

BROADWAY-WEST GRAND MIXED-USE PROJECT

Draft Environmental Impact Report
SCH No. 2004032052
ER03-0022

August 26, 2004

Prepared for
City of Oakland
Community and Economic
Development Agency



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**COMBINED NOTICE OF RELEASE AND AVAILABILITY OF THE
DRAFT ENVIRONMENTAL IMPACT REPORT AND
NOTICE OF PUBLIC HEARINGS ON THE BROADWAY—WEST GRAND MIXED-USE PROJECT**

PROJECT TITLE: Broadway—West Grand Mixed-Use Project

CASE NO. ER03-0022

PROJECT SPONSOR: Signature Properties

PROJECT LOCATION: The project site is in the Northgate commercial district immediately north of downtown Oakland, at the south end of the Broadway Auto Row. The site occupies nearly two full city blocks (approximately five acres), bounded by 24th Street to the north, West Grand Avenue to the south, Valley Street to the west and Broadway to the east. The entire project site is approximately 5 acres in size.

DESCRIPTION OF PROJECT: The proposed project entails the redevelopment of the site with up to 475 for-sale residential units, 40,000 square feet of ground-floor commercial space, and 675 structured parking spaces. The site is currently occupied by a combination of auto-related, retail, commercial services, and residential uses. Up to 15 existing buildings on the site may be demolished, but the facades of the two buildings at the corners of 23rd/Valley Streets would be retained and incorporated into the project development. The zoning classifications for the project site include the C-40 Community Thoroughfare Commercial Zone, C-55 Central Core Commercial Zone, C-60 City Service Commercial Zone, S-4 Design Review Combining Zone, and S-17 Downtown Residential Open Space Combining Zone. The General Plan land use designations for the site are Central Business District and Community Commercial. Construction of the proposed project may require obtainment of various zoning permits including without limitation: a Planned Unit Development, Major Conditional Use Permit, Design Review, Variances, and a Subdivision Map. The site is included on the last version of the Cortese list that was issued, but the site has since received clearance from the Regional Water Quality Control Board in 1994.

ENVIRONMENTAL REVIEW: Based on an Initial Study, it was determined that the project may have significant environmental impacts. A Draft Environmental Impact Report (DEIR) was then prepared for the project, under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 *et. seq.* The DEIR analyzes potentially significant environmental impacts in the following environmental categories: aesthetics, transportation, air quality, noise, cultural resources, hazards and hazardous materials, and shadow. The Draft EIR identifies a significant unavoidable environmental impact related to Historic Architectural Resources. Copies of the DEIR are available for review or distribution to interested parties at no charge at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m.

PUBLIC HEARINGS: The Landmarks Preservation Advisory Board will conduct a public hearing on the project on Monday, September 13, 2004, at 4:00 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza. The City Planning Commission will conduct a public hearing on the Draft EIR and the zoning permits for the project on Wednesday, September 15, 2004, at 6:30 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza.

The City of Oakland is hereby releasing this Draft EIR, finding it to be accurate and complete and ready for public review. Members of the public are invited to comment on the EIR and the zoning permits. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the EIR and making a decision on the project. Comments on the Draft EIR should focus on the sufficiency of the EIR in discussing possible impacts on the environment, ways in which adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors. Comments may be made at the public hearing described above or in writing. Please address all written comments to Lynn Warner, Planner IV, City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612. Comments should be received no later than 4:00 p.m. on September 27, 2004. If you challenge the environmental document or discretionary zoning permits in court, you may be limited to raising only those issues raised at the Planning Commission public hearing described above, or in written correspondence received by the Community and Economic Development Agency on or prior to 4:00 p.m. on September 27, 2004. After all comments are received, a Final EIR will be prepared and the Planning Commission will consider certification of the Final EIR and render a decision on the zoning permits for the project at a later meeting date to be scheduled. If you have any questions, please telephone Lynn Warner at (510) 238-6168.

CLAUDIA CAPPJO, Development Director
Date: August 26, 2004

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TABLE OF CONTENTS

BROADWAY – WEST GRAND MIXED-USE PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

	<u>Page</u>
I. INTRODUCTION	
A. Environmental Review	I-1
B. Organization of the Draft EIR	I-4
II. SUMMARY	
A. Project Description	II-1
B. Impacts and Mitigation Measures	II-2
C. Alternatives	II-2
D. Areas of Controversy	II-3
III. PROJECT DESCRIPTION	
A. Project Sponsor’s Objectives	III-1
B. Project Location and Characteristics	III-2
C. Approval Process and Planning Considerations	III-8
IV. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES	
A. Aesthetics	IV.A-1
B. Transportation	IV.B-1
C. Air Quality	IV.C-1
D. Noise	IV.D-1
E. Cultural Resources	IV.E-1
F. Hazards and Hazardous Materials	IV.F-1
G. Shadow	IV.G-1
V. ALTERNATIVES	
A. Alternative 1: No Project Alternative	V-1
B. Alternative 2: Full Preservation Alternative	V-2
C. Alternative 3: Partial Preservation Alternative	V-4
D. Alternatives Considered But Not Further Analyzed	V-7
VI. IMPACT OVERVIEW	
Introduction	VI- 1
A. Significant Unavoidable Environmental Impacts	VI-1
B. Cumulative Impacts	VI-1
C. Growth-Inducing Impacts	VI-2

	<u>Page</u>
VII. REPORT PREPARATION	
A. EIR Preparers	VII-1
VIII. APPENDICES	
A. Notice of Preparation (NOP), Initial Study and Responses to NOP	VIII.A-1
B. Hazardous Materials Regulatory Framework	VIII.B-1

LIST OF FIGURES

III-1	Project Location	III-3
III-2	Buildings to be Demolished	III-6
III-3	Site Plan	III-7
III-4	Project Elevations	III-9
III-5	Project Elevations and Section	III-10
IV.A-1	Key to Vantage Point Locations	IV.A-10
IV.A-2	Existing and Proposed Views from Vantage Point 1	IV.A-11
IV.A-3	Existing and Proposed Views from Vantage Point 2	IV.A-12
IV.A-4	Existing and Proposed Views from Vantage Point 3	IV.A-13
IV.A-5	Existing and Proposed Views from Vantage Point 4	IV.A-14
IV.B-1	Study Area	IV.B-7
IV.B-2	Existing Lane Geometry and Traffic Control	IV.B-9
IV.B-3	Existing Peak-Hour Volumes	IV.B-10
IV.B-4	Existing Transit Network	IV.B-12
IV.B-5	On-Street Parking Facilities	IV.B-15
IV.B-6	Bicycle Facilities	IV.B-19
IV.B-7	Project Trip Distribution	IV.B-24
IV.B-8	Project Peak-Hour Traffic at Intersections	IV.B-25
IV.B-9	Existing Plus Project Traffic at Intersections	IV.B-27
IV.B-10	2010 Baseline Traffic at Intersections	IV.B-29
IV.B-11	2010 Baseline + Project Traffic at Intersections	IV.B-30
IV.B-12	2025 Cumulative Traffic at Intersections	IV.B-34
IV.D-1	Effects of Noise on People	IV.D-4
IV.D-2	Noise Monitoring Locations	IV.D-6
IV.D-3	State Noise Standards	IV.D-10
IV.E-1	Existing Buildings on the Project Site	IV.E-12
IV.E-2	Buildings at 2335 Broadway, 2343 Broadway and 2345 Broadway	IV.E-16
IV.E-3	Building at 2366-98 Valley Street / 467 24th Street	IV.E-19
IV.E-4	Buildings at 439 23rd Street and 449 23rd Street, and 440-48 23rd Street	IV.E-21
IV.G-1	June and December Project Shadow Patterns at 9:00 a.m.	IV.G-4
IV.G-2	June and December Project Shadow Patterns at 12 noon	IV.G-5
IV.G-3	June and December Project Shadow Patterns at 3:00 p.m.	IV.G-6
IV.G-4	March and September Project Shadow Patterns at 9:00 a.m.	IV.G-7
IV.G-5	March and September Project Shadow Patterns at 12 noon	IV.G-8
IV.G-6	March and September Project Shadow Patterns at 3:00 p.m.	IV.G-9

LIST OF TABLES

S-1	Summary of Impacts and Mitigation Measures	II-4
IV.B-1	Definitions for Intersection Level of Service	IV.B-4
IV.B-2	Criteria for Freeway Level of Service	IV.B-5
IV.B-3	Existing Peak-Hour Intersection Levels of Service (LOS)	IV.B-8
IV.B-4	Existing Freeway Level of Service	IV.B-11
IV.B-5	Bus Service Summary for Project Area	IV.B-13
IV.B-6	Inventory of Existing On-Street Parking Spaces	IV.B-16
IV.B-7	Existing On-Street Parking Occupancy	IV.B-17
IV.B-8	Project Weekday Trip Generation	IV.B-23
IV.B-9	Existing and Existing Plus Project Peak-Hour Intersection Levels of Service	IV.B-28
IV.B-10	2010 Peak-Hour Intersection Levels of Service	IV.B-31
IV.B-11	2025 Peak-Hour Intersection Levels of Service	IV.B-35
IV.B-12	Existing and Existing Plus Project Peak-Hour Freeway Level of Service	IV.B-38
IV.B-13	2010 Peak-Hour Freeway Level of Service	IV.B-40
IV.B-14	2025 Peak-Hour Freeway Level of Service	IV.B-41
IV.B-15	City of Oakland Off-Street Parking Planning Code Requirements	IV.B-44
IV.B-16	City of Oakland Loading Planning Code Requirements	IV.B-44
IV.B-17	Estimated Peak Project-Generated Parking Demand	IV.B-45
IV.B-18	2025 Peak-Hour Intersection Levels Of Service (LOS) – ACCMA Land Use	IV.B-50
IV.C-1	State and Federal Criteria Air Pollutant Standards, Effects, and Sources	IV.C-4
IV.C-2	Attainment Status of the Project Area for State and Federal Ambient Air Quality Standards	IV.C-5
IV.C-3	Air Quality Data Summary (1999-2003) for the Project Area	IV.C-9
IV.C-4	Operational Emissions (pounds per day)	IV.C-17
IV.C-5	Estimated Carbon Monoxide Concentrations At Selected Intersections In Project Vicinity	IV.C-19
IV.D-1	Existing Noise Environment	IV.D-7
IV.D-2	Maximum Allowable Receiving Noise Standards for Specified Land Uses, dBA	IV.D-11
IV.D-3	Maximum Allowable Receiving Noise Standards for Temporary Construction or Demolition Activities, dBA	IV.D-12
IV.D-4	Typical Commercial Construction Noise Levels	IV.D-14
IV.D-5	Traffic Noise Increases Along Local Roadways In The Project Area	IV.D-18
IV.E-1	Historic Significance Ratings for Buildings on the Project Site	IV.E-13
IV.F-1	Nearby Regulatory Listed Sites	IV.F-7
V-1	Summary of Impacts: Proposed Project and Alternatives	V-9

CHAPTER I

INTRODUCTION

A. ENVIRONMENTAL REVIEW

The project sponsor, Signature Properties, has submitted an environmental review application for the construction of a mixed-use residential and commercial project on most of two city blocks at the northwest corner of Broadway and West Grand Avenue, immediately north of downtown Oakland at the south end of the Broadway Auto Row.

The California Environmental Quality Act (CEQA) requires that, before approving a project with potentially significant environmental effects, an environmental impact report (EIR) must be prepared that fully describes the environmental effects of the project. The EIR is a public information document for use by governmental agencies and the public to identify and evaluate potential environmental consequences of a proposed project, to recommend mitigation measures to lessen or eliminate adverse impacts, and to examine feasible alternatives to the project. The information contained in the EIR is reviewed and considered by the governing agency prior to the ultimate decision to approve, disapprove, or modify the proposed project.

CEQA states that the Lead Agency (in this case the City of Oakland) shall not “approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...” (Section 21002). Among the EIR’s key purposes is to identify mitigation measures or alternatives that will substantially lessen or avoid significant adverse environmental effects. If the Lead Agency approves the project despite residual significant adverse impacts that cannot be mitigated to less than significant levels, the agency must adopt a “Statement of Overriding Considerations” stating the reasons for its action in writing.

To determine the environmental potentially significant environmental effects of the project, the City prepared an Initial Study that identified environmental issues that should be addressed in the EIR and environmental issues that could be excluded from further analysis. Issues fully analyzed in the Initial Study and determined to result in less-than-significant effects, in some cases with mitigation identified in the Initial Study, are briefly summarized below. The complete Initial Study is included in Appendix A.

Agricultural Resources: The project would not convert farmland to non-agricultural use, would not conflict with existing zoning for agricultural use, or conflict with a Williamson Act contract, and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use.

Biological Resources: The project would not adversely affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species, would not adversely affect any riparian habitat or other sensitive natural community, would not adversely affect any federally protected wetlands, would not interfere with the movement of any resident species, would not conflict with local policies protecting biological resources, and would not conflict with any adopted habitat conservation plan.

Geology and Soils: The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, strong seismic ground shaking, seismic-related ground failure, or landslides; nor would the project result in substantial soil erosion or the loss of topsoil, or be located on unstable or expansive soil, creating substantial risks to life or property.

Hazards and Hazardous Materials: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and the project would not 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. The project is not within an airport land use plan or within two miles of a public airport, nor is it within the vicinity of a private airstrip. (Issues related to creation of a hazard through transport, use, or disposal of hazardous materials or accident are discussed in the EIR.)

Hydrology and Water Quality: The project would not violate any water quality standards or waste discharge requirements, would not substantially deplete groundwater supplies or interfere with groundwater recharge, would not substantially alter drainage patterns, would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and would not otherwise substantially degrade water quality. The project would not place housing or other structures within a 100-year flood hazard area or 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 or result in inundation by seiche, tsunami, or mudflow.

Land Use and Planning: The project would not physically divide an established community, would not conflict with applicable land use plans or policies adopted for the purpose of avoiding or mitigating environmental effects, and would not conflict with any habitat conservation plan.

Mineral Resources: The project would have no effect on known valuable mineral resources.

Population and Housing: The project would not result in any adverse effect resulting from direct or indirect inducement of population growth, nor would it displace substantial numbers of existing housing units or people. Additionally, based on the 1998 Land Use and Transportation Element (LUTE) of the General Plan, which is incorporated here by reference, and the subsequent General Plan Housing Element (and Negative Declaration) adopted by the Oakland City Council on June 15, 2004, the project would not result in adverse effects on population or housing. The project would not induce population growth beyond that anticipated by the General Plan, and

given the adequate amount and distribution of existing vacant land located within zoning classifications that allow residential development throughout the city, the project would not contribute to a substantial displacement of existing housing units or people.

Public Services: The project would not result in substantial adverse physical impacts associated with the provision of or need for governmental facilities or services. The EIR prepared for the 1998 Land Use and Transportation Element (LUTE) of the General Plan, which is incorporated here by reference, assumed a type and intensity of development that is generally consistent with the proposed project. Specifically, that EIR adequately analyzed cumulative impacts on public services and the City's ability to meet the demands of Oakland residents with the proposed level of development considered.

Recreation: The project would not 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, nor would it include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Utilities and Service Systems: The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; would not result in a shortfall in water supply or wastewater treatment capacity or overburden landfill(s); and would comply with federal, state, and local statutes related to solid waste. The square footage of the proposed project is within the anticipated growth allowances for the relevant storm water sub-basin 52.05. Additionally, an existing, funded City Project will rehabilitate sub-basin 52.05 and install an additional relief line in Grand Avenue as part of the City's Inflow and Infiltration Reduction and Compliance Program (City Project C227210 scheduled for construction in 2004). Therefore, the proposed project will not require or result in the construction of new water or wastewater treatment or storm water drainage facilities or expansion of existing facilities as a result of its development.

On March 5, 2004, the City sent a Notice of Preparation (NOP) to governmental agencies, and organizations and persons interested in the project. The NOP and the Initial Study Checklist are included as Appendix A of this document. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify the relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment, and copies of responses to the NOP are included in Appendix A of this document. This Draft EIR addresses those responses to the NOP that involved environmental issues associated with the project site and proposed project. Where appropriate, environmental issues raised in the responses to the NOP and addressed in the Initial Study, but not further in this Draft EIR, are discussed above under the applicable environmental topics (i.e., Population and Housing; Utilities and Service Systems). NOP responses pertaining to project characteristics that are not pertinent to the environmental analysis, and/or that are more appropriately and typically addressed during the City's consideration of the discretionary permits required for the project, are not addressed in this Draft EIR.

The Draft EIR is available for public review for the period identified on the notice inside the front cover, during which time written comments on the adequacy of the Draft EIR may be submitted to the City of Oakland Community and Economic Development Agency, Planning Division, at the address indicated on the notice. Responses to all substantive comments received on the adequacy of the Draft EIR and submitted within the specified review period will be prepared and included in the Final EIR. The Oakland City Planning Commission will then review and consider the Final EIR for certification based on its fulfillment of CEQA requirements. Prior to approval of the project, the City must certify the Final EIR.

B. ORGANIZATION OF THE DRAFT EIR

This environmental impact report is organized so as to allow the reader to quickly and logically review a summary of the analysis, review the recommended mitigation measures, and identify the residual environmental impacts after mitigation, if any. Those readers who wish to read the Draft EIR in greater detail are directed to the main body of the document.

The Draft EIR begins with this Introduction (Chapter I), followed by a Summary (Chapter II), which describes the proposed project, its environmental effects, and alternatives to the project (including the No Project alternative), as well as known areas of controversy. The Summary culminates with Table II-1, Summary of Environmental Impacts and Mitigation Measures. This table lists each identified environmental impact, mitigation measures identified, and the level of significance following mitigation. The summary table is divided into three sections, identifying significant impacts that cannot be mitigated to a less-than-significant level (if any), significant but mitigable impacts, and less-than-significant impacts.

Following the Summary, the Project Description (Chapter III) includes the project location, project sponsor's objectives, a description of the proposed project, construction details, and an outline of the approval process.

Chapter IV contains a discussion of the setting (existing conditions), the environmental impacts that could result from the proposed project, and the mitigation measures that would reduce or eliminate the adverse impacts identified. Except as otherwise stated, all mitigation measures are identified in this report and are not currently proposed as part of the project. The criteria used to assess the significance of adverse environmental effects are identified, and the significance of the impact both prior to and following mitigation(s) is reported.

Chapter V contains a discussion of alternatives to the proposed project. The alternatives include the No Project Alternative, which is required by CEQA for all EIRs; a Full Preservation Alternative, and a Partial Preservation Alternative. (Both the Full Preservation and the Partial-Preservation Alternatives are essential reduced-density alternatives as well.) Chapter V describes each alternative and compares the potential environmental impacts of each to those of the proposed project and to each of the other alternatives, and as a result, an environmentally superior alternative is identified.

Chapter VI, Impact Overview, reviews the significant, unavoidable impacts of the project; summarizes cumulative impacts; and discusses growth-inducing impacts. The report authors and persons and documents consulted during EIR preparation are listed in Chapter VII. Appendices that include the Initial Study and NOP, as well as background and supporting documents and technical information for the impact analyses, are presented in Chapter VIII.

CHAPTER II

SUMMARY

A. PROJECT DESCRIPTION

The project site is in the Northgate commercial district immediately north of downtown Oakland, at the south end of the Broadway Auto Row. The site occupies nearly two full city blocks (approximately five acres), bounded by 24th Street to the north, West Grand Avenue to the south, Valley Street to the west and Broadway to the east.¹ The site includes all lots on both blocks, with the exception of one lot housing a Saturn dealer at the southwest corner of Broadway and 24th Street. In addition, a parcel at Broadway and 23rd Street, occupied by the Lucky Goldfish store, is not currently under the control of the project sponsor, but may be acquired and included as part of the project. Existing uses on the site include automobile-related sales and services, surface parking, smaller-scale retail and commercial services, and 16 residential units.

The proposed project would develop up to 475 one-, two-, and three-bedroom residential units and up to 40,000 square feet of ground-floor commercial (retail) on the two blocks, described as Parcel A (south of 23rd Street) and Parcel B (north of 23rd Street). A total of 675 parking spaces (about 545 residential and 130 commercial) would be provided in multi-level, above-grade parking garages at the center of each block, around which the commercial space would be wrapped, so that the garages would be largely obscured from view. The project would demolish the existing buildings on the project site, including the one building (Lucky Goldfish) on the out-parcel not currently controlled by the sponsor, assuming that the sponsor acquires that site. The exterior facades of the two existing structures at the corner of 23rd and Valley Street, one on Parcel A and one on Parcel B, would remain and be incorporated into the project development.

On Parcel A, the project would extend up to seven stories tall. Double-height commercial space would wrap around a central three-story parking garage on Broadway, West Grand Avenue and portions of 23rd Street, with the remaining portion of 23rd Street and Valley Street dedicated to residential lobbies, loading, and an entrance to the three-story parking garage. The third through seventh levels would contain residential units. An approximately 9,500 square-foot courtyard would be constructed on top of the parking garage, and would be accessible to residents from three locations.

Development on Parcel B would replace all of the existing structures on the block, with the exception of the existing Saturn dealership at 24th Street and Broadway (which is not part of the

¹ Following Oakland convention, the East Bay Hills are characterized as northerly in compass orientation and the Bay as southerly; thus Grand Avenue and streets parallel are considered to run east-west, and Broadway and streets parallel are considered to run north-south.

project site) with commercial and residential uses, a two-story parking garage, and a loading dock. Project buildings would range between six and seven stories tall along Broadway, and five and six stories on the rest of the site. The two-story commercial component on Parcel B would be limited to the Broadway frontage. Townhouse-style residential units, with separate entrances, would be constructed on the first and second levels along the 23rd, 24th and Valley Street frontages of Parcel B. Both the commercial space and street-level dwelling units would wrap around the parking garage, which would have access points on 24th Street for both commercial and residential parkers, and on 23rd Street for residents only. Truck loading would be on 24th Street. As on Parcel A, project open space would be provided atop the garage in the form of a landscaped courtyard of approximately 49,000 square feet; other amenities would include a fitness center, community room, and picnic areas.

Construction would consist of two or three stories of concrete podium containing the retail and parking, with residential steel-stud “stick frame” construction above for most of the residential units. The project would employ different exterior materials and building styles throughout to minimize the massing of the buildings. The proposed architecture includes a combination of modern and traditional design elements, which would be compatible with existing development within the project vicinity. Proposed exterior building materials include stucco, brick veneer, concrete, stone, standing seam metal roof, and fiberglass windows. Colors for the proposed buildings would consist of a range of earth tones, as well as muted reds.

B. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potentially significant environmental impacts of the project are summarized in Table II-1 at the end of this chapter. This table lists impacts and mitigation measures in three major categories: significant impacts that would remain significant even with mitigation (significant and unavoidable); significant impacts that could be mitigated to a less than significant level (significant but mitigable); and impacts that would not be significant (less than significant). For each significant impact, the table includes a summary of mitigation measure(s) and an indication of whether the impact would be mitigated to a less than significant level. Please refer to Chapter IV, Environmental Setting, Impacts, and Mitigation Measures, for a complete discussion of each impact and associated mitigation.

C. ALTERNATIVES

Chapter V of this EIR analyzes a range of reasonable alternatives to the proposed project, including the No Project Alternative (required by the California Environmental Quality Act (CEQA) for all environmental impact reports), a Full Preservation Alternative, and a Partial Preservation Alternative, the latter two of which also serve as reduced-intensity alternatives).

The Full Preservation Alternative would retain, rehabilitate, and reuse all seven buildings on the project site that are identified as historic resources and would construct approximately 75 percent of the residential units proposed by the project. The Partial Preservation Alternative would retain, rehabilitate, and reuse the three buildings that are identified as historic resources are located at the east corners of the intersection of 23rd and Valley Streets; approximately

90 percent of the residential units proposed by the project would be built. (The commercial square footage is assumed to remain approximately the same under each alternative.)

Both alternatives generally would have similar impacts in most topic areas and would reduce to some extent, impacts related to cultural resources, traffic, air quality, noise, and shadow. The relative changes in parking demand and supply for each of the development alternatives (given the varying number of residential units and developable area for on-site parking within the above-grade garage) would result in the same residential parking ratio (parking spaces per residential unit), a ratio that would be lower (worse) than the ratio resulting from the proposed project. However, no new significant impact would result.

Because the Full Preservation Alternative would not result in the significant, unmitigable impacts identified for Cultural Resources (Impacts E.3 and E.5) with the proposed project, it would be considered the “environmentally superior” alternative. It would not, however, be considered the alternative that would most advance the City’s housing goals for Downtown, revitalization within the redevelopment area, increased sales revenues, and opportunities for temporary (e.g., construction) or permanent employment opportunities in Oakland.

D. AREAS OF CONTROVERSY

Primary areas of controversy known to the City of Oakland during the preparation of the Initial Study checklist and made known through public and/or agency comments received on the Notice of Preparation (NOP) and during preparation of the EIR include the proposed project’s potential impacts on the following: 1) historic resource impacts on historic structures on the project site, in particular two buildings on Valley Street at 23rd Street and one at Valley and 24th, 2) the size of the proposed buildings, particularly to the extent that building height would affect the shadow cast by the project on nearby commercial uses and residential properties on Valley Street, and 3) the project’s potential impacts on existing on-street parking. Any additional environmental issues of concern related to the proposed project are addressed in this EIR or were previously addressed in the Initial Study, Appendix A.

**TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT UNAVOIDABLE IMPACTS</u>		
E. Cultural Resources		
<p>E.3: The project would result in demolition or substantial alteration of seven buildings that qualify as historic resources, as defined in Section 15064.5. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway; 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street.</p>	<p>E.3a: Record each of the seven affected historic resources in accordance with procedures of the Historic American Building Survey (HABS) through measured drawings, large-format photographs and written histories in a combined document, to be archived locally at the Oakland History Room (OHR) of the Oakland Public Library with copies to OCHS and the Northwest Information Center (NWIC). Portions of the metal facades on 2335-2345 Broadway shall be selectively demolished to determine if any original fabric from the 1920s exists behind them, as visual evidence suggests. If the selective demolition reveals sufficient evidence of historic fabric, all metal facades shall be carefully removed and all original facades photographed for the HABS documentation effort. If no original fabric exists, these buildings shall be photographed as they currently appear.</p> <p>E.3b: Prepare a history of the development of automobile sales and repair in Oakland, and the role played by the buildings on the project site in that history, that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography. The resulting report, in brochure or other form, shall be made available at local libraries and museums.</p> <p>E.3c: Incorporate interpretive elements, such as signs and placards that describe the history of the area and the historic buildings to be demolished, into public areas and street frontages proposed as part of the project.</p> <p>E.3d: Salvage architectural elements from the historic buildings to be demolished, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction where feasible.</p>	<p>SU</p>

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT UNAVOIDABLE IMPACTS</u> (CONT'D.)		
E. Cultural Resources (cont'd.)		
E.5: The proposed project, in combination with cumulative development including new construction and other alterations to historic resources in the project vicinity, could result in cumulative impacts to historic resources.	<p>E.3e: Curate all materials, notes, and reports at the Oakland History Room, and submit copies to the NWIC.</p> <p>E.3f: Make any or all of the historic buildings proposed for demolition available at no cost to a qualified individual or organization that may wish to relocate one or more of the buildings to a nearby site consistent with the early automotive history of Oakland.</p> <p>None available, other than Mitigation Measure E.3a through E.3f.</p>	SU
<u>SIGNIFICANT BUT MITIGABLE IMPACTS</u>		
B. Transportation, Circulation, and Parking		
B.2: Traffic generated by the project would affect traffic levels of service at local intersections under future (2010) conditions.	B.2: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length and optimization of the traffic signal timing at the signalized intersection of West Grand Avenue / Telegraph Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal systems on West Grand Avenue and Telegraph Avenue.	LS
B.3: Traffic generated by the project would affect traffic levels of service at local intersections under cumulative (2025) conditions.	B.3a: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length and optimization of the traffic signal timing at the signalized intersection of West Grand Avenue / Telegraph Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal systems on West Grand Avenue and Telegraph Avenue.	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

<u>Environmental Impact</u>	<u>Mitigation Measures</u>	<u>Significance After Mitigation</u>
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
B. Transportation, Circulation, and Parking (cont'd.)		
B.11: Project construction would affect traffic flow and circulation, parking, and pedestrian safety.	<p>B.3b: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length, optimization of the traffic signal timing, and provision of protected left turn phases on the northbound and southbound approaches, at the signalized intersection of Broadway / West Grand Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal system on West Grand Avenue.</p> <p>B.3c: The project sponsor shall contribute its fair share to installation of a traffic signals at the unsignalized intersection of 24th Street / Telegraph Avenue. Installation of traffic signals shall include optimizing signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.</p> <p>B.11: Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Traffic Engineering Division of the Oakland Public Works Agency 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 sponsor shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements: traffic control, including truck scheduling to avoid peak traffic hours, detour signs and other warning devices as needed, lane closure procedures, and designated construction routes; any transit stop relocations; provisions for construction worker parking management to ensure no impacts to on-street parking; identification of parking eliminations and any relocation of parking for employees and</p>	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
B. Transportation, Circulation, and Parking (cont'd.)		
B.11 (cont'd.)	public parking during construction; notification procedures for adjacent property owners and public safety personnel regarding deliveries, detours, and lane closures; accommodation of pedestrian flow; location of construction staging areas; identification and monitoring of haul routes to minimize traffic and pedestrian impacts and to identify and correct any damage; and a complaint response and tracking process, including identification of an onsite complaint manager.	
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
C. Air Quality		
C.1: Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.	<p>C.1a: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic dust control procedures required for sites of less than four acres. These include: watering all active construction areas at least twice daily; covering all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; paving or application of water three times daily or of (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; daily street sweeping (with water sweepers) of all paved access roads, parking areas and staging area at construction sites if visible soil material is observed; and daily street sweeping (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>C.1b: In accordance with standard City practices, to minimize water quality impacts, the project sponsor shall be required to comply with applicable standards and regulations of the City of Oakland. In addition, the following standard measures shall be implemented to avoid impacts related to stormwater or water quality: grading of unpaved areas shall be done in such a manner as to control surface drainage and redirect surface water away from areas of activity during excavation and construction, and the project shall be required to comply with provisions of the Clean Water Act, if applicable, with regard to preparing a storm water discharge plan.</p>	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
D. Noise		
D.1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity.	<p>D.1a: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally 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, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays.</p> <p>D.1b: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: Equipment and trucks used for project construction shall employ the best available noise control techniques; impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible; where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; 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.</p> <p>D.1c: To further mitigate potential other extreme noise generating construction impacts, 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. These attenuation measures shall include as many of the following control</p>	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
D. Noise (cont'd.)		
D.1 (cont'd.)	<p>strategies as feasible: Erect temporary plywood noise barriers around the construction site, particularly along the western boundary along Valley Street to shield the adjacent multi-family residential buildings; implement “quiet” pile-driving technology, where feasible, if pile-driving becomes necessary (it is not currently proposed); use noise control blankets on the building structure as the building is erected to reduce noise emission from the site; evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p>D.1d: 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 procedure for notifying the City Building Division staff and Oakland Police Department; a plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem; a listing of telephone numbers (during regular construction hours and off-hours); the designation of an on-site construction complaint manager for the project; notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving or other extreme noise-generating activities about the estimated duration of the activity; and 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.</p>	

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT.)</u>		
E. Cultural Resources		
<p>E.1: Construction of the proposed project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries.</p>	<p>E.1a: An archival cultural resource evaluation shall be implemented prior to the start of construction or other ground-disturbing activities to identify whether historic or unique archaeological resources exist within the project site. The archival cultural resource evaluation, or “sensitivity study,” shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior’s Professional Qualifications Standards for Prehistoric and Historical Archaeology.</p> <p>The purpose of the archival cultural resource evaluation is to:</p> <p>(1) identify documentation and studies to determine the presence and location of potentially significant archaeological deposits;</p> <p>(2) determine if such deposits meet the definition of a historical resource under CEQA Guidelines Section 15064.5 or a unique archaeological resource under CEQA Section 21083.2(g);</p> <p>(3) guide additional archaeological work, if warranted, to recover the information potential of such deposits; and (4) define an archaeological monitoring plan, potentially including pre-construction subsurface archaeological investigation if warranted. If excavation is the only feasible means of data recovery, such excavation shall be in accord with the provisions of CEQA Guidelines Section 15126.4(b)(3)(C). Any additional archaeological work and or monitoring shall be pursuant to a plan approved by the City. If a pre-constructing testing program is deemed necessary by the qualified professional as a result of the archival study, it shall be guided by the archival study and shall use a combination of subsurface investigation methods (including backhoe trenching, augering, and archaeological excavation units, as appropriate).</p> <p>Representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center) shall be invited to participate in a focused community review of the archival cultural resource evaluation prior to any subsequent recovery of potential resources or prior to the start of construction, whichever is earlier. The City shall consider the</p>	<p>LS</p>

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT.)</u>		
E. Cultural Resources (cont'd.)		
E.1 (cont'd.)	<p>community comments in its review and approval of any plan for additional archaeological work or monitoring.</p> <p>Should an archaeological artifact be discovered on-site during project construction, all activities within a 50-foot radius 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.</p> <p>If historic or unique archaeological resources associated with the Chinese community are identified within the project site and are further determined to be unique, the City shall consult with representatives of an established local Chinese-American organization(s) regarding the potential use of the archaeological findings for interpretive purposes.</p> <p>E.1b: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work would immediately halt and the Alameda County Coroner would be contacted to evaluate the remains, and follow 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 will 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 will cease within a 50-foot radius until appropriate arrangements are made.</p>	

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
E. Cultural Resources (cont'd.)		
E.1 (cont'd.)	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.	
E.2: The proposed project may adversely affect unidentified paleontological resources at the site.	E.2: The project sponsor shall notify a qualified paleontologist of unanticipated discoveries, who 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. In the event of an unanticipated discovery of a breas, true, and/or trace fossil 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 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.	LS
F. Hazardous Materials		
F.1: Disturbance and release of contaminated soil, groundwater, or building materials during demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.	F.1a: A pre-demolition survey for asbestos-containing materials (ACMs) shall be performed prior to demolition of all structures to be demolished. The survey shall include sampling and analysis of suspected ACMs identified in the 1997 and 2000 Phase I investigations and areas that were previously not surveyed (439 23 rd Street, 449 23 rd Street, and 461 24 th Street).	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
F. Hazardous Materials (cont'd.)		
F.1 (cont'd.)	<p>F.1.b: An asbestos abatement plan developed by a state-certified asbestos consultant shall be prepared. All asbestos-containing materials (ACMs) shall be removed and appropriately disposed of in accordance with the asbestos abatement plan prior to demolition of the existing buildings in accordance with federal and State construction worker health and safety regulations, the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD).</p> <p>F.1.c: Prior to the issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the Planning and Zoning Division written documentation that any asbestos-containing materials (ACMs) have been removed from the project site prior to the start of any demolition activities. A licensed asbestos firm shall conduct the removal of ACMs in accordance with BAAQMD's Regulation 11 Rule 2.</p> <p>F.1.d: The project sponsor shall implement a lead-based paint abatement plan, which shall include the following components: development of an abatement specification approved by a Certified Project Designer; a site Health and Safety Plan, as needed; containment of all work areas to prohibit off-site migration of paint chip debris; removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition; appropriate removal of paint chips by vacuum or other approved method; collection, segregation, and profiling waste for disposal determination; and appropriate disposal of all hazardous and non-hazardous waste.</p>	

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
F. Hazardous Materials (cont'd.)		
F.1 (cont'd.)	<p>F.1e: Prior to the issuance of any demolition, grading, or building permit, the applicant shall demonstrate to the satisfaction of the Fire Department, Office of Emergency Services, that the site has been investigated for the presence of lead and does not contain hazardous levels of lead.</p> <p>F.1f: In the event that electrical equipment or other PCB-containing materials are identified prior to demolition activities they shall be removed and disposed of by a licensed transportation and disposal facility in a Class I hazardous waste landfill.</p> <p>F.1g: The underground storage tank present along the west side of Broadway shall be removed prior to construction activities in the immediate area. The Alameda County Local Oversight Program (LOP) shall be contacted to oversee removal and determine appropriate remediation measures. Removal of the UST shall require, as deemed necessary by the LOP, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency. In the event that additional USTs are encountered the same procedures described above shall apply.</p> <p>F.1h: The project applicant shall develop and implement a project-specific worker Health and Safety Plan that contains, at a minimum, a description of contamination; decontamination procedures, the nearest hospital, and emergency notification procedures.</p> <p>F.1i: Prior to the issuance of any demolition, grading, or building permit, the applicant shall provide to the Planning and Zoning Division written verification that the appropriate State, Federal, or County authorities have granted all required clearances and confirmed compliance with all applicable conditions imposed by said authorities, for all previous contamination at the site, if applicable.</p>	

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
F. Hazardous Materials (cont'd.)		
<p>F.2: Improper disposal of contaminated soil components from the demolition and excavation phases of the project could expose construction workers, the public, or the environment to adverse conditions.</p>	<p>F.2a: The sponsor shall perform additional soluble lead analyses of soil prior to on-site reuse or off-site disposal to confirm the acceptability for reuse and/or classification of the soils as a California hazardous waste material. If the soils are classified as a California hazardous waste, the project sponsor shall dispose of the soils at a Class I disposal facility in California or an out of state non-RCRA facility permitted to accept wastes at concentrations of the excavated soils.</p> <p>F.2.b: Soil generated by construction activities shall be stockpiled onsite in a safe and secure manner, and sampled prior to reuse or disposal at an appropriate facility. Specific sample procedures (i.e. frequency, etc.) for reuse and disposal shall be determined within a Soil Management Plan.</p> <p>F.2c: Per the regulatory standards of the City Environmental Services Division of the Public Works Agency, the project sponsor shall sample the soil on the site to determine whether any further remediation is required. Based on the test results, the project sponsor shall submit any and all applicable documentation and plans required by the Regional Water Quality Control Board, the Alameda County Public Health Department, and the City's Fire Department, Office of Emergency Services, regarding remediation of any remaining contaminated soil and/or groundwater that may be identified on the site. These documents and plans shall be submitted to the Environmental Services Division, and shall demonstrate to the satisfaction of each agency with jurisdiction that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit. If warranted, the project sponsor must develop and submit for review by the Environmental Services Division a Soil and Groundwater Management Plan for construction and development activities at the site. The plan shall include, as required, any special health and safety precautions to mitigate worker exposure to contaminated soils, dust control measures to prevent the generation of dust that could migrate off-site,</p>	

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>		
F. Hazardous Materials (cont'd.)		
F.2 (cont'd.)	stormwater runoff controls to minimize migration of soils to storm drains, measures to ensure the proper treatment and disposal of groundwater during dewatering activities, steps for ensuring compliance with applicable state and federal regulations governing the transportation and disposal of hazardous wastes, and general protocol for addressing any unexpected hazardous materials conditions in the subsurface encountered during construction.	
F.3: Hazardous materials used on-site during construction activities (i.e. solvents) could be released to the environment through improper handling or storage.	F.3: The use of construction best management practices shall be implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following: follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction; avoid overtopping construction equipment fuel gas tanks; during routine maintenance of construction equipment, properly contain and remove grease and oils; and properly dispose of discarded containers of fuels and other chemicals.	LS
<u>LESS THAN SIGNIFICANT IMPACTS</u>		
A. Aesthetics		
A.1: The proposed project would not have a substantial adverse effect on a scenic vista, nor would the project substantially damage scenic resources.	None required.	LS
A.2: Implementation of the proposed project would alter, but would not substantially degrade the existing visual character or quality of the site and its surroundings.	None required.	LS
A.3: Implementation of the proposed project would result in an increase in light and glare at the project site.	None required.	LS
A.4: The proposed project, in conjunction with cumulative development, would alter the visual character in the project vicinity.	None required.	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>LESS THAN SIGNIFICANT IMPACTS (CONT'D.)</u>		
B. Transportation, Circulation, and Parking		
B.1: Traffic generated by the project would affect existing traffic levels of service at local intersections.	None required.	LS
B.4: Traffic generated by the project would affect existing traffic levels of service on freeway segments in the project area.	None required.	LS
B.5: Traffic generated by the project would affect traffic levels of service on freeway segments in the project area under future (2010) conditions.	None required.	LS
B.6: Traffic generated by the project would affect traffic levels of service on freeway segments in the project area under cumulative (2025) conditions.	None required.	LS
B.7: (<i>Non-CEQA Impact</i>) The proposed project would increase the demand for parking in the project area.	None required.	LS
B.8: (<i>Non-CEQA Impact</i>) The proposed project would contribute to the cumulative increase in parking demand in the project area.	None required.	LS
B.9: The project would increase ridership on public transit providers serving the area.	None required.	LS
B.10: Development of the proposed project would not conflict with existing pedestrian and/or bicycle facilities.	None required.	LS
C. Air Quality		
C.2: The project would result in an increase in ROG, NOx and PM emissions due to project-related traffic and on-site area sources.	None required.	LS
C.3: Project traffic would increase localized carbon monoxide concentrations at intersections in the project vicinity.	None required.	LS
C.4: Emissions generated by vehicular activity within the parking structures could result in a localized increase in carbon monoxide concentrations within the garage and adjacent areas and affect employees of the garage.	None required.	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>LESS THAN SIGNIFICANT IMPACTS (CONT'D.)</u>		
C. Air Quality (cont'd.)		
C.5: The project, together with anticipated future cumulative development in Oakland and the Bay Area in general, would contribute to regional air pollution.	None required.	LS
D. Noise		
D.2: Noise from project-generated traffic and other operational noise sources such as mechanical equipment, truck loading/unloading, etc., could exceed the Oakland Noise Ordinance standards and affect nearby residential receptors.	None required.	LS
D.3: The project would locate noise sensitive multifamily residential uses in a noise environment characterized as “conditionally unacceptable” for such uses by the City of Oakland.	None required.	LS
D.4: The proposed project, together with anticipated future development in the Northgate commercial district area as well as Oakland in general, could result in long-term traffic increases that could cumulatively increase noise levels.	None required.	LS
E. Cultural Resources		
E.4: The proposed project would construct a new mixed-use, multi-story development adjacent to historic resources including the building at 2355 Broadway and the 25th Street Garage District.	None required.	LS
F. Hazardous Materials		
F.4: Project operations would generate general commercial, household, and maintenance hazardous waste.	None required.	LS
F.5: Development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative hazardous materials impacts.	None required.	LS

TABLE II-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (cont'd.)

Environmental Impact	Mitigation Measures	Significance After Mitigation
<u>LESS THAN SIGNIFICANT IMPACTS (CONT.)</u>		
G. Shadow		
G.1: The project would create additional shadow on adjacent blocks to the west, north, and east, including casting shadow on contributing buildings in an Area of Potential Importance, but would not introduce landscaping conflicting with the California Public Resource Code not cast shadow that impairs the use of any public or quasi-public park, lawn, garden, or open space; and not likely cast shadow on buildings using passive solar heat, solar collectors for hot water heating, or photovoltaic solar collectors..	None required.	LS
G.2: The project may require approval of a discretionary “exception” or variance by the City, but would be consistent with City polices and regulations addressing the provision of adequate light.	None required.	LS
G.3: The project, along with other foreseeable development in the vicinity, could result in cumulative shadow impacts.	None required.	LS

CHAPTER III

PROJECT DESCRIPTION

A. PROJECT SPONSOR'S OBJECTIVES

The project sponsor, Signature Properties, seeks to develop an infill residential project in greater downtown Oakland. The project would extend almost entirely over two city blocks, and would contain up to 475 residential units and 40,000 square feet of ground-floor commercial space.² The sponsor's objectives for the project include:

- Redevelop an underutilized site within a Redevelopment Area into a mixed-use residential/retail project that provides housing opportunities in close proximity to local and regional transportation and job opportunities in the greater downtown.
- Provide a mixture of dwelling sizes and types to accommodate the greatest range of potential residents.
- Provide neighborhood-serving commercial uses that provide goods and services to the local community and the City.
- Ensure an active street frontage along the 5 main streets where possible, including street-level townhouse-style condominiums with separate entrances on 23rd, 24th and Valley Streets and ground-floor commercial space on Broadway and West Grand Avenue.
- Create a residential community that will complement and enhance existing adjacent residential and commercial neighborhoods.
- Provide for a 24-hour population in the greater downtown, implementing the City of Oakland's 10K Downtown Housing Initiative.
- Provide additional housing to help meet existing housing needs and help alleviate the current jobs/housing imbalance for the region.
- Enhance the appearance of an existing urban infill property to improve the streetscape and visual quality of this important gateway site.
- Develop a project that is economically feasible in terms of residential density, building massing, parking, and other amenities.
- Provide construction jobs as well as other long term employment opportunities.
- Develop a mixed-use project that includes residential and retail components that are both internally compatible (with each other) and externally compatible (with surrounding neighborhood).

² The project sponsor has submitted to the City a development application and plans for a project that would include 409 residential units and approximately 30,390 square feet of commercial space. To ensure the most conservative environmental analysis for the project and to account for the maximum potential project site (as shown in Figure III-1) and development program that could occur on the maximum potential project site, the analysis in this EIR is based on a project that could include up to 475 units and 40,000 square feet of commercial space, which is the maximum feasible, pending future potential land acquisition by the project sponsor.

- Develop and/or contribute to the active retail/office corridors along West Grand Avenue and Broadway.
- Develop adequately parked neighborhood serving retail uses that serve the project and surrounding neighborhoods.
- Phase project construction (one phase per block) to allow for reasonable absorption rates.

B. PROJECT LOCATION AND CHARACTERISTICS

1. PROJECT LOCATION AND SETTING

The site for the proposed Broadway and West Grand Mixed-Use Project is located in a built-out urban area in the City of Oakland. The site is in the Northgate commercial district immediately north of downtown Oakland, at the south end of the Broadway Auto Row. The project site occupies nearly two full city blocks (approximately five acres), bounded by 24th Street to the north, West Grand Avenue to the south, Valley Street to the west and Broadway to the east.³ Parcel A, the smaller of the two blocks, is located between West Grand Avenue and 23rd Street, while Parcel B is located to the north, between 23rd and 24th Streets. Figure III-1 depicts the project location and Parcels A and B.

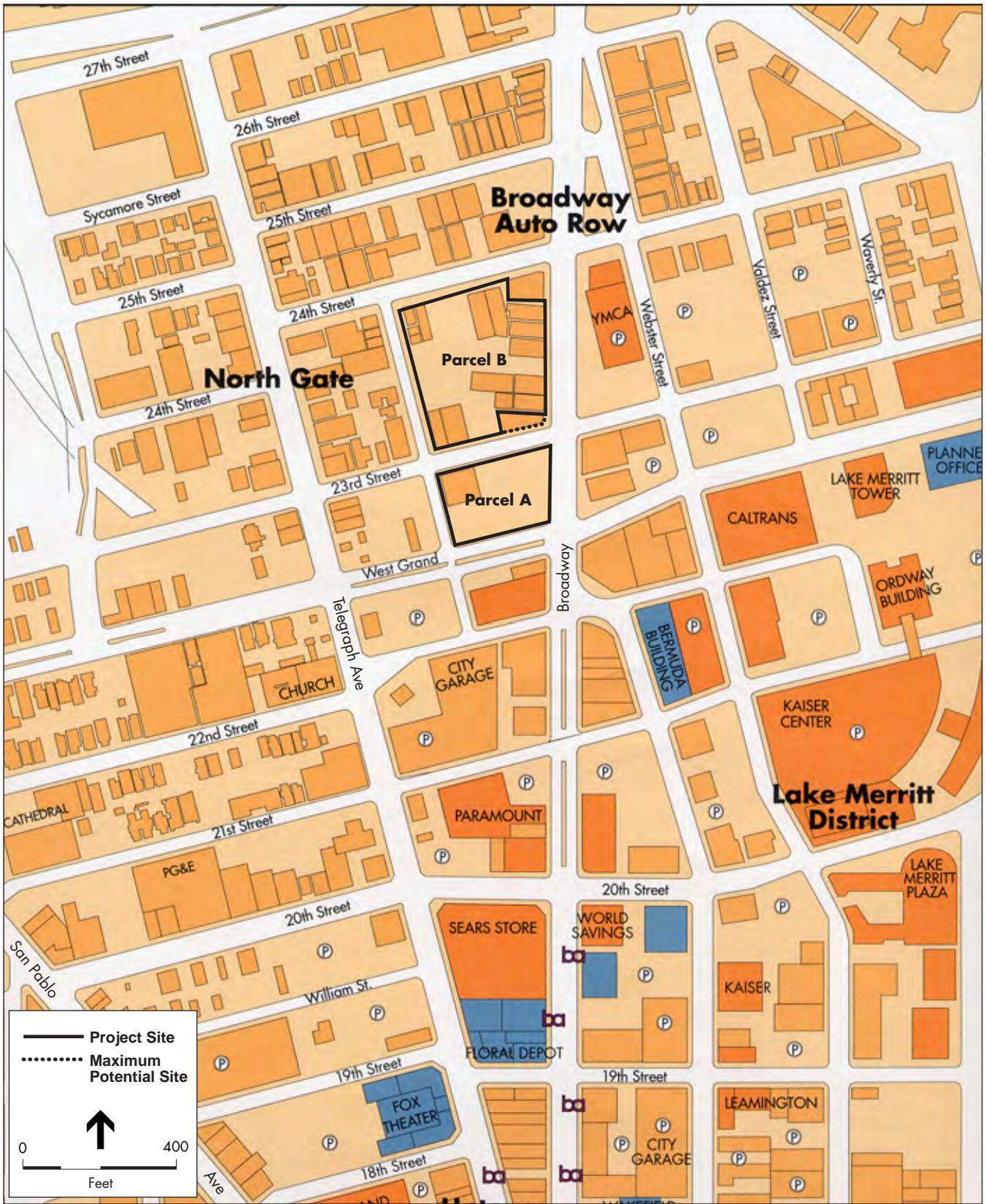
For purposes of this analysis, the project site includes all lots on both blocks, with the exception of one lot at the southwest corner of Broadway and 24th Street – the location of a Saturn automobile dealership. However, there is one parcel located on Parcel B that is not currently under the control of the project sponsor, but may be acquired by the project sponsor in the foreseeable future. This out-parcel is occupied by the Lucky Goldfish Pet Shop at 2301 Broadway, at 23rd Street. Should the project sponsor ultimately not gain control of this site, it could be excluded from the final project site.⁴

The project site and vicinity is characterized by a mix of land uses including general and automobile-related commercial / retail, office uses, medium density residential uses, and indoor recreation facilities (the Oakland YMCA). The site is within the Northgate commercial district, which extends north and west of the site. The Uptown district and Lake Merritt commercial district are generally south of the project site, and the Valdez commercial district is east of the project site. Residential uses are interspersed throughout the area. The site is approximately two blocks north and east of the proposed Uptown Mixed-Use Project.

In the immediate project vicinity, building heights vary substantially, ranging from one to ten stories, with building height generally increasing to the south and east of the project site. Adjacent to the project site, along Valley Street (west) and 24th Street (north), buildings are generally one to three stories tall, and uses include a children's day care center, multi-family residential uses, surface parking lots, and commercial uses, particularly automobile-related commercial uses.

³ Following Oakland convention, the East Bay Hills are characterized as northerly in compass orientation and the Bay as southerly; thus Grand Avenue and streets parallel are considered to run east-west, and Broadway and streets parallel are considered to run north-south.

⁴ This out-parcel is not included in the current project site plan.



SOURCE: City of Oakland

Broadway & West Grand / 203468 ■

Figure III-1
Project Location

Directly across Broadway from the site is a building eight stories tall, which is occupied by the Oakland YMCA and a public parking garage operation. Also located across Broadway are surface parking lots along 23rd Street and the Nara Bank located in a 10-story building at the northeast corner of Grand Avenue. Directly across West Grand Avenue is a vacant, two-story commercial building and a surface parking lot. The 25th Street Garage District, a historic district identified by the City as an “Area of Primary Importance,” occupies most of both sides of 25th Street between Broadway and Telegraph Avenue, and partially extends to 24th and 26th Streets.

Existing uses on the project site include automobile-related sales and services, smaller-scale retail and commercial services, and 16 residential units (in the Casa Blanca Apartments on Parcel B). Most of Parcel A and about half of Parcel B currently is devoted to surface parking and vehicular storage areas. The other portion of the project site is occupied by 14 buildings, including the clearly identified Negherbon automobile showrooms along Broadway and the repair shops on 23rd and 24th Streets.

Subsequent to the publication of the Notice of Preparation for this EIR, the Negherbon dealership vacated Parcel A, parts of which are now in interim use as privately owned, public parking and a rental car agency.

The project site is accessible by public transportation, including Bay Area Rapid Transit (BART), and AC Transit. The nearest BART station is the 19th Street Station, which is located within two blocks of the project site. There are multiple AC Transit routes within one block of the project site include Line 51, 59, and 59A, along Broadway; Line 12, B, and K along Grand / West Grand Avenue; and Line 40, 40L, and 43 along Telegraph Avenue. The recently inaugurated AC Transit “Rapid Service” on San Pablo Avenue stops approximately two blocks west of the site, at San Pablo and West Grand Avenues.

2. PROJECT CHARACTERISTICS

The proposed project would change the project site from primarily automobile-related commercial and retail land uses to a mixed-use project in downtown Oakland. The residential component of the proposed project would consist of up to 475 residential units on the two blocks. The units would include one- and two-bedroom flats and two-story, one- and two-bedroom townhouse-style units distributed on both project blocks, in addition to street-level one-, two-, or three-bedroom townhouse-style units with individual sidewalk entries on Parcel B. The commercial portion would include up to 40,000 square feet along West Grand and Broadway, extending over both parcels.⁵ In regard to parking, the sponsor would construct a three-level parking structure at the center of Parcel A and a two-level structure within Parcel B – around which the residential and commercial uses would be wrapped on both parcels. A total of 675 parking spaces would be provided, including 546 parking spaces for the residential units, plus 129 spaces for the commercial space. The open space, located atop the two parking garages, would be for private use only by the project residents.

⁵ The 40,000 sq. ft. of retail space pertains to new uses included in the project, and does not include the existing commercial building at 23rd and Broadway that may not be redeveloped as part of the project.

The project would demolish the existing buildings on the project site, including the one building (Lucky Goldfish) on the out-parcel not currently controlled by the sponsor, assuming that the sponsor acquires that site. The exterior facades of the two existing structures at the corner of 23rd and Valley Street, one on Parcel A and one on Parcel B, would remain and be incorporated into the project development. The exclusion of Saturn dealership building from the project is indicated throughout this document by text notation or by the building being excluded from the project site boundary. Figure III-2, p. 6, shows the buildings on the project site that are proposed for demolition.

The site plan is shown in Figure III-3, p. 7. As indicated in the figure, the site where Lucky Goldfish currently exists is not under the control of the project sponsor and has not been fully programmed, pending acquisition by the project sponsor, should that occur. This lot is noted as such in the site plan.⁶ Should this lot be acquired by the sponsor, the project design would be revised to incorporate the lot. However, the maximum development intensity would remain at up to 475 residential units and 40,000 square feet of commercial space, even with the addition of the out-parcel.

The sponsor intends to construct the project in two phases, such that grading activities would not begin on Parcel B until construction on the building on Parcel A is well under way. Parcel A would be entirely redeveloped with buildings that would extend up to seven stories tall throughout the city block. Construction would consist of two to three stories of concrete podium containing retail and parking (as well as some third-story residential units), with steel-stud “stick frame” construction above for most of the residential units. The first and second levels (ground-floor space with double-height ceiling) of the development fronting Broadway, West Grand Avenue and portions of 23rd Street would contain commercial storefronts. Along the remaining portion of 23rd Street and Valley Street, the frontage would be dedicated to residential lobbies, a loading berth, garage entrances and parking. Parcel A would also include an approximately 200-space off-street parking garage accessible from 23rd Street, comprised of 64 commercial spaces on the street level and approximately 136 spaces for residents on levels two and three. Additionally, a truck loading dock and garbage stall would be provided on 23rd Street; as currently proposed, an additional loading space would be provided in the garage, which would necessitate a variance from the required number of loading spaces. The fourth through seventh levels (and the outer rim of level three) of Parcel A would be dedicated to residential uses, consisting of one-, two- and three-bedroom residential units. An approximately 9,500 square-foot courtyard would be constructed on top of the parking garage, and would be accessible to all residents from three locations in the development.

Development on Parcel B would replace all of the existing structures on the block, with the exception of the existing Saturn dealership at 24th Street and Broadway (which is not part of the project site) with commercial and residential uses, an off-street parking structure, and a loading dock. Project buildings would range between six and seven stories tall along Broadway, and five and six stories on the rest of the site. As noted, the Lucky Goldfish building is not currently controlled by the project sponsor; it would be included in the project if acquired, in which case the building would be demolished as well.

⁶ The Saturn building is similarly identified as not part of the project site.

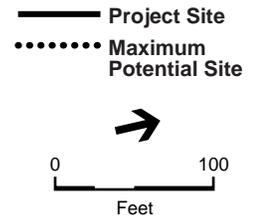


Buildings To Be Demolished

- | | | | | |
|---|-------------------------------------|--------------------|-----------------|-------------------|
| ① 449 23rd St.* | ⑤ 2366-98 Valley St. / 467 24th St. | ⑨ 2335-37 Broadway | } Shared Facade | Ⓐ 2301 Broadway** |
| ② 439 23rd St. | ⑥ 461 24th St. | ⑩ 2343 Broadway | | |
| ③ 2251 Broadway | ⑦ 2315 Broadway | ⑪ 2345 Broadway | } Shared Facade | |
| ④ 440-48 23rd St. / 2300-14 Valley St.* | ⑧ 2323 Broadway | ⑫ 421 24th St. | | |

* Facade to be retained

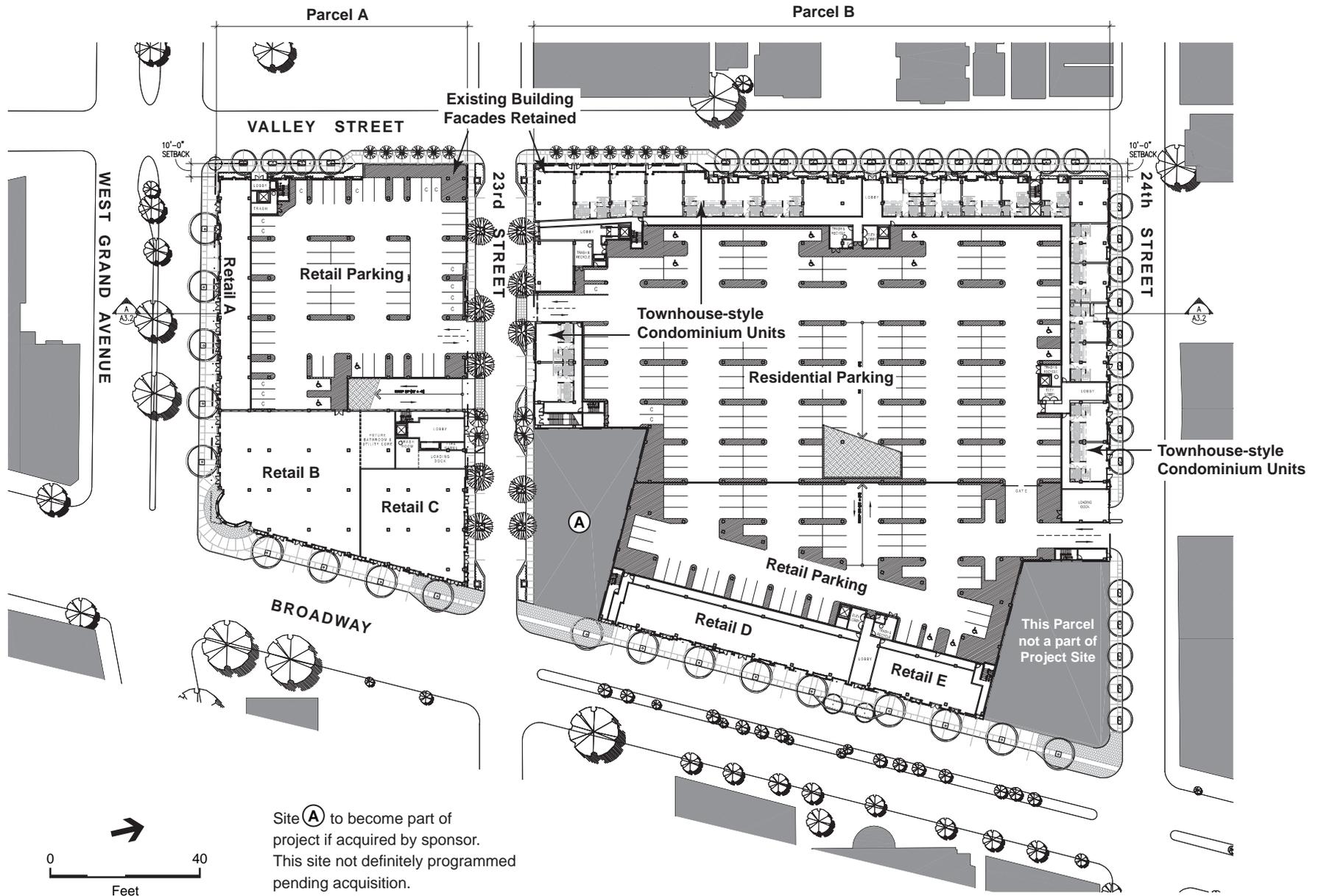
** To be demolished if acquired by sponsor



SOURCE: Brian Kangas Foulk; Signature Properties

— Broadway & West Grand / 203468 ■

Figure III-2
Buildings to be Demolished



SOURCE: MBH Architects

Broadway & West Grand / 203468 ■

Figure III-3
Project Site Plan

The commercial component on Parcel B would be limited to the street frontage along Broadway between two out-parcels, where commercial uses would occupy the first and second levels (ground-floor spaces with double-height ceiling) of the development, as on Parcel A to the south. Different from on Parcel A, one-, two- and three-bedroom townhouse-style condominiums, with separate entrances, would be constructed on the first and second levels along the 23rd, 24th and Valley Street frontages. The parking structure would also be located on the first two levels of the development, in the interior of the city block. The parking structure would provide a total of 475 parking spaces, with 410 dedicated to residential uses, and 65 spaces dedicated to commercial uses. Two vehicular access points to the parking garage on Parcel B would be provided – one located on 24th Street for commercial store customers and residents, and a second located on 23rd Street for residents only. Truck loading would also be provided on 24th Street for Parcel B; as currently proposed, two additional loading spaces would be provided in the garage. The third through seventh levels of the development on Parcel B would contain residential uses, including one-, two-, and three-bedroom flats. The large area above the parking structure would contain additional condominium units as well as serve as an open courtyard accessible to residents. The approximately 49,000 square feet of open space also would include amenities for residents, including a fitness center, community room, office, with an on-site concierge, outdoor common area space, picnic areas and other landscape features.

The project would employ different materials and building styles throughout to minimize the massing of the buildings. The proposed architecture includes a combination of modern and traditional design elements, which would be compatible with existing development within the project vicinity. Proposed exterior building materials include stucco, brick veneer, concrete, stone, standing seam metal roof, and fiberglass windows. Colors for the proposed buildings would consist of a range of earth tones, as well as muted red tones. Figures III-4 and III-5 present proposed elevations.

C. APPROVAL PROCESS AND PLANNING CONSIDERATIONS

The City of Oakland is the Lead Agency responsible for preparation of this EIR (CEQA Guidelines Sec. 15051). This EIR is intended to be used to address all required zoning permits and other discretionary City actions for the project. Following certification of the Final EIR, the City Planning Commission would make a decision on the Zoning Permits required by the proposed project.

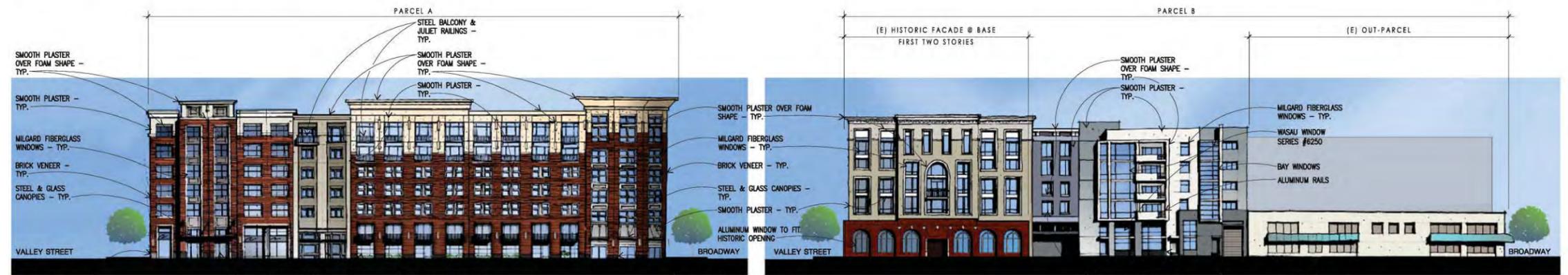
The project site located within multiple zoning classifications and two General Plan land use designations. Parcel A is located in the C-55 Central Core Commercial Zone, with the S-4 Design Review Combining Zone and the S-17 Downtown Residential Open Space Combining Zone. The project's proposed residential and commercial uses are generally permitted uses in the C-55 Zone (Oakland Municipal Code Sec. 17.62.050). The S-4 Zone requires Design Review approval for all development and is "intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance." (Sec. 17.80.010) Design Review also is required for



BROADWAY ELEVATION



VALLEY STREET ELEVATION

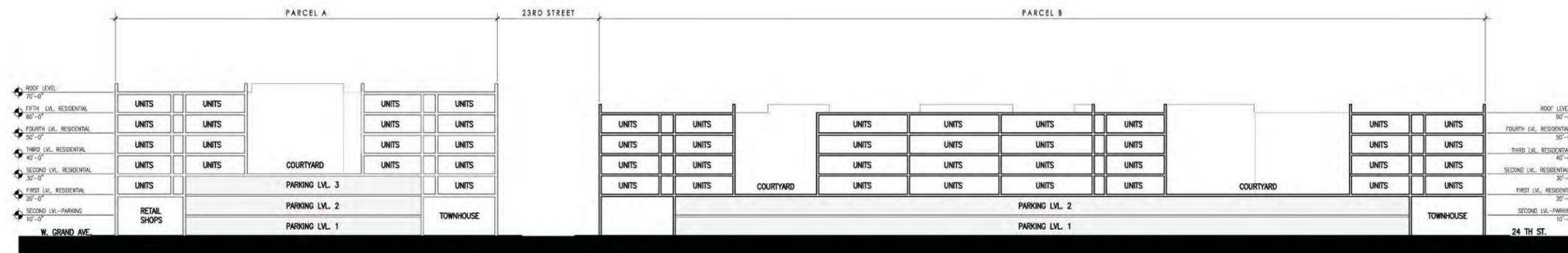
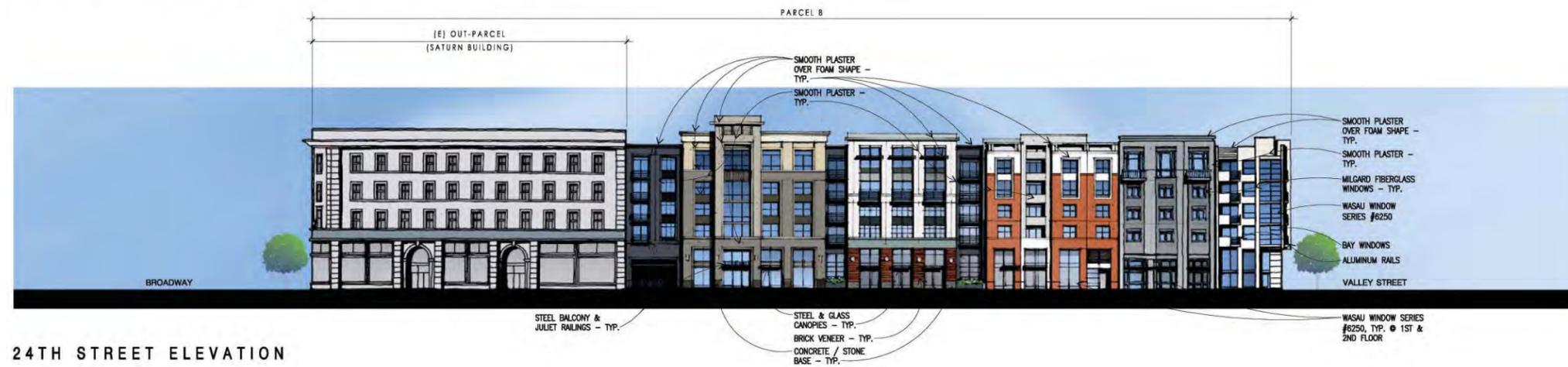


WEST GRAND AVENUE ELEVATION

23RD STREET ELEVATION (PARCEL B)

ELEVATIONS

NOT TO SCALE



SECTION A
ELEVATIONS & SECTIONS

NOT TO SCALE

residential projects of more than three units in the C-55 Zone (Sec. 17.62.020). The S-17 Combining Zone is “intended to provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the central business district.” (Sec. 17.99.010) Parcel A is also located in the “Central Business District” land use designation, pursuant to the Land Use and Transportation Element (LUTE) of the Oakland General Plan.

The zoning classifications for Parcel B are divided such that the area fronting Broadway is designated as C-40 Community Thoroughfare Commercial Zone, while the balance of Parcel B not fronting on Broadway is designated as C-60 City Service Commercial Zone. The C-40 Community Thoroughfare Commercial Zone is “is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares” (Oakland Municipal Code Sec. 17.54.010). The project’s residential and commercial components are permitted in the C-40 Zone (Sec. 17.54.050). Design Review is required for residential projects of more than three units in the C-55 Zone (Sec. 17.54.030).

Although residential land uses are not permitted in the C-60 Zone (Sec. 17.64.030), residential land uses conform with the “Community Commercial” land use designation pursuant to the Oakland General Plan. Pursuant to Section 17.01.100 of the Oakland Planning Code, an Interim Conditional Use Permit is required to permit residential uses that are consistent with the General Plan but not the existing zoning. Consistent with Section 17.01.100, the project shall be subject to the “best fit zone” provisions for the “Community Commercial” land use designation, and the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan. The Director of City Planning has determined for the proposed project that the C-40 Community Thoroughfare Commercial Zone shall be considered the “best fit zone” for the balance of Parcel B not fronting on Broadway and currently within the C-60 City Service Commercial Zone, and the Director’s determination shall be considered jointly with the Interim Conditional Use Permit for the project (Sec.17.01.100). Therefore, following certification of the Final EIR, the City Planning Commission would make a decision on the following approvals, without limitation, for the proposed project (Municipal Code sections in parentheses):

- Design Review pursuant to the S-4 zone (17.80.030), the C-40 zone (17.54.030), the C-55 zone (17.62.020);
- An Interim Conditional Use Permit pursuant to the Guidelines for General Plan Conformity (17.01.030);
- A Planned Unit Development for large scaled, phased projects (17.122.030);
- A Subdivision Map (Title 16); and
- Variance approval(s) (17.148).

CHAPTER IV

ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

A. AESTHETICS

INTRODUCTION

This section discusses existing visual conditions on the project site and in the vicinity, and analyzes the potential for the project to affect those conditions. Information for the discussion and subsequent analysis was drawn from site visits and project plans. The physical characteristics of the site and surrounding areas are discussed briefly. For a more detailed description of the land uses that are mentioned below, refer to the Initial Study (see Appendix A).

This section also describes the visual context of the project site and identifies relevant policies from the Oakland General Plan Land Use and Transportation Element and Open Space, Conservation and Recreation Element.

Four computer-generated visual simulations illustrating “before” and “after” visual conditions from representative public vantage points near the proposed project site, are presented as part of this analysis. The locations of the visual simulation vantage points were selected in consultation with City staff. Digitized photographs and computer modeling and rendering techniques were utilized to prepare the simulation images, which are based on project drawings provided by the project architect.

SETTING

VISUAL CHARACTER

Project Vicinity

The project site is located in a developed urban area in greater downtown Oakland. Physical development in the area varies from block to block, with some blocks appearing vibrant and attractive while others are in poor condition containing vacant or boarded up buildings. In the immediate project vicinity, building heights vary substantially, ranging from one to ten stories. The area is also characterized by existing buildings that generally have little or no setback from the street, with adjacent surface parking lots, which contribute to a sense of discontinuity between existing land uses. Within the project vicinity, there is a mix of land uses including general and automobile-related commercial / retail, office uses, medium density residential uses, and indoor recreation facilities (the YMCA).

West Grand Avenue, an east-west arterial, forms the southern boundary of the project site. Buildings along West Grand are generally one or two stories tall with little or no setback from the street and with adjacent surface parking lots. Directly across West Grand Avenue from the site is a vacant, two-story commercial building and an adjacent surface parking lot. Also visible to the south, is an eight-story commercial building fronting Broadway that limits long-range views of the high-rise buildings within the City Center area of downtown.

To the west of the site along Valley Street and to the north along 24th Street, buildings range between one and three stories in height and consist of a mix of building materials and architectural design. Building frontages generally extend to the sidewalk. Land uses in this area include a children's day care center (on West Grand Avenue, in a converted restaurant immediately west of the site), multi-family residential uses (on Valley Street, across from the site), surface parking lots, and commercial uses, particularly automobile-related commercial uses. Long-range views are limited because buildings farther to the west and north generally are similar in terms of height and massing, and therefore are blocked from view by close-in development.

The area east of the project site, across Broadway, is characterized by relatively tall buildings (8 to 10 stories), also built to the lot lines, with surface and structured parking. In the project vicinity, Broadway has two travel lanes in each direction, on-street parking and a landscaped median. Directly across Broadway from the project site is a building eight stories tall, occupied by the Oakland YMCA and an adjacent public parking garage. Also across Broadway are surface parking lots along 23rd Street and the Nara Bank building, a 10-story structure at the northeast corner of West Grand Avenue and Broadway. Long-range views from the project site towards the east are somewhat limited due to these taller buildings; however, the East Bay hills are discernible in views from some locations on the site.

Project Site

The project site consists of nearly two full blocks (approximately five acres), occupied by 13 existing buildings that range from one to two-and-a-half stories in height. Most structures on the site are of masonry or concrete construction; however, the facades of buildings on the Broadway frontage of Parcel B have been substantially altered by the addition of large plate-glass windows and metal panels that obscure the original facade materials. Buildings on Valley Street exhibit more of their original brick and concrete exteriors.

Until recently, most of Parcel A was used for surface vehicular storage area associated with the Negherbon automobile businesses but is current a privately-owned, public parking lot not associated with Negherbon operations. Parcel A, in particular, is occupied by only three buildings, lending the block a somewhat disused appearance. Parcel B, with its automobile showrooms and retail uses on Broadway, is more substantially developed. Parcel B also has the only residential uses on the project site, 16 units in a two-story stucco-clad building that is not considered to have notable architectural merit. The residential building is located on 24th Street and is oriented with the individual entrances to the residential units at 90 degrees from the street. About half of Parcel B remains devoted to surface vehicular storage areas associated with the

Negherbon automobile businesses. For additional details regarding building architecture and potential historic significance, see Chapter IV.E Cultural Resources.

VIEWS OF THE SITE

The proposed project site is visible from a number of public vantage points and view corridors in the area. Views of the site generally are limited to short-range views (views adjacent to the site) while long-range views (views that are more than one-half mile from the site) are generally blocked by existing development. Most of the site is not visible in its entirety from a single vantage point because of its approximately five-acre size, the relatively flat topography and surrounding buildings, some of which extend up to ten stories.

The project site is adjacent to two major thoroughfares, Broadway to the east, and West Grand Avenue to the south, which each consist of two travel lanes in each direction and landscaped medians in the project vicinity. Short-range views of the project site are available along these street frontages. (See Figure IV.A-1 and Figures IV.A-2 through IV.A-5, Photo A) None of the public roadways in the project vicinity is designated by the California Department of Transportation as a California Scenic Highway.

REGULATORY ENVIRONMENT

Oakland General Plan

The City of Oakland General Plan contains comprehensive objectives and policies that guide development in the City. The General Plan consists of a series of elements, each one dealing with a particular topic, which applies citywide. Recently completed and updated elements include the Land Use and Transportation Element (LUTE), the Open Space, Conservation and Recreation Element (OSCAR), Historic Preservation Element, the Estuary Policy Plan, and the Housing Element which was adopted June 15, 2004. Policies contained in the LUTE and the OSCAR Element pertaining to aesthetics and visual resources with relevance to the proposed project include the following:

Land Use and Transportation Element. The following policies address visual resources in Oakland:

- Enhance the visual quality of downtown by preserving and improving existing housing stock and encouraging new, high quality, development. (Objective D2, *Design*)
- Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history and pedestrian-orientation of the downtown, and contribute to an attractive skyline (Policy D2.1, *Enhancing the Downtown*).
- Create a pedestrian-friendly downtown. (Objective D3, *For Pedestrians*)

- Pedestrian-friendly commercial areas should be promoted. (Policy D3.1, *Promoting Pedestrians*)
- New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity. (Policy D3.2, *Incorporating Parking Facilities*)
- Housing in the downtown should be safe and attractive, of high quality design, and respect the downtown's distinct neighborhoods and its history. (Policy D10.5, *Designing Housing*)
- High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures (Policy N3.8, *Requiring High Quality Design*).
- 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 N3.9, *Orienting Residential Development*).
- Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized (Policy N3.10, *Guiding the Development of Parking*).
- Diversity in Oakland's built environment should be as valued as the diversity in population. Regulations and permit processes should be geared toward creating compatible and attractive development, rather than "cookie cutter" development (Policy N9.7, *Creating Compatible but Diverse Development*).
- The City encourages rehabilitation efforts which respects the architectural integrity of a building's original style (Policy N9.9, *Respecting Architectural Integrity*).

OSCAR Element. The following policies address visual resources in Oakland:

- Protect the character of existing scenic views in Oakland, paying particular attention to: (a) views of the Oakland Hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations. (Policy OS-10.1)
- Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement. (Policy OS-10.2)
- Oakland's underutilized visual resources, including the waterfront, creeks, San Leandro Bay, architecturally significant buildings or landmarks, and major thoroughfares should be enhanced (Policy OS-10.3).
- Provide better access to attractive, sunlit open spaces for persons working or living in downtown Oakland. The development of rooftop gardens is encouraged, especially on parking garages. (Policy OS-11.1, *Access to Downtown Open Space*)

As discussed in the Initial Study provided in Appendix A, and as depicted further throughout the discussion and visual simulations provided in this section, the project generally would be consistent with the above policies. Specifically, it would provide new, “attractive,” infill housing near downtown and close to transit routes at densities consistent with the General Plan. The project would introduce new commercial uses along Broadway and West Grand Avenue - two major commercial thoroughfares - and would provide adequate on-site parking to serve residents, residential visitors, and commercial users. Ground-level residences on Parcel B would include townhouse-style condominiums that would face the street and have individual entrances from the street. The architectural style of the overall project would be varied and compatible with the range of styles found in the nearby area. Also, the height and scale of the proposed development would provide a transition between the taller buildings along the major thoroughfare and the adjacent lower-scaled residential and commercial buildings. The facades of two architecturally notable structures at the east corners of 23rd and Valley would be incorporated into the new development, which is designed to respect the design integrity of those two structures. On-site open space would be provided on top of the two parking garages and would contain usable landscaped courtyards and ancillary recreational facilities for residents. The proposed new construction would be designed and oriented to minimize the blocking of sunlight and maintain key views from nearby buildings. Although, some shading and blocking of short-range views would occur, the impacts on sunlight, noise, and privacy that may result from the project would be consistent with that typically anticipated for residential living within an urban downtown setting like the project site.

Oakland Planning Code

The Oakland Planning Code is the city’s zoning ordinance, and implements the objectives and policies of the Oakland General Plan. The Planning Code identifies height and bulk limitations, and regulations that implement certain goals of the General Plan with respect to visual quality. The building design for proposed projects in Oakland is subject to Section 17.136.070 of the Planning Code, which identifies performance criteria used as part of the City’s design review process:

17.136.070: Design Review Criteria. Except as different criteria are prescribed elsewhere in the zoning regulations, design review approval may be granted only if the proposal conforms to all of the following criteria, as well as to any and all other applicable design review criteria:

A. For Residential Facilities

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
3. That the proposed design will be sensitive to the topography and landscape;

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill; and
5. That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.

B. For Nonresidential Facilities and Signs

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030;
2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;
3. That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.

Except where the above criteria may relate to potential environmental effects that may result from the proposed project, the extent to which the project satisfies these criteria will be considered by the City during its discretionary review of the project.

IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

For the purposes of this EIR, implementation of the proposed project would have a significant effect on visual resources if it would exceed the following Standards of Significance, based on Appendix G of the CEQA *Guidelines*:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, or historic buildings within a scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

APPROACH TO ANALYSIS

The existing visual character of the site and its surroundings is determined by the attributes of specific features and patterns within the urban environment. Evaluation of potential project

impacts on the existing visual character of the site and surroundings requires analysis of the elements of the project that would be introduced and how those changes (separately or collectively) would affect the character of the site and views of it from public off-site locations.

IMPACTS

Impact A.1: The proposed project would not have a substantial adverse effect on a scenic vista, nor would the project substantially damage scenic resources. (Less than Significant)

The project site is within an existing developed urban environment. Although the project would obscure some long-range views of scenic resources, such as the East Bay Hills from locations immediately adjacent to the site, these views would remain available along view corridors such as Broadway. Furthermore, such scenic views generally are obscured by existing adjacent buildings to the north, south and east of the site, thereby limiting the project's impact. Existing views from the project site are limited to the adjacent urban environment, which are not identified in the Oakland General Plan or by other regulatory agencies as scenic vistas or resources. Additionally, none of the public roadways in the project vicinity are designated as a California Scenic Highway. Therefore the proposed project would have less than significant effects with regard to scenic vistas and resources.

Mitigation: None required.

Impact A.2: Implementation of the proposed project would alter, but would not substantially degrade the existing visual character or quality of the site and its surroundings. (Less than Significant)

The proposed project would alter the visual character of the site from the existing one to two story commercial buildings, a residential building, and surface vehicular storage areas, to a mixed-use residential and commercial site. Specifically, the visual character would be altered by the introduction of new buildings, ranging between six and seven stories including up to 475 residential units, 40,000 square feet of commercial space, 675 parking spaces in multi-story parking structures, and a total of 58,500 square feet of open space in the interior of the Parcels A and B.

The proposed project would demolish all of the existing buildings on the site, with the exception of the exterior facades of two existing structures at the eastern corners of 23rd and Valley Street, one on Parcel A and one on Parcel B.¹ These facades would be retained and incorporated into the proposed project development, (See Chapter IV.C Cultural Resources, Figure IV.C-4). Additionally, the project does not include the existing Saturn dealership at 24th Street and Broadway on Parcel B, therefore there would be no changes to this structure.

¹ As noted, the existing Lucky Goldfish shop at 23rd and Broadway may not be included in the project, if not acquired by the sponsor.

At up to seven stories (approximately 80 feet, including parapet) in height, project buildings would be taller than most immediately adjacent structures to the west and north, but would be consistent with the height of other nearby buildings, including the Saturn automobile dealership at 24th Street and Broadway (on Parcel B) and buildings across Broadway.

The proposed building design for the project would incorporate different materials and styles to articulate the various portions of the project and minimize the bulk of their massing. The proposed architecture includes a combination of modern and traditional design elements, which would be compatible with existing development within the project vicinity. Proposed exterior building materials include stucco, brick veneer, concrete, stone, standing seam metal roof, and fiberglass windows. Colors for the proposed buildings would consist of a range of earth tones, as well as muted red, orange, and yellow tones.

Consistent with the zoning classifications for the site, the proposed project would be subject to the City's Design Review process. During the City's Design Review process, the Planning Commission would influence specific building designs and materials. The project has undergone initial Design Review by the Design Review Committee of the Planning Commission, although formal approval would not occur until the project is before the Planning Commission for consideration of the requested planning entitlements.

On Parcel A, the project proposes buildings that would extend up to seven stories with the first and second levels (ground-floor space with double-height ceiling) of the development fronting Broadway, West Grand Avenue, and portions of 23rd Street containing commercial storefronts. Four to five floors of residential units would occur above storefront levels. Along the remaining portion of 23rd Street and Valley Street, the frontage would be dedicated to lobbies for the housing, a loading berth, garage entrances. Development on Parcel B would replace all of the existing structures (including the existing Lucky Goldfish shop at 23rd and Broadway, if it is acquired by the sponsor), with the exception of the existing Saturn dealership at 24th Street and Broadway (which is not part of the project site), with commercial and residential uses, and an off-street parking structure. Project buildings would be six and seven stories tall along Broadway, and six stories on the rest of the site. The commercial component on Parcel B would be limited to the street frontage along Broadway, where commercial uses would occupy the first and second levels (ground-floor space with double-height ceilings), similar to Parcel A to the south; residential units would occupy the remaining floors on Broadway. One-, two- and three-bedroom townhouse-style condominiums, with separate entrances, would be constructed on the first and second levels along the 23rd, 24th and Valley Street frontages and similarly present fully residential facades to those streets. The ground-floor uses would wrap around an interior parking garage and thereby obscure the parking from view.

The proposed project would represent a change to the project site by increasing the amount of visible building mass on the site from various public vantage points. Parcels currently utilized for surface vehicle storage or privately-owned public parking would be developed, and the density and massing of existing buildings would be increased.

Four visual simulations of the project site as seen from public vantage points in the project vicinity are included in this analysis. Figure IV.A-1 presents a location map of the vantage points, and Figures IV.A-2 through IV.A-5 depict two views: A) without the proposed development and B) with visual simulation of proposed project development.

Figure IV.A-2 presents a view of the project site from the intersection of Broadway and 24th Street looking south along the Broadway corridor. Along Broadway, the proposed project would increase the building height on the site to approximately 80 feet (approximately seven stories) from the existing one- to two-and-a-half-story commercial buildings and the surface vehicular storage and privately-owned public parking areas. In terms of height, massing and setback, the proposed buildings would be consistent with existing buildings in the project area to the south, north and east of the site. The project would establish a street frontage more consistent with the City's downtown urban environment, which could improve the pedestrian environment in the project area. Long-range views of prominent buildings in the downtown City Center to the south would not be affected by the project, and would continue to be visible from public vantage points along Broadway.

Figure IV.A-3 presents a "before" and "after" view of the project site from the southeast corner of Broadway and West Grand Avenue, looking northwest. The existing view of the site consists of a single-story commercial building, previously part of the Negherbon Auto Center and currently an office for a car rental company, and surface vehicular storage and privately-owned public parking areas. In the distance, there are limited views of a few high-rise buildings. The proposed building would dramatically alter the character of the site, by constructing a visually prominent building that would extend up to seven stories with little setback from the sidewalk. The project would activate the street frontage by providing ground-floor commercial uses without large expanses of surface parking and disruptive breaks in the street wall, as at present. Project residents, together with the new commercial uses, could enhance the urban environment of the site and vicinity in a way that would foster pedestrian-level activity.

Figure IV.A-4 shows the project site along 24th Street, west of Broadway, and oriented towards the west. Short-range views are limited to existing commercial development on the project site and across the street. Long-range views are limited due a lack of prominent visual resources, although a small number of taller buildings near Telegraph Avenue are visible on the south side of 24th Street. From this vantage point, the proposed project would extend up to six stories in height, and would present a mix of building materials and architectural styles to the street. The scale of the proposed buildings would be consistent with the existing building at the southwest



Buildings To Be Demolished

- | | | | | |
|---|-------------------------------------|--------------------|-----------------|-------------------|
| ① 449 23rd St.* | ⑤ 2366-98 Valley St. / 467 24th St. | ⑨ 2335-37 Broadway | } Shared Facade | Ⓐ 2301 Broadway** |
| ② 439 23rd St. | ⑥ 461 24th St. | ⑩ 2343 Broadway | | |
| ③ 2251 Broadway | ⑦ 2315 Broadway | ⑪ 2345 Broadway | } Shared Facade | |
| ④ 440-48 23rd St. / 2300-14 Valley St.* | ⑧ 2323 Broadway | ⑫ 421 24th St. | | |

* Facade to be retained

** To be demolished if acquired by sponsor

Key: Arrow indicates direction of photo

— Project Site
 Maximum Potential Site

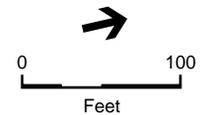


Figure IV.A-1
 Key to Vantage Point Locations



A. Existing view of the site from the intersection of Broadway and 24th Street looking south.



B. Proposed view of the site from the intersection of Broadway and 24th Street looking south.



A. Existing view of the site from the intersection of Broadway and West Grand Avenue looking northwest.



A. Proposed view of the site from the intersection of Broadway and West Grand Avenue looking northwest.



A. Existing view of the site from the intersection of Broadway and 24th Street looking west.



B. Proposed view of the site from the intersection of Broadway and 24th Street looking west.



A. Existing view of the site from south of the intersection of Valley and 23rd Streets looking north.



B. Proposed view of the site from south of the intersection of Valley and 23rd Streets looking north.

corner of Broadway and 24th Street, thus continuing an existing streetwall. The proposed buildings would also not affect the limited long-range views of existing development to the west.

Figure IV.A-5 presents a “before” and “after” view of the project site along Valley Street, southwest of the intersection of Valley Street and 23rd Street, looking north. From this vantage point, existing commercial development is visible along Valley Street. The proposed project would retain and incorporate into the new development the building facades at the northeast and southeast corners of Valley Street and 23rd Street. The new buildings would extend up to six stories and would be noticeably taller than surrounding buildings across from the project site; however, the building frontages would be dedicated to lobbies and entrances for the housing component of the project and buildings would be constructed with appropriate and attractive facades to strengthen the project’s compatibility with the existing, lower-scaled, residential uses. This visual simulation from this vantage point also reflects the proposed widening of Valley Street that would occur mid-block, where the new structure is set back from the retained building façade (ground floor level) at the corner of Valley and 23rd Street.

Although development of the proposed project would alter the visual character of the site, the effects to visual quality attributed to the proposed project would not be considered adverse because of the existing lack of visually distinctive features on the site and the overall compatibility of the design of the proposed project with the surrounding uses. Furthermore, the project would bring a sense of visual continuity that is currently lacking in the project site, in that the site currently consists of large expanses of surface parking and vehicle storage. While visual quality is subjective, nothing in the design of the project would inherently degrade the visual character of the site or its surroundings. Thus, the impact would be less than significant.

Mitigation: None required.

Impact A.3: Implementation of the proposed project would result in an increase in light and glare at the project site. (Less than Significant)

The project site consists of surface vehicular storage areas with overhead lighting and one to two-and-a-half story buildings, which are an existing source of light and glare. The proposed project would result in more intensive uses and increased building masses on the site, thus increasing the amount of night lighting and glare from window glazing, while also eliminating large areas of surface parking and vehicle storage that currently are a source of glare from pole lights and auto windows. Change due to the project would not substantially affect the overall ambient light levels in the project vicinity, as light and glare produced from the proposed project would be typical of other commercial and residential structures nearby, and throughout the downtown area. The project would therefore not produce obtrusive light or glare that would substantially affect other properties in the vicinity.

The project site is located in a developed urban area that has a variety of existing sources of light and glare from commercial and residential uses. Additionally, the project site is adjacent to two

major thoroughfares, Broadway and West Grand Avenue, and other local roadways with street lighting that projects light during evening hours. Exterior lighting associated with the proposed project would generally include fixed indirect lighting, located at building and parking garage entrance points, and public walkways to promote resident, visitor and driver safety.

In general, exterior lighting would be designed with downward-pointing lights, side shields, and visors to minimize “spill light” (light that falls on off-site receptors causing additional unwanted illumination) to adjacent commercial and residential uses. Occasional uplighting may be used to locally highlight select landscaping or building features. The project would consist of buildings typical of commercial and residential buildings in the project area therefore it would not result in substantial adverse light or glare impacts.

As part of the City’s required design review procedure, the reflective properties of proposed building materials will be assessed to ensure that the use of reflective exterior building materials is minimized and that it would not create additional daytime or nighttime glare. In addition, lighting plans for the proposed project will be reviewed in the final design stages, and approved by the City prior to installation, thereby ensuring that any outdoor night lighting for the proposed project would not create excessive nighttime glare.

Mitigation: None required.

CUMULATIVE IMPACTS

Impact A.4: The proposed project, in conjunction with cumulative development, would alter the visual character in the project vicinity. (Less than Significant)

Future development in the project vicinity, and throughout the city, is guided by land use designations contained in the Land Use and Transportation Element of the Oakland General Plan. As noted in LUTE General Plan Policy D10.3, Framework for Housing Densities, “Downtown residential areas should generally be within the Urban Density Residential and Central Business District density ranges, where not otherwise specified.” The height and bulk should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas.” Further, the intent of the “Central Business District” designation is “to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.” The Urban Density Residential land use category allows a maximum gross density of 125 dwelling units per gross acre.

The proposed 15-acre Uptown Mixed-Use project, located less than one-half mile south of the project site, is a high density, mixed-use project consisting of approximately 1,270 residential units, 1,050 student beds/faculty units, approximately 43,000 square feet of commercial space, 1,959 parking spaces, and a 25,000 square foot public park. Building heights would vary

between five and 22 stories. The Uptown Mixed-Use Project is substantially larger than the proposed project and would extend the dense downtown character from the City Center core towards the proposed project site. Given the land use designations in the project vicinity, it is expected that cumulative development would consist of building density and massing comparable to the proposed project and the Uptown Mixed-Use project.

The building height, massing and density associated with the proposed project would be consistent with the planned cumulative density and visual character in the project vicinity established by the General Plan. With increasing density and building heights would come some obstruction of existing views. As with the proposed project, however, view corridors would continue to permit views of the hills and Lake Merritt from locations within the greater downtown area.

Also with increasing density, larger and taller buildings would be more visually prominent than the smaller-scale buildings they replace. Ultimately, appropriate building design, guided by the City's design review procedure, would be more important than sheer building size in determining the visual character of the greater downtown. The City's design review process for projects that "require special design treatment and consideration of relationships to the physical surroundings," is described above in the setting section of this chapter, where it is noted that the process is intended to ensure, among other things, that buildings are "well related" to the surrounding area and are "well-composed" in design, and that the project "protect, preserve, or enhance desirable neighborhood characteristics" and "harmonize[] with, and serve[] to protect the value of, private and public investments in the area."

Therefore, with continued implementation of the design review process, the proposed project, in addition to future developments in the vicinity, would not result in cumulative impacts on the visual resources of the surrounding area and the impact would be less than significant.

Mitigation: None required.

B. TRANSPORTATION, CIRCULATION, AND PARKING

SETTING

EXISTING STREET AND HIGHWAY SYSTEM

Regional Access

The project area is primarily served by four regional roadways, i.e., Interstate 980 (I-980), Interstate 580 (I-580) and Interstate 880 (I-880) and State Route 24 (SR 24).

I-980 is the closest freeway to the project site. This roadway extends from I-880 to I-580/SR 24, and has three lanes in each direction in the general vicinity of the project area. Average daily traffic on I-980 between 18th Street and I-580 is about 121,000 vehicles (Caltrans, 2004). To reach the project site, vehicles can exit I-980 at the 17th/18th Streets interchange, which is five blocks from the project site. Additional access from I-980 in the study area is provided at 27th Street / Grand Avenue and 12th/14th Streets.

State Route 24 runs from Walnut Creek in the east to Oakland in the west, and is the continuation of I-980 east of I-580. This roadway has four lanes in each direction near downtown Oakland. Average daily traffic on SR 24 northeast of the I-580/I-980 junction is about 141,000 vehicles (Caltrans, 2004).

I-580 is a regional freeway located east of the project site, extending between I-5 near the City of Tracy and U.S. Highway 101 in San Rafael. Four lanes are generally provided in each direction on this freeway near the project area. Trucks are prohibited on I-580 in the downtown Oakland area. Average daily traffic on I-580 between the Grand Avenue/Van Buren Avenue interchange and the Oakland Avenue/Harrison Street interchange is about 141,000 vehicles (Caltrans, 2004). The closest ramps from I-580 to the project site are at the Harrison Street/Oakland Avenue interchange, which is approximately nine blocks from the project site. Additional access from I-580 is provided at Broadway (off-ramp in the eastbound direction only) and Grand Avenue (full interchange).

I-880 is a major north-south regional freeway located west of the project site, extending between I-80 in Emeryville and I-280 in San Jose. Four lanes are generally provided in each direction on this freeway near the project area. Average daily traffic on I-880 north of Broadway is about 229,000 vehicles (Caltrans, 2004).

Local Access

Broadway is a major arterial that runs in a north-south direction from Jack London Square in the south, past I-580, to SR 24 to the north. In the vicinity of the project, Broadway consists of two through lanes in each direction. There are traffic signals at most of the major intersections, and separate left and right turn lanes at some key intersections. Broadway borders the east side of the project site.

Grand Avenue runs from I-80 in the west to beyond I-580 to the east. It generally has two lanes and a bike lane in each direction. Grand Avenue borders the south side of the project site.

Telegraph Avenue is a major north-south arterial, beginning at its intersection with Broadway in downtown Oakland and continuing north into Berkeley. Generally, there are two through lanes in each direction.

Harrison Street has four lanes southbound and five lanes northbound between 20th Street and Grand Avenue. There are three lanes in each direction on Harrison Street between Grand Avenue and 27th Street, with two lanes in each direction north of 27th Street and south of 20th Street. Harrison Street is connected to the Posey Tube (from the City of Alameda) and is one-way northbound south of 10th Street. Harrison Street forms a one-way couplet with Oakland Avenue north of 29th Street, with traffic traveling southbound on Harrison Street and northbound on Oakland Avenue.

23rd Street is an east-west local road that passes through the project site, and extends between Harrison Street and Martin Luther King Jr. Way in Oakland.

24th Street is an east-west local road that borders the north side of the project site, and extends between Telegraph Avenue and Harrison Street.

27th Street is an east-west arterial that provides access to I-980, and extends between San Pablo Avenue and Broadway. In general, 27th Street has three lanes in each direction.

Valley Street is a narrow local two-lane north-south road, extending between 22nd Street and 24th Street.

EXISTING TRAFFIC CONDITIONS

The traffic conditions in urban areas are affected more by the operations at the intersections than by the capacities of the local streets because traffic control devices (signals and stop signs) at intersections control the capacity of the street segments. The operations are measured in terms of level of service (LOS), which is based on average vehicle delay experienced at the intersections. That delay is a function of the signal timing, intersection lane widths and configuration, hourly traffic volumes, pedestrian volumes, and parking and bus conflicts. Weekday traffic counts were collected in 2000 from a number of different studies, and additional counts were completed in May 2003. Using traffic volumes from two or three years ago will likely yield an overestimate of existing volume because traffic volumes were actually higher during the period prior to the current economic recession. Both the current, year 2003 and conservative, year 2000 counts are used in the analysis.

Level of Service Analysis Methodologies

The operation of a local roadway network is commonly measured and described using a grading system called Level of Service (LOS). The LOS grading system qualitatively characterizes traffic

conditions associated with varying levels of vehicle traffic, ranging from LOS A (indicating free-flow traffic conditions with little or no delay experienced by motorists) to LOS F (indicating congested conditions where traffic flows exceed design capacity and result in long queues and delays). This LOS grading system applies to both signalized and unsignalized intersections. LOS A, B, and C are generally considered satisfactory service levels, while the influence of congestion becomes more noticeable (though still considered acceptable) at LOS D. LOS E and F are generally considered to be unacceptable, though LOS E is considered acceptable in the downtown area of Oakland.¹

Signalized Intersections

At the signalized study intersections, traffic conditions were evaluated using the 2000 *Highway Capacity Manual* operations methodology. The operation analysis uses various intersection characteristics (e.g., traffic volumes, lane geometry, and signal phasing/timing) to estimate the average control delay experienced by motorists traveling through an intersection.² **Table IV.B-1** summarizes the relationship between control delay and LOS.

Unsignalized Intersections

For the unsignalized (all-way stop-controlled and side-street stop-controlled) study intersections, traffic conditions were evaluated using the 2000 *Highway Capacity Manual* (HCM) operations methodology. With this methodology, the LOS is related to the total delay per vehicle for the intersection as a whole (for all-way stop-controlled intersections), and for each stop-controlled movement or approach only (for side-street stop-controlled intersections). Total delay is defined as the total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. This time includes the time required for a vehicle to travel from the last-in-queue position to the first-in-queue position. **Table IV.B-1** summarizes the relationship between delay and LOS.

Freeways

Table IV.B-2 presents the criteria for the freeway level of service based on volume-to-capacity ratio and vehicle density based on the 1985 *Highway Capacity Manual*. Freeway conditions are reported herein on the basis of both criteria because the City of Oakland uses the volume-to-capacity ratio methodology for their analyses, whereas Caltrans uses the density methodology. The volume-to-capacity ratio methodology required by the City of Oakland is the criteria used to determine if the project has a significant traffic impact.

¹ Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) as the area generally bound 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. The three intersections on West Grand / Grand Avenue, analyzed herein, are located within the Downtown area.

² Control delay, which is the portion of total delay attributed to traffic signal operation for signalized intersections, includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The use of control delay as the basis for defining LOS differs from earlier versions of the *Highway Capacity Manual* methodology, which used “stopped delay” (i.e., a portion of the total control delay) to define LOS.

**TABLE IV.B-1
DEFINITIONS FOR INTERSECTION LEVEL OF SERVICE**

Unsignalized Intersections		Level of Service Grade	Signalized Intersections	
Description	Average Total Vehicle Delay (Seconds)		Average Control Vehicle Delay (Seconds)	Description
No delay for stop-controlled approaches.	≤10.0	A	≤10.0	Free Flow or Insignificant Delays: Operations with very low delay, when signal progression is extremely favorable and most vehicles arrive during the green light phase. Most vehicles do not stop at all.
Operations with minor delay.	>10.0 and ≤15.0	B	>10.0 and ≤20.0	Stable Operation or Minimal Delays: Generally occurs with good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average delay. An occasional approach phase is fully utilized.
Operations with moderate delays.	>15.0 and ≤25.0	C	>20.0 and ≤35.0	Stable Operation or Acceptable Delays: Higher delays resulting from fair signal progression and/or longer cycle lengths. Drivers begin having to wait through more than one red light. Most drivers feel somewhat restricted.
Operations with increasingly unacceptable delays.	>25.0 and ≤35.0	D	>35.0 and ≤55.0	Approaching Unstable or Tolerable Delays: Influence of congestion becomes more noticeable. Longer delays result from unfavorable signal progression, long cycle lengths, or high volume to capacity ratios. Many vehicles stop. Drivers may have to wait through more than one red light. Queues may develop, but dissipate rapidly, without excessive delays.
Operations with high delays, and long queues.	>35.0 and ≤50.0	E	>55.0 and ≤80.0	Unstable Operation or Significant Delays: Considered to be the limit of acceptable delay. High delays indicate poor signal progression, long cycle lengths and high volume to capacity ratios. Individual cycle failures are frequent occurrences. Vehicles may wait through several signal cycles. Long queues form upstream from intersection.
Operations with extreme congestion, and with very high delays and long queues unacceptable to most drivers.	>50.0	F	>80.0	Forced Flow or Excessive Delays: Occurs with oversaