peak hours after installation of a traffic signal. Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.

Environmental documents for two other development projects in the City of Oakland also address these two unsignalized intersections. The *Jack London Redevelopment EIR,* prepared in September 2003, and the *Oak to Ninth Avenue Project EIR,* prepared in August 2005, each determined that mitigation measures similar to those listed above would be required in order for the traffic impacts of those projects on the subject unsignalized intersections to be reduced to a less than significant level.

The *2003 EIR* identified the impact to these unsignalized intersections as both project-level and Cumulative impacts. The "project" analyzed in the *2003 EIR* represents a series of projects and associated development that is expected to occur over the *Plan's* 20 year planning horizon, including the Jack London Redevelopment Project and the Oak to 9th Avenue Project. The traffic generated by the proposed Project under review in this Initial Study, represents only a very small percentage of the total traffic estimated to be generated by the *Central City East Redevelopment Plan* over its planning horizon, and, although it is located within the *Redevelopment Plan* area, it is between four and five miles from these subject intersections.

Foothill/Seminary Public Transit Hub Streetscape Plan Traffic Analysis

In February 2006, the City of Oakland published the *Foothill Seminary Public Transit Hub Streetscape Plan*, which focuses on enhancing the pedestrian experience in the Foothill/Seminary project area, with special emphasis on encouraging transit use.[52] The proposed Project is within this *Plan's* area, as it is located one block away at the corner of Foothill Blvd. and 60th Ave. A traffic analysis of the area was prepared as a part of the *Plan*, which provided existing (Baseline: 2005) and future (2025) LOS analysis at the Foothill Blvd. and Seminary Ave. intersection, as shown in the following table:

[52] City of Oakland, *Foothill/Seminary Public Transit Hub Streetscape Plan*, February 2006, p.1.

TABLE 2: FOOTHILL/SEMINARY INTERSECTION LOS

	2005				2025			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Intersection	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Foothill Blvd. and Seminary Ave.	24.7	C	28.9	C	27.4	C	24.2	C

Source: DKS Associates, Foothill/Seminary Public Transit Hub Streetscape Plan Traffic Analysis, Feb. 2006

The forecasted values were obtained by estimating an incremental yearly growth of 1% from 2005 to 2025. The proposed Project would represent a small percentage of the estimated yearly growth. Based on the growth projections estimated in the traffic analysis, which factored the proposed roadway modifications outlined in the *Streetscape Plan*, there would be no degradation of LOS and no changes to signal timing or phasing are anticipated to be necessary.[53] This analysis is consistent with the conclusions in the *Central City East Redevelopment Plan EIR*. Based upon this analysis, the proposed Project would not result in an increase in traffic at the Foothill Blvd./Seminary Ave. intersection that is substantial in relation to the existing traffic load and street system. Moreover, no intersection LOS in the vicinity of the Project would degrade to worse than D as a result of this Project.

Resulting Level of Significance

MM 5.3A and MM 5.3B require projects pursuant to the *Central City East Redevelopment Plan* to provide their fair share cost contribution toward improvements that would reduce potentially significant project-level impacts to the Embarcadero / I-880 NB off-ramp intersection and the Embarcadero / 5th Avenue intersection to a level considered ***less than significant with mitigation***. However, due to the fact that the Project site is located between four and five miles from the intersections described above, and that other larger projects are in much closer proximity to these intersections, it is unlikely that traffic generated by this project would make a measurable contribution of traffic at these intersections. Therefore, it is recommended that there be no pro-rata fair share contribution from this Project toward improvements to these distant intersections.

[53] Ibid., p. 36.

AIR TRAFFIC PATTERNS

Would the Project:

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

DISCUSSION

The proposed Project does not include structures or uses that would affect air traffic patterns, nor is an airport located in proximity to the Project site. Therefore, the proposed Project would not result in substantial safety risks related air traffic. There would be ***no impact*** to air traffic patterns as a result of the proposed Project.

SITE ACCESS, CIRCULATION AND HAZARD

Would the Project:

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in fewer than two emergency access routes for streets exceeding 600 feet in length?

DISCUSSION

The Project would not result in a substantial increase in traffic hazards due to a design feature, nor would it result in inadequate emergency access.

The Project site is located in an urban commercial district. The proposed new building on the site would front both Foothill Blvd. and 60th Avenue and feature street/sidewalk level pedestrian access. Parking would be provided below-grade, access to which would be a single ingress/egress driveway located on 60th Avenue. The Project would not feature sharp curves or dangerous intersections; therefore, no hazards would be increased due to a design feature. The Project would not result in fewer than two emergency access routes. The site is located on the corner of Foothill Blvd. and 60th Avenue. Because it is located on a corner lot, the Project would feature two (2) emergency access routes. Therefore, there would be ***no impact*** with respect to design hazards or emergency access.

ALTERNATIVE TRANSPORTATION AND TRANSIT

Would the Project:

f) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

g) Generate added transit ridership that would:

i) Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period;

ii) Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains; or

iii) Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute.

DISCUSSION

The proposed Project would not conflict with adopted alternative transportation policies, nor would it increase the average ridership on AC Transit by three percent on any lines near the Project site.

The Project site would be served by AC Transit routes 40, 40L, 43 and 840, all of which provide service between the Eastmont Center and the $12^{th}/14^{th}$ St. BART station in Downtown Oakland. There is a transit stop located at the corner of Seminary Ave. and Foothill Blvd. The Project would not impact this transit stop. The Project would add approximately 50 residents and fewer than 15 employees working in the new building's commercial space; however, this would not significantly increase peak average transit ridership. Therefore, the Project's potential impact with respect to conflicts with adopted transportation policies or increase in ridership on public transit is ***less than significant***.

CUMULATIVE IMPACTS

h) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project contributes five (5) percent or more of the cumulative traffic increase as measured by the difference between "Existing" conditions and "Future with Project" conditions **AND** results in a substantial increase in traffic. More specifically, the project must contribute five (5) percent or more of the incremental growth **AND** exceed at least one of the intersection-related thresholds listed above in threshold #1 through #7?

DISCUSSION

When considered with traffic from past projects, other current projects, and probable future projects from other areas, the *2003 Central City East Redevelopment Plan EIR* determined that the contribution of traffic from subsequent projects within the *Redevelopment Plan* area would be cumulatively considerable.

The *2003 EIR* determined that the contribution of cumulative traffic from development within the *Redevelopment Plan* area would result in significant level of service degradation, resulting in significant impacts at the following intersections:

- High Street & International Blvd.

- 73rd Ave. & Bancroft Ave.
- 73rd Ave. & MacArthur/Foothill Blvd.
- 98th Ave. & MacArthur Blvd.

To address these impacts, the *2003 EIR* recommends the following four (4) mitigation measures that would reduce the identified cumulative impacts to a level considered less than significant:

MM 5.2A: **Modify Traffic Signal Phasing at the High Street I International Boulevard Intersection.** Individual developm~nt projects pursuant to implementation of the Redevelopment Plan's programs or other activities within the Project Area shall fund a pro-rata fair share of the cost to provide protected left-turn phasing for the turn lanes on International Boulevard. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.

MM 5.2B: **Add a Right-Turn Lane at the 73rd Avenue & Bancroft Avenue Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities within the Project Area shall fund a pro-rata fair share of the cost to provide a right-turn lane for eastbound traffic on Bancroft Avenue at 73rd Street. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.

MM 5.2C: **Add a Left-Turn Lane at the 73rd Avenue & MacArthur/Foothill Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities within the Project Area shall fund a pro-rata fair share of the cost to provide a second left-turn lane for northbound traffic on 73rd Street at MacArthur/Foothill Boulevard and increase the signal cycle length to 104 seconds. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.

MM 5.2D: **Increase the Traffic Signal Cycle Length at the 98th Avenue & MacArthur Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or

other activities within the Project Area shall fund a pro-rata fair share of the cost to increase the signal cycle length to 82 seconds. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.

Each of the above recommended mitigation measures from the *2003 EIR* require individual development projects within the *Redevelopment Plan* area to fund "pro-rata fair share" of the costs of modifying signal phasing, adding turn lanes and increasing traffic signal cycle lengths, as necessary, at the affected intersections. In order to ensure that the proposed Project contributes its fair share of the costs of implementing *2003 Redevelopment Plan* mitigation measures listed above, the following Project mitigation measure is recommended.

Mitigation Measure

The Project would be required to satisfy the following mitigation measure:

MM 1: **Traffic Fair Share Contribution.** The project applicant shall fund a pro-rata fair share of the costs of implementing intersection improvements identified in the *2003 Central City East Redevelopment Plan EIR* as Mitigation Measures 5.2A, 5.2B, 5.2C, 5.2D.

Resulting Level of Significance

With the exception of traffic congestion at the intersection of High Street/International Boulevard, implementation of **MM 1** will reduce the Project's contribution to cumulative traffic impacts at affected intersections to levels considered less than significant. The *Central City East Redevelopment Plan's* projects, programs and other implementation activities are anticipated to assist in, or to facilitate the projected growth and development within the *Plan* area. The proposed Project represents an implementation activity of the *Plan*; therefore, a pro-rata fair share contribution of the costs of implementing *Central City East Redevelopment Plan EIR* Mitigation Measures 5.2A, 5.2B, 5.2C and 5.2D would offset the proposed Project's contribution of traffic to a level that is ***less than cumulatively considerable***.

The *Central City East Redevelopment Plan EIR* investigated mitigation measures that could reduce cumulative impacts at High Street/International Boulevard to a level that is less than significant. Widening High Street to provide dual left-turn lanes and three through lanes in both directions would completely mitigate this cumulative impact. However, the widening would require the acquisition of a row of businesses along High Street. The secondary impacts of major roadway widening are considered to render that option infeasible. Therefore, no feasible mitigation measures were identified in the *2003 Redevelopment Plan EIR* that would reduce cumulative impacts at this intersection to a

level that is less than significant; therefore, residual cumulative impacts at the High Street/International Boulevard intersection were determined to be significant and unavoidable in that earlier analysis.

The *2003 Central City East Redevelopment Plan EIR* was certified by the City of Oakland. As part of the certification process, the City adopted a Statement of Overriding Considerations that acknowledged, among other things, the remaining significant and unavoidable impact at the High Street/International Boulevard intersection. Thus, with respect to the proposed Project, this impact has been identified and addressed and no further mitigation would be required. Therefore, **MM 1** would reduce the proposed Project's cumulative traffic impacts to a level considered ***less than significant with mitigation***.

NON-CEQA EVALUATION OF PROPOSED PROJECT'S PROVISION OF PARKING SUPPLY

The Court of Appeal has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects.[54] Parking supply/demand varies by time of day, day of week, and seasonally. As parking demand increases faster than the supply, parking prices rise to reach equilibrium between supply and demand. Decreased availability and increased costs result in changes to people's mode and pattern of travel. However, the City of Oakland, in its review of the proposed project, wants to ensure that the project's provision of additional parking spaces along with measures to lessen parking demand (by encouraging the use of non-auto travel modes) would result in minimal adverse effects to project occupants and visitors, and that any secondary effects (such as on air quality due to drivers searching for parking spaces) would be minimized. As such, although not required by CEQA, parking conditions are evaluated in this document.

Parking deficits may be associated with secondary physical environmental impacts, such as air quality and noise effects, caused by congestion resulting from drivers circling as they look for a parking space. However, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, shuttles, taxis,

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[54] *San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco* (2002) 102 Cal.App.4th 656.

bicycles or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City's "Transit First" policy.

Additionally, regarding potential secondary effects, cars circling and looking for a parking space in areas of limited parking supply is typically a temporary condition, often offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts that might result from a shortfall in parking in the vicinity of the proposed project are considered less than significant.

This EIR evaluates if the project's estimated parking demand (both project-generated and project-displaced) would be met by the project's proposed parking supply or by the existing parking supply within a reasonable walking distance of the project site. Project-displaced parking results from the project's removal of standard on-street parking, City or Agency owned/controlled parking and/or legally required off-street parking (non-open-to-the-public parking which is legally required).

CITY OF OAKLAND OFF-STREET PARKING REQUIREMENTS

Operations:

A consideration when evaluating the project's proposed parking supply is how it compares to the City's Municipal Code requirements for off-street parking (Municipal Code Chapter 17.116). Based on Municipal Code Chapter 17.116.70, parking requirements for the proposed project are as follows:

C-30: District Thoroughfare Commercial Zone

- There are no off-street parking requirements for the commercial portion of the Project

R-70: High Density Residential

- One space per dwelling unit.

On-street parking would be sufficient for the commercial component of the Project; no off-street parking would be required. The residential component would be required to provide one off-street parking space per dwelling unit. There would be 18 dwelling units constructed in the residential portion of the Project; therefore, the Project would be required to provide 18 off-street parking stalls. The Project, as described, would provide 21 off-street parking spaces in a partial sub-grade podium parking structure with two-way access off of 60th Ave. This is more than required by the Oakland Municipal Code; therefore, the Project would exceed the parking requirements of the site.

Construction Parking:

Construction activities at the Project site would have the potential of disrupting traffic flow and minimizing the availability of parking in the vicinity. However, the City of Oakland maintains a Standard Condition of Approval that addresses construction traffic and parking issues. The project would be required to implement this condition.

City of Oakland Standard Condition of Approval

The following City of Oakland standard condition of approval would be required to be fulfilled by the Project sponsor to address construction-related traffic and parking issues:

SCA 28: **Construction Traffic and Parking.** The project applicant and construction contractor shall meet with the Transportation Services Division of the Public Works and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Transportation Services Division. The plan shall include at least the following items and requirements:

a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.

b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.

c) Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site).

d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.

e) Provision for accommodation of pedestrian flow.

The Project would satisfy the City's commercial and residential parking requirements. **SCA 28** would ensure that construction activities do not result in significant impacts regarding congestion and parking demand by requiring the Project Applicant to implement traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. Therefore, potential impacts in these areas would be ***less than significant with Standard Condition of Approval.***

UTILITIES AND SERVICES

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
XVI.	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, the 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 provider's 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?	[ ]	[ ]	[ ]	[✓]	[ ]

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact

WASTEWATER COLLECTION, TREATMENT, DISPOSAL

Would the Project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

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?

DISCUSSION

The City of Oakland provides sewage collection services to the project site. Oakland's sewage collection system discharges to EBMUD's sewer interceptor system.

Wastewater flows within EBMUD's service area are collected at EBMUD's wastewater treatment plant in Oakland located near the east end of the San Francisco-Oakland Bay Bridge. The wastewater treatment plant provides primary and secondary wastewater treatment. Treated effluent is then disinfected, dechlorinated, and discharged one mile off the East Bay shore through a deep-water outfall into San Francisco Bay.[55]

EBMUD estimates the average Oakland resident uses approximately 70 gallons of water per day, and it is further estimated that approximately 90 percent of the water used by Oakland residents will return to the wastewater system.[56] It is estimated that the proposed Project would increase the population of this area by approximately 85 people, which, multiplied by the average Oakland resident's water use rate of 70 gallons per day, would result in a water demand of

[55] East Bay Municipal Utility District, official webpage, www.ebmud.com, accessed December 14, 2006.

[56] Elaine Au, EBMUD customer service representative, personal communication, December 14, 2006.

approximately 5,950 gallons per day. Considering the estimation that 90 percent of the water used by Oakland residents will return to the wastewater system, the proposed Project would generate approximately 5,355 gallons of wastewater per day (or 1,954,575 gallons annually), which would flow into EBMUD's wastewater treatment plant located in Oakland near the Bay Bridge basin.

EBMUD's wastewater treatment plant has an average annual dry weather flow of about 77 million gallons per day (mgd) and a total capacity to treat up to about 415 (mgd) during peak periods. According to the Regional Water Quality Control Board (RWQCB), EBMUD is permitted to discharge up to 120 mgd of treated sewage into San Francisco Bay. Currently, EBMUD has not been cited for illegal discharges nor is it under a Cease and Desist Order.

Wastewater generated by the proposed project would represent a fraction of a percent of the wastewater facilities average daily maximum capacity.

The *2003 Redevelopment Plan EIR*, provides an analysis of the impacts on wastewater treatment and disposal from projected growth in the Plan area and determined that it would be less than significant. EBMUD's projections for future flows and its corresponding design for wastewater treatment plant capacity are based on assumptions about the amount of development that would take place within the service area. In areas considered to be fully developed, such as the *Redevelopment Plan* area, within which the proposed Project is located, EBMUD has assumed a 20 percent increase in sanitary sewer flow to account for infill development and intensification. The *Redevelopment Plan* estimates the addition of approximately 1,440 new households by 2020. This represents an increase of only about five percent over the number of existing households in the Plan area. Employment growth is expected to increase at a higher rate, resulting in about a 15 percent increase in employment over existing (2003) conditions. The projected increase in households and employment opportunities within the *Redevelopment Plan* area are well below the limits of what EBMUD assumed and would not require the construction of new or the expansion of existing wastewater treatment facilities, nor would it result in a determination by EBMUD that it has inadequate capacity to serve the projected future demand.[57]

The proposed Project represents an increment of the growth and development analyzed in the *2003 Redevelopment Plan EIR*, and would not require the construction of new or the expansion of existing wastewater treatment facilities, nor would it result in a determination by EBMUD that it has inadequate capacity to serve the projected future demand. However, *2003 EIR* provides a

[57] City of Oakland, *Central City East Redevelopment Plan Draft EIR* (2003), p. 9-1.

mitigation measure that requires projects pursuant to or in furtherance of the *Redevelopment Plan* to obtain confirmation of the availability of adequate stormwater and sanitary sewer capacity. The City has subsequently developed a Standard Condition of Approval, listed below, requiring confirmation of sewer capacity and payment of sanitary sewer infrastructure fees and installation fees, which replaces the corresponding mitigation measure from the *2003 EIR*. The mitigation measure from the *2003 EIR* that this condition replaces is also provided below.

City of Oakland Standard Condition of Approval

The City of Oakland maintains the following Standard Condition of Approval that the Applicant would be required to satisfy:

SCA 29: **Stormwater and Sewer.** 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 required to pay mitigation fees to improve stormwater and sanitary sewer infrastructure if required by the City. 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 associated with the proposed project. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

Replaced Mitigation Measures from the *2003 Central City East Redevelopment Plan EIR*

~~**MM 9.2A:** Major new development projects pursuant to or in furtherance of the *Redevelopment Plan* shall be reviewed to determine projected water and wastewater loads as compared to available capacity. Where appropriate, determine capital improvement requirements, fiscal impacts and funding sources prior to project approval.~~

Resulting Level of Significance

The Project represents only a fraction of a percent of the EBMUD's wastewater treatment plant's average daily maximum capacity for secondary treatment. Additionally, the projected increase in households and employment opportunities analyzed in the *2003 Redevelopment Plan EIR* does not exceed EBMUD's projected increase in sanitary sewer flow in this area. Since the proposed Project represents an increment of the projected growth analyzed in the *2003 EIR*, it would not require the construction of new or the expansion of existing wastewater treatment facilities, nor would it result in a determination by EBMUD that it has inadequate capacity to serve the projected future demand. Finally, the Applicant would be required to satisfy **SCA 29** above with respect to stormwater and sanitary sewer system capacity and state of repair. **SCA 29** replaces MM 9.2A from the *2003 Redevelopment Plan EIR*. For these reasons, the proposed Project's

impact with respect to wastewater treatment requirements of the RWQCB or wastewater treatment capacity would be ***less than significant with Standard Condition of Approval.***

STORM DRAINAGE FACILITIES

Would the Project:

b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

DISCUSSION

Discussion of the proposed Project's potential to impact water quality from storm water runoff is discussed above under *hydrology and water quality*. As discussed, the proposed Project would not alter the existing drainage pattern of the site or area, or increase the amount of runoff in a manner that could potentially exceed the capacity of existing stormwater system because the Project would not increase the amount of impervious surfaces at the Project site. The Project would be required to satisfy **SCA 29** above requiring confirmation of stormwater capacity and payment of stormwater infrastructure and installation fees. Doing so would result in a ***less than significant impact with Standard Condition of Approval*** regarding storm drainage facilities.

WATER DISTRIBUTION AND SUPPLY

Would the Project:

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?

DISCUSSION

The East Bay Municipal Utility District (EBMUD) supplies water to approximately 1.3 million people in Alameda and Contra Costa Counties. Most of EBMUD's water comes from the 577-square-mile Mokelumne River watershed. Water is collected at the Pardee Reservoir in Amador County and distributed to the nearby Camanche Reservoir, and the Mokelumne Aqueducts, which carry water to the East Bay. EBMUD maintains reservoirs within its East Bay service area that include the Briones, Chabot, Lafayette, San Pablo, and Upper San Leandro reservoirs.[58]

[58] East Bay Municipal Utility District, official webpage, www.ebmud.com, accessed December 14, 2006.

EBMUD has rights to divert approximately 325 million gallons of water per day from the Mokelumne River. In October 1993, EBMUD adopted a long-term Water Supply Management Program (WSMP) that serves as a planning guide for the supply of reliable high-quality water to the EBMUD service area through year 2020. The WSMP states that during severe droughts EBMUD would not be able to meet its customers' needs for water with it existing water sources, without imposing extreme rationing measures. This situation will continue until a supplemental water supply project provides dependable supplies for existing and future customers within EBMUD's service boundary.

According to the EBMUD's Urban Water Management Plan 2000, customer demand was approximately 230 million gallons of water per day in 2000. EBMUD forecasts that customers within the supply area would demand about 277 million gallons per day by 2020. With implementation of conservation techniques and use of recycled water, water demand could be reduced to 229 mgd. However, if the District experiences a series of dry years, there would be a shortage of as much as 154 mgd.[59]

The *2003 Redevelopment Plan EIR*, determined that growth and development within the *Redevelopment Plan* area is conservatively estimated to be approximately 0.54 million gallons per day (MGD).[60] The increase in water demand from projected development within the *Redevelopment Plan* area represents approximately one percent of the projected increase in water demand throughout the EBMUD service area.

Based on the average Oakland resident's water use rate of 70 gallons per day, it is estimated that the proposed Project would result in a total demand of 3,500 gallons per day. This is a fraction of the projected increase in water demand that would occur in the *Redevelopment Plan* area by 2020.

The Applicant would be required to contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing additional water service to the proposed Project. The Project would also be required to incorporate water-saving strategies into the design of the Project, pursuant to Chapter 7, Article 10 of the Oakland Municipal Code. Because the Project represents only a fraction of the projected increase in water demand in the

[59] Ibid.

[60] City of Oakland, *Central City East Redevelopment Plan EIR*, 2003, p. 9-7.

Redevelopment Plan area, its impat on water distribution and supply would be ***less than significant***.

SOLID WASTE MANAGEMENT

Would the Project:

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?

DISCUSSION

Waste Management of Alameda County provides solid waste disposal service to the project site. In 2000, the City of Oakland disposed of approximately 423,198 tons of solid waste. The average residential disposal rate in 2000 was approximately 584 pounds per person per year. Trash is collected and brought to the Davis Street Transfer Station in San Leandro before ultimately being disposed at the Altamont Landfill in Livermore.

The Altamont Landfill is a fully licensed and permitted facility and has a total estimated capacity of 75 million cubic yards of solid waste, of which 43 million cubic yards had been filled as of March 2003. The landfill has a remaining capacity to last until approximately 2033.

Waste Management of Alameda County (WMAC) is the solid waste collector for the City of Oakland. WMAC transports solid waste to the Davis Street Transfer Station, located at 2615 Davis Street, in San Leandro. The solid waste is then hauled to the Altamont Landfill, which is located at 10840 Altamont Pass Road, in Livermore. WMAC is permitted to receive up to a maximum of approximately 11,150 tons of solid waste per day with an estimated total capacity of 59 million cubic yards, 15.8 million cubic yards, of which are remaining.

The Alameda County Department of Health Services is certified by the California Integrated Waste Management Board, as the Local Enforcement Agency (LEA) for solid waste in Alameda County. The LEA has the primary responsibility for ensuring the correct operation and closure of solid waste facilities in the state. It also has the responsibility for guaranteeing the proper storage and transportation of solid wastes.

Assembly Bill 939 (AB 939), enacted in 1989, requires each city's and county's Resource Reduction and Recycling Element to include an implementation schedule to divert 25 percent of

its solid waste from landfill disposal by January 1, 1995, through source reduction, recycling, and composting activities, followed by an increase to a 50 percent reduction to the waste stream by January 1, 2000. Total annual waste diversion for the City of Oakland in 2004, the most recent year for which data is available, was approximately 55 percent.[61]

The proposed project would result in the development of up to 18 residential units and approximately 50 residents who would generate solid waste. The City's current rate of disposal is approximately 1.6 pounds per resident per day.[62] Based on this estimate, the project could generate approximately 80 pounds per day of solid waste.

The solid waste analysis in the *2003 Redevelopment Plan EIR* notes that implementation of the *Redevelopment Plan* would result in an increase in population and employment in the Plan area, which would increase the demand for solid waste services. Moreover, *Redevelopment Plan* activity would likely result in the removal of existing structures, which would generate construction/demolition waste including concrete, asphalt and wood products, as well as certain wastes requiring special handling such as asbestos and lead paint. However, the *2003 EIR* determined that the Altamont landfill would be capable of accommodating the additional volume of solid waste provided the City continues to implement programs included in its Source Reduction and Recycling Element.

The proposed Project, as an increment of the projected growth analyzed in the *2003 Redevelopment Plan EIR*, will not require or result in the construction of landfill facilities or the expansion of existing facilities or violate applicable federal, state or local statutes and regulations related to solid waste. However, without recycling, the proposed project could have an impact on the City's diversion rate, which would conflict with the City's state-mandated Source Reduction and Recycling Element/Integrated Waste Management Plan.

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[61] California Integrated Waste Management Board, Planning Annual Report Information System (P.A.R.I.S.), Jurisdiction Waste Diversion Program and Diversion Rate Summary, http://www.ciwmb.ca.gov/LGCentral/PARIS/, accessed December 22, 2006.

[62] Ibid.

City of Oakland Standard Condition of Approval

The City of Oakland maintains the following Standard Condition of Approval for development projects, the implementation of which ensures that the City meets the diversion requirements mandated by AB 939.

SCA 30: **Waste Reduction and Recycling.** 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.

Prior to issuance of demolition, grading, or building permit

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.

Resulting Level of Significance

Satisfactory implementation of **SCA 30**, above, will ensure that any Project impacts associated with waste disposal would be ***less than significant with Standard Condition of Approval***.

ENERGY

Would the Project:

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 provider's 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

Although the proposed Project envisions more residential units than the site currently supports, the existing energy system is expected to have enough capacity to serve the Project. The Applicant will have to finance individual transmission line hook-ups and extensions, and any improvements and extensions required to accommodate the Project would be determined in the consultation with PG&E prior to installation. The proposed Project is not expected to violate applicable federal, state and local statutes and regulations relating to energy standards or exceed PG&E's service capacity.

SCA 40: **Title 24 and CCR.** Pursuant to Oakland Municipal Code, the Project would be required by the City to comply with all the standards of Title 24 and the California Code of Regulations, which are aimed at the incorporation of energy-conserving design and construction.

Resulting Level of Significance

Compliance with Title 24 Standards would ensure the Project's impacts regarding violation of applicable energy standards or the energy provider's ability to provide service is ***less than significant***.

MANDATORY FINDINGS

	Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant with Standard Conditions of Approval	Less Than Significant	No Impact
XVII.	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 are 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?	[ ]	[ ]	[ ]	[✓]	[ ]

OVERALL EFFECTS

Would the project:

a) 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?

DISCUSSION

This Initial Study does not indicate that there are any biology, hydrology or water quality impacts associated with the proposed Project. There is no evidence to indicate that there are any fish or wildlife populations that would be significantly affected by the proposed Project. Implementation of the Project would not threaten to eliminate a plant or animal, nor reduce the number nor restrict the range of a rare or endangered plant or animal species. However,

development of the Project would result in the destruction of one building that was submitted to the State Office of Historic Preservation with a National Registry of Historic Places (NRHP) status code of "5B", indicating it is "locally significant both individually … and as a contributor to a district that is locally listed …" There is also a notation on the relevant survey form indicating that the building on the Project site is an historic property under the City's Preservation Element, thereby meeting the threshold set forth in CEQA Guidelines Section 15064.5(a)(2) that the building would be considered "historically significant". The proposed demolition of this building would be a ***potentially significant*** impact. As discussed under *cultural resources*, this potentially significant impact warrants the preparation of an EIR.

CUMULATIVE EFFECTS

Would the project:

b) have impacts that are 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.)?

DISCUSSION

Issue areas that typically have the potential to result in cumulatively considerable impacts include Air Quality, Biological Resources, Land Use, Population (and corresponding impacts to Housing, Public Services, and Utilities and Services), and Transportation and Traffic. Regarding Air Quality, the Project is consistent with the local CAP and the *General Plan*. The BAAQMD CEQA Guidelines state that if a Project is consistent with the local CAP and *General Plan*, then it would not have a significant cumulative impact. Regarding Land Use, the Project site is in an urbanized area, surrounded by like development, and would therefore be considered infill. Regarding Population (and associated issue areas), the proposed Project would be consistent with the *General Plan*, ABAG population projections and the *Central City East Redevelopment Plan*; therefore, population growth as a result of this Project would not be cumulatively considerable. Consequently, there would be no cumulatively considerable impacts to population associated issue areas such as Housing, Public Services or Utilities and Services.

However, this Project implements the *Central City East Redevelopment Plan*. The *2003 Central City East Redevelopment Plan EIR* determined that additional traffic from subsequent projects within the *Redevelopment Plan* area, when considered with traffic from past projects, other current projects, and probable future projects, would be cumulatively considerable. The *2003 EIR* provided mitigation measures requiring subsequent projects within the *Redevelopment Plan* area to contribute fair share contributions toward implementing prescribed improvements to the capacity of the transportation system. Consistent with these mitigation measures, the City maintains a Standard Condition of Approval requiring the Project Applicant to make fair share contributions toward implementing improvements to the transportation system. This condition

would reduce the Project's contribution toward a cumulatively considerable impact to a less than significant level.

Therefore, for the reasons discussed above, cumulatively considerable impacts as a result of this Project would be ***less than significant***.

EFFECT ON HUMAN BEINGS

Would the project:

c) have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

DISCUSSION

There would be no environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. There would be ***no impact***.

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APPENDIX A

SUMMARY OF STANDARD CONDITIONS OF APPROVAL

AND

RELATIONSHIP OF STANDARD CONDITIONS OF APPROVAL TO CENTRAL CITY EAST REDEVELOPMENT PLAN EIR MITIGATION MEASURES

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TABLE 1

IDENTIFICATION OF CENTRAL CITY EAST REDEVELOPMENT PLAN EIR MITIGATION MEASURES THAT ARE REPLACED BY CITY OF OAKLAND STANDARD CONDITIONS OF APPROVAL

Project Conditions of Approval/Mitigation Measures	Replaced Mitigation Measure from CCE Redevelopment Plan EIR
AESTHETICS	
SCA 1: Lighting Plan. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.	
AIR QUALITY	
SCA 2: Dust Control. During construction, the Project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for construction sites. These include: a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites. e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.	~~**Mitigation Measure 6-5A: Construction Emission Controls.** Contractors for future development projects pursuant to implementation of the Redevelopment Plan shall implement BAAQMD dust control measures as outlined in BAAQMD *CEQA Guidelines* (1999) or any subsequent applicable BAAQMD updates.~~

f) Limit the amount of the disturbed area at any one time, where feasible.

g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

i) Replant vegetation in disturbed areas as quickly as feasible.

j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

k) Limit traffic speeds on unpaved roads to 15 miles per hour.

l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

SCA 3: Construction Emissions. To minimize construction equipment emissions during construction, the Project sponsor shall require the construction contractor to:

a) Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1, requires an authority to construct and permit to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.

b) Perform low-NO_x tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

SCA 4: Asbestos Removal in Structures. If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolished and disposed of, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

SCA 5: Asbestos Removal in Soil. To minimize the release of naturally occurring asbestos in the soil during construction, the Project sponsor shall require the construction contractor to demonstrate compliance with BAAQMD's Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying and Surface Mining Operations (implementing CCR section 93105) for activities that disturb the soil, such as grading, etc.

MINIMUM CONSTRUCTION GRADING OPERATION REQUIREMENTS WHERE AREA TO BE DISTURBED IS 1 ACRE OR LESS:

Administrative

a) No notification required to the BAAQMD office.

b) Upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock the project applicant must notify the BAAQMD's Air Pollution Control Officer (APCO) by the next business day.

Dust Control

c) Vehicle speed ≤ 15 mph.

d) Sufficient water applied to the area prior to disturbance to prevent visible emissions from crossing project boundaries.

e) Areas to be graded or excavated kept adequately wetted to prevent visible emissions from crossing project boundaries.

f) Storage piles kept adequately wetted, treated with chemical dust suppressant, or

covered when the material is not being added or removed.

g) Equipment must be washed down before moving from the property onto paved roadway.

h) Visible track-out on paved public road must be cleaned using wet sweeping or High Efficiency Particulate Air (HEPA) filter equipped vacuum device within 24 hours.

i) Implement the preceding dust control measures within 24 hours upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock.

BIOLOGICAL RESOURCES

SCA 6: Tree Protection During Construction. Adequate protection shall be provided during the construction period for any trees which are to remain standing including the following, plus any recommendations of an arborist:

j) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

k) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

l) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such

substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

m) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

n) If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

o) All debris created as a result of any tree removal work shall be removed by the applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.

CULTURAL AND HISTORIC RESOURCES

SCA 7: Archaeological Resources. Pursuant to CEQA Guidelines 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 historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor and/or lead agency shall consult with a qualified archaeologist or paleontologist 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 mitigation, with the 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

~~**Mitigation Measure 11.1A: Avoidance.** In the event that implementation of the Redevelopment Plan's programs, projects or other activities may involve new development in the vicinity of a known archaeological resource, the site potentially affected shall be examined by a qwualified archaeologist to determine if there are resources that could be adversely affected by the proposed activity. This investigation shall occur prior to any ground disturbing activities that could adversely affect the resource. This investigation shall include a determination of whether the resource is "unique," as defined in Public Resources Code § 21083.2. Consistent with CEQA, such resources shall be avoided to the extent feasible.~~

~~**Mitigation Measure 11.1B: Characterization and Research**. To the extent avoidance is not feasible, additional feasible mitigation shall be required to~~

to current professional standards.

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the Project sponsor 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 mitigation 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 sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.

SCA 8: Human Remains. 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.

SCA 9: Paleontological Resources. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be ~~reduce impacts to a less than significant level. The standards and requirements contained in Public Resources Code § 21083.2 shall be implemented to determine the methods for reducing such impacts to a less than significant level. Should subsequent Redevelopment Plan projects, programs or other activities be proposed at archaeological properties, mitigation consisting of subsurface archaeological characterization shall be conducted to define the subsurface extent and integrity of the site. Additional archival research shall also be conducted as a means of corroborating the archaeological data collected. This additional data gathering phase at each site may be sufficient, on an individual basis, to consider loss of the resource during development as a less-than-significant impact.~~

~~**Mitigation Measure 11.1C: Data Recovery**. Some sites may prove to be inherently complex or significant such that testing alone will not be considered adequate mitigation to permit loss. In those cases, data recovery shall be conducted, wherein a more comprehensive subsurface examination based on a Research Design formulated to address pertinent research topics shall be required.~~

~~**Mitigation Measure 11.2A:** In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area until such time a qualified archaeologist, and the City of Oakland, can assess the significance of the find and make mitigation recommendations, if warranted.~~

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 under the criteria set forth in Section 15064.5 of the CEQA Guidelines. 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.

GEOLOGY AND SOILS

SCA 10: Geotechnical Report. 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. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report, including specifically:

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

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

c) The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer and geotechnical engineer as approved by the City, will be included in the final design.

d) 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.

e) 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.

f) 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.

g) 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.

HAZARDS AND HAZARDOUS MATERIALS
SCA 11: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. The project applicant shall submit a comprehensive assessment report, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.
SCA 12: Health and Safety Plan per Assessment. If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of lead-based paint, asbestos, and/or PCBs, the Project sponsor shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition or renovation of affected structures.
SCA 13: Lead-Based Paint Remediation. If lead-based paint is present, the project applicant shall submit specifications signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.:
SCA 14: Other Materials Classified as Hazardous Waste. If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written

confirmation that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

SCA 15: Hazards Best Management Practices. The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;

b) Avoid overtopping construction equipment fuel gas tanks;

c) During routine maintenance of construction equipment, properly contain and remove grease and oils;

d) Properly dispose of discarded containers of fuels and other chemicals.

e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval 50 and 52, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

SCA 16: Phase I and/or Phase II Reports. Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

SCA 17: Environmental Site Assessment Reports Remediation. If the environmental site assessment reports recommend remedial action, the project applicant shall:

a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.

b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.

c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

HYDROLOGY AND WATER QUALITY

SCA 18: Erosion and Sedimentation Control Plan [when grading permit required]

Prior to any grading activities
The project applicant shall obtain approval from the Building Services Division of a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 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 provide any off-site permission or easements necessary to present written proof thereof to the Public Works Agency. 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. 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.

SCA 19: Site Design Measures for Post-Construction Stormwater Pollution Management. The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

- Minimize impervious surfaces, especially directly connected impervious surfaces;
- Utilize permeable paving in place of impervious paving where appropriate;
- Cluster buildings;
- Preserve quality open space; and
- Establish vegetated buffer areas.
- The approved plan shall be implemented and the site design measures shown on the plan

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shall be permanently maintained.

SCA 20: Source Control Measures to Limit Stormwater Pollution.

Prior to issuance of building permit (or other construction-related permit)
The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing
The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

NOISE

SCA 21: Days/Hours of Construction Operation. The Project Applicant shall require construction contractors to limit standard construction activities as required by the City Building Department.

a) Such activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

    1. Prior to the building being enclosed, requests for Saturday construction for

special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

2. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.

d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.

e) No construction activity shall take place on Sundays or Federal holidays.

f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

SCA 22: Noise Control. To reduce noise impacts due to construction, the Project sponsor shall require construction contractors to implement the following measures: site-specific noise reduction program, subject to city review and approval, which includes the following measures:

a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).

b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used

~~**Mitigation Measure 7.1A: Construction Noise.** Compliance with the City Noise Level Standards for Temporary Construction or Demolition Activities would mitigate construction noise impacts associated with the future development projects pursuant to implementation of the Redevelopment Plan to a less-than-significant level.~~

where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

d) If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time.

SCA 23: Pile Driving and Other Extreme Noise Generators. To further mitigate potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the Project Sponsor, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the Project Sponsor. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the Project sponsor concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as feasible: (Major projects only)

a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

b) Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for

example,; and

e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

SCA 24: Noise Complaint Procedures. Prior to the issuance of each building permit, along with the submission of construction documents, the Project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

a) A procedure and phone numbers for notifying the City Building Division staff and Oakland Police Department; (during regular construction hours and off-hours);

b) A sign posted on-site showing permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

c) The designation of an on-site construction complaint and enforcement manager for the project;

d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and

e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

SCA 25: Interior Noise. If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

PUBLIC SERVICES	
SCA 26: Site Review by the Fire Services Division. The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.	
TRANSPORTATION AND TRAFFIC	
MM 1: Traffic Fair Share Contribution. The project applicant shall fund a pro-rata fair share of the costs of implementing intersection improvements identified in the *2003 Central City East Redevelopment Plan EIR* as Mitigation Measures 5.2A, 5.2B, 5.2C, 5.2D, 5.3A and 5.3B.	~~**Mitigation Measure 5.2A: Modify Traffic Signal Phasing at the High Street / International Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to provide protected left-turn phasing for the turn lanes on International Boulevard. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~ ~~**Mitigation Measure 5.2B: Add a Right-Turn Lane at the 73rd Avenue & Bancroft Avenue Intersection**. Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to provide a right-turn lane for eastbound traffic on Bancroft Avenue at 73rd Street. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~ ~~**Mitigation Measure 5.2C: Add a Left-Turn Lane at the 73rd Avenue & MacArthur/Foothill Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to provide a second left-turn lane for northbound traffic on 73rd Street at MacArthur/Foothill Boulevard and increase the signal cycle length to 104 seconds. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~

~~**Mitigation Measure 5.2D: Increase the Traffic Signal Cycle Length at the 98th Avenue & MacArthur Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to increase the signal cycle length to 82 seconds. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~

~~**Mitigation Measure 5.3A: Install a Traffic Signal at the Embarcadero / 5th Avenue Intersection.** Installing a traffic signal at the Embarcadero / 5th Avenue intersection would provide for the orderly movement of traffic. The traffic signal would be equipped with railroad preemption to prevent southbound motor vehicle queues from extending onto the UP railroad tracks that cross 5th Avenue just north of the intersection. . Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~

~~**Mitigation Measure 5.3B: Install a Traffic Signal at the Embarcadero / I-880 NB Off-Ramp Intersection.** Installing a traffic signal at the Embarcadero / I-880 NB Off-Ramp would provide for the orderly movement of traffic. The intersection would operate at LOS A during the a.m. and p.m. peak hours after installation of a traffic signal. Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~

SCA 28: Construction Traffic and Parking. The project applicant and construction contractor shall meet with the Transportation Services Division of the Public Works and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by

construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Transportation Services Division. The plan shall include at least the following items and requirements: a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. c) Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site). d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services. e) Provision for accommodation of pedestrian flow.	
UTILITIES AND SERVICES	
SCA 29: Stormwater and Sewer. 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 required to pay mitigation fees to improve stormwater and sanitary sewer infrastructure if required by the City. 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 associated with the proposed project. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.	~~**Mitigation Measure 9.2A**: Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall be reviewed to determine projected water and wastewater loads as compared to available capacity. Where appropriate, determine capital improvement requirements, fiscal impacts and funding sources prior to project approval.~~
SCA 30: Waste Reduction and Recycling. 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.

Prior to issuance of demolition, grading, or building permit

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.

TABLE 2

STATUS OF MITIGATION MEASURES FROM CENTRAL CITY EAST REDEVELOP PLAN WITH RESPECT TO PROPOSED PROJECT

Central City East Redevelopment Plan EIR	Project Condition of Approval/Mitigation Mitigation Measure
TRAFFIC AND CIRCULATION	
~~**Mitigation Measure 5.2A: Modify Traffic Signal Phasing at the High Street / International Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to provide protected left-turn phasing for the turn lanes on International Boulevard. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~ ~~**Mitigation Measure 5.2B: Add a Right-Turn Lane at the 73rd Avenue & Bancroft Avenue Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to provide a right-turn lane for eastbound traffic on Bancroft Avenue at 73rd Street. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~ ~~**Mitigation Measure 5.2C: Add a Left-Turn Lane at the 73rd Avenue & MacArthur/Foothill Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to provide a second left-turn lane for northbound traffic on 73rd Street at MacArthur/Foothill Boulevard and increase the signal cycle length to 104 seconds. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this~~	**MM 1: Traffic Fair Share Contribution.** The project applicant shall fund a pro-rata fair share of the costs of implementing intersection improvements identified in the *2003 Central City East Redevelopment Plan EIR* as Mitigation Measures 5.2A, 5.2B, 5.2C, 5.2D, 5.3A and 5.3B.

~~improvement.~~ ~~**Mitigation Measure 5.2D: Increase the Traffic Signal Cycle Length at the 98th Avenue & MacArthur Boulevard Intersection.** Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost to increase the signal cycle length to 82 seconds. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~ ~~**Mitigation Measure 5.3A: Install a Traffic Signal at the Embarcadero / 5th Avenue Intersection.** Installing a traffic signal at the Embarcadero / 5th Avenue intersection would provide for the orderly movement of traffic. The traffic signal would be equipped with railroad preemption to prevent southbound motor vehicle queues from extending onto the UP railroad tracks that cross 5th Avenue just north of the intersection. . Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~ ~~**Mitigation Measure 5.3B: Install a Traffic Signal at the Embarcadero / I-880 NB Off-Ramp Intersection.** Installing a traffic signal at the Embarcadero / I-880 NB Off-Ramp would provide for the orderly movement of traffic. The intersection would operate at LOS A during the a.m. and p.m. peak hours after installation of a traffic signal. Individual development projects pursuant to implementation of the Redevelopment Plan's programs or other activities the within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.~~	
Mitigation Measure 5.4A: Coordination with AC Transit. The City of Oakland shall coordinate with AC Transit to ensure that the average load factor on any specific AC Transit line does not exceed 125 percent over a peak thirty-minute period. At the Redevelopment Agency's sole discretion, redevelopment financing capabilities could potentially be used to assist AC Transit in meeting this operational threshold.	N/A; Project would not cause average load factor for any specific AC Transit line to exceed 125 percent over a peak thirty-minute period.
Mitigation Measure 5.5A: Coordination with BART. The City of Oakland shall coordinate with BART to assure that adequate fare gate capacity is available at the	N/A; not a Project level MM, implementation is the responsibility of City of Oakland

Fruitvale BART station to accommodate anticipated increases in ridership associated with projected growth and development within the Project Area. To the extent that adequate capacity may be reliant on the addition of one or more new fare gates at the station, the Redevelopment Agency, at its sole discretion, may consider utilizing redevelopment financing capabilities to assist in the financing of such station improvements.	and/or Redevelopment Agency.
AIR QUALITY	
~~**Mitigation Measure 6-5A: Construction Emission Controls.** Contractors for future development projects pursuant to implementation of the Redevelopment Plan shall implement BAAQMD dust control measures as outlined in BAAQMD *CEQA Guidelines* (1999) or any subsequent applicable BAAQMD updates.~~	**SCA 2: Dust Control.** During construction, the Project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for construction sites. These include: f) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. g) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). h) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. i) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites. j) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. k) Limit the amount of the disturbed area at any one time, where feasible. l) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

	m) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. n) Replant vegetation in disturbed areas as quickly as feasible. o) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). p) Limit traffic speeds on unpaved roads to 15 miles per hour. q) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.
NOISE	
~~Mitigation Measure 7.1A: Construction Noise.~~ ~~Compliance with the City Noise Level Standards for Temporary Construction or Demolition Activities would mitigate construction noise impacts associated with the future development projects pursuant to implementation of the Redevelopment Plan to a less-than-significant level.~~	**SCA 22: Noise Control**. To reduce noise impacts due to construction, the Project sponsor shall require construction contractors to implement the following measures: site-specific noise reduction program, subject to city review and approval, which includes the following measures: r) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). s) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

t) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

u) If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time.

SCA 23: Pile Driving and Other Extreme Noise Generators. To further mitigate potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the Project Sponsor, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the Project Sponsor. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the Project sponsor concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as feasible: (Major projects only)

v) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

w) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

x) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

y) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of

	sound blankets for example,; and z) Monitor the effectiveness of noise attenuation measures by taking noise measurements. **SCA 24: Noise Complaint Procedures.** Prior to the issuance of each building permit, along with the submission of construction documents, the Project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: aa) A procedure and phone numbers for notifying the City Building Division staff and Oakland Police Department; (during regular construction hours and off-hours); bb) A sign posted on-site showing permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours); cc) The designation of an on-site construction complaint and enforcement manager for the project; dd) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and ee) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.
PUBLIC INFRASTRUCTURE	
~~**Mitigation Measure 9.2A**: Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall be reviewed to determine projected water and wastewater loads as compared to available capacity. Where appropriate, determine capital improvement requirements, fiscal impacts and funding sources prior to project~~	**SCA 29: Stormwater and Sewer.** 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 required to pay mitigation fees to improve stormwater and

~~approval.~~	sanitary sewer infrastructure if required by the City. 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 associated with the proposed project. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.
HISTORIC/CULTURAL RESOURCES	
~~**Mitigation Measure 11.1A: Avoidance.** In accordance with CEQA, all cultural resources deemed significant should be avoided during project implementation whenever possible.~~ ~~**Mitigation Measure 11.1B: Characterization and Research**. If avoidance is not feasible, additional mitigation will be required for potential impacts to be considered less-than-significant. Should subsequent Redevelopment Plan projects, programs or other activities be proposed at archaeological properties, mitigation consisting of subsurface archaeological characterization should be conducted to define the subsurface extent and integrity of the site. Additional archival research may also be conducted as a means of corroborating the archaeological data collected. This additional data gathering phase at each site may be sufficient, on an individual basis, to consider loss of the resource during development as a less-than-significant impact.~~ ~~**Mitigation Measure 11.1C: Data Recovery**. Some sites may prove to be inherently complex or significant such that testing alone will not be considered adequate mitigation to permit loss. In those cases, data recovery may be warranted, wherein a more comprehensive subsurface examination based on a Research Design formulated to address pertinent research topics may be required.~~ ~~**Mitigation Measure 11.2A:** In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area until such time a qualified archaeologist, and the City of Oakland, can assess the significance of the find and make mitigation recommendations, if warranted.~~	**SCA 7: Archaeological Resources.** Pursuant to CEQA Guidelines 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 historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor and/or lead agency shall consult with a qualified archaeologist or paleontologist 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 mitigation, with the 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 mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the Project sponsor 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 mitigation 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 sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of

	Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center. **SCA 8: Human Remains.** 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. **SCA 9: Paleontological Resources.** 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 under the criteria set forth in Section 15064.5 of the CEQA Guidelines. 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.
Mitigation Measure 11.2.1: Payment of Design Review Fees. The City's practice of waiving all design review fees for Landmark properties could be extended to properties contributing or potentially contributing to Preservation Districts. However,	N/A; Project site not a Landmark Property

since permit fees pay the City's permit processing costs, fee reductions would require alternate funding sources. The Redevelopment Agency could consider use of redevelopment tax increment revenues for such funding.	
Mitigation Measure 11.2.2: Intensive Survey Evaluations. Existing policy (HPE Policy 3.3) requires that projects involving existing or Potential Designated Historic Properties that are to receive financial assistance from the City shall be required to complete applications, including intensive survey evaluations, to receive the highest local designation as historic resources for which they are eligible. Such applications are to be completed prior to issuance of a building permit or transfer of title. The Redevelopment Agency could consider requiring that such applications and survey evaluations be made prior to providing any financial or other assistance to ensure that historic character is considered at the earliest stages of the planning and development process. This measure would not apply to projects which are small-scale or which do not change exterior appearance.	N/A; Project is considered an historic resource for CEQA purposes, its historic significance will be addressed in the subsequent EIR. Project will not receive financial assistance from the City.
Mitigation Measure 11.2.3: Evaluation and Selection Procedures for Redevelopment- Assisted Projects. Existing policy (HPE Policy 3.6) requires that City-sponsored or assisted project involving an existing or Potential Designated Historic Property be selected and designed to avoid or minimize adverse effects on these properties. This policy also requires that preservation efforts be incorporated into the design of such projects consistent with the Secretary of Interior Standards. The Redevelopment Agency could consider establishing procedures that would give priority for redevelopment-assistance to those projects which preserve or enhance an existing or Potential Designated Historic Property, and conversely give lower priority to projects that adversely affect such resources.	N/A; Project is not City-sponsored or assisted. Historic significance of building on Project site will be addressed in EIR.
At such time as a development project is proposed that may involve demolition or substantial alteration to the 9th Avenue Terminal, separate environmental review will be required and mitigation measures specific to that proposal will need to be identified. The Oakland Estuary Plan EIR notes that "at the time that development is proposed for the site, certain potential mitigation may be required to lessen the impact, such as: 1. Modification of the project design to include restoration of a portion of the historic character of the property, 2. Modification of the historic design to incorporate or replicate elements of the	N/A; Project does not involve the demolition or substantial alteration of the 9th Avenue Terminal.

building's original architectural design, 3. Salvage and preservation of significant features and materials of the structure in a local museum or within the new project, 4. Documentation in a Historic American Building Survey or other appropriate format: photographs, oral history, videos, etc. 5. Placement of a plaque, commemorative marker or artistic or interpretive display on the site providing information on the historical significance of the resource, Contribution to a Façade Improvement Fund, the Historic Preservation Revolving Loan Fund, the Oakland Cultural heritage Survey, or other program appropriate to the character of the resource."	
PUBLIC SERVICES	
Mitigation Measure 10.1A: The City of Oakland Redevelopment Agency should coordinate with the Office of Parks and Recreation to develop and initiate a land acquisition program for new parks in underserved areas. As with schools, the biggest challenge will be to find available land in appropriate areas to serve new residents. The Redevelopment Agency may be able to assist through the use of redevelopment tools in the identification and acquisition of appropriate new park sites. **Mitigation Measure 10.1B**: The City of Oakland Redevelopment Agency should coordinate with the City Office of Parks and Recreation and the OUSD, local churches, private recreation providers and local non-profit agencies to promote joint use agreements and joint use partnerships that maximize the use of non-park recreational facilities. **Mitigation Measure 10.1C**: The City of Oakland and its Redevelopment Agency should identify and pursue local funding opportunities to augment existing General Fund monies. At the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used for parkland acquisitions and improvements. **Mitigation Measure 10.2A**: The City of Oakland and its Redevelopment Agency should coordinate with the OUSD to develop and initiate a land acquisition program for new schools. The School District's biggest challenge will be to find available land in	N/A; not Project level MMs, implementation is the responsibility of City of Oakland and/or Redevelopment Agency.

appropriate areas to serve new student populations. The City and Agency may be able to assist, through the use of redevelopment tools, in the identification and acquisition of appropriate sites.

Mitigation Measure 10.2B: The City of Oakland, its Redevelopment Agency, and public and private land developers within the Project Area should work with the OUSD to identify possible joint use opportunities. Joint use may take many different forms. Examples of joint use may include the lease or sale of air rights above or below existing school grounds or facilities to private developers, or joint venturing with private developers, public entities or other parties in the development of surplus school property. Other standard joint use opportunities include joint ventures with the City parks department in the development of shared school grounds/ public park space.

Mitigation Measure 10.2C: The City of Oakland and its Redevelopment Agency should coordinate with the OUSD to identify and pursue local funding opportunities to match potential state grants. At the Redevelopment Agency's sole discretion, local funds could potentially include the use of redevelopment funds

APPENDIX B

CNDDB SPECIAL STATUS SPECIES LIST

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CNDDB OUTPUT, EAST OAKLAND QUAD, ALAMEDA COUNTY, CA

#	QUAD	ELEMENT CODE	LATIN NAME	COMMON NAME	FEDERAL STATUS	STATE STATUS	CDFG or CNPS/R-E-D
1	Oakland East	AAAAA01180	Ambystoma californiense	California tiger salamander	Threatened	None	SC
2	Oakland East	AAABH01022	Rana aurora draytonii	California red-legged frog	Threatened	None	SC
3	Oakland East	AAABH01050	Rana boylii	foothill yellow-legged frog	None	None	SC
4	Oakland East	ABNKC12040	Accipiter cooperii	Cooper's hawk	None	None	SC
5	Oakland East	ABNKC22010	Aquila chrysaetos	golden eagle	None	None	SC
6	Oakland East	ABNME05016	Rallus longirostris obsoletus	California clapper rail	Endangered	Endangered	
7	Oakland East	ABPBXA301S	Melospiza melodia pusillula	Alameda song sparrow	None	None	SC
8	Oakland East	AFCQN04010	Eucyclogobius newberryi	tidewater goby	Endangered	None	SC
9	Oakland East	AMABB02031	Scapanus latimanus parvus	Alameda Island mole	None	None	SC
10	Oakland East	AMACC02010	Lasionycteris noctivagans	silver-haired bat	None	None	SC
11	Oakland East	AMACC05030	Lasiurus cinereus	hoary bat	None	None	SC
12	Oakland East	AMACC10010	Antrozous pallidus	pallid bat	None	None	SC
13	Oakland East	AMAFD03061	Dipodomys heermanni berkeleyensis	Berkeley kangaroo rat	None	None	
14	Oakland East	AMAJF04010	Taxidea taxus	American badger	None	None	SC
15	Oakland East	ARAAD02030	Emys (=Clemmys) marmorata	western pond turtle	None	None	SC
16	Oakland East	ARADB21031	Masticophis lateralis euryxanthus	Alameda whipsnake	Threatened	Threatened	
17	Oakland East	CTT37C10CA	Northern Maritime Chaparral	Northern Maritime Chaparral	None	None	
18	Oakland East	CTT42130CA	Serpentine Bunchgrass	Serpentine Bunchgrass	None	None	
19	Oakland East	IILEPK4055	Euphydryas editha bayensis	Bay checkerspot butterfly	Threatened	None	
20	Oakland East	ILARA47040	Microcina leei	Lee's micro-blind harvestman	None	None	
21	Oakland East	IMGASC2362	Helminthoglypta nickliniana bridgesi	Bridges' coast range shoulderband (snail)	None	None	
22	Oakland East	IMGASJ7040	Tryonia imitator	mimic tryonia (=California brackishwater snail)	None	None	
23	Oakland East	PDAPI1Z0D0	Sanicula maritima	adobe sanicle	None	Rare	1B.1
24	Oakland East	PDAST4M020	Helianthella castanea	Diablo helianthella	None	None	1B.2
25	Oakland East	PDBOR01070	Amsinckia lunaris	bent-flowered fiddleneck	None	None	1B.2
26	Oakland East	PDBOR0V080	Plagiobothrys diffusus	San Francisco popcorn-flower	None	Endangered	1B.1
27	Oakland East	PDBRA2G012	Streptanthus albidus ssp. peramoenus	most beautiful jewel-flower	None	None	1B.2
28	Oakland East	PDERI04110	Arctostaphylos pallida	pallid manzanita	Threatened	Endangered	1B.1
29	Oakland East	PDFAB0F8R1	Astragalus tener var. tener	alkali milk-vetch	None	None	1B.2
30	Oakland East	PDFAB5Z030	Hoita strobilina	Loma Prieta hoita	None	None	1B.1
31	Oakland East	PDGER01070	California macrophyllum	round-leaved filaree	None	None	1B.1
32	Oakland East	PDLAM180P7	Monardella villosa ssp. globosa	robust monardella	None	None	1B.2
33	Oakland East	PDONA050H0	Clarkia franciscana	Presidio clarkia	Endangered	Endangered	1B.1
34	Oakland East	PDPAP0G030	Meconella oregana	Oregon meconella	None	None	1B.1
35	Oakland East	PDPGN040Q2	Chorizanthe robusta var. robusta	robust spineflower	Endangered	None	1B.1
36	Oakland East	PDROS0W043	Horkelia cuneata ssp. sericea	Kellogg's horkelia	None	None	1B.1
37	Oakland East	PDSCR0J0C3	Cordylanthus maritimus ssp. palustris	Point Reyes bird's-beak	None	None	1B.2
38	Oakland East	PDTHY03010	Dirca occidentalis	western leatherwood	None	None	1B.2
39	Oakland East	PMLIL0V0C0	Fritillaria liliacea	fragrant fritillary	None	None	1B.2
40	Oakland East	PMPOT03090	Potamogeton filiformis	slender-leaved pondweed	None	None	2.2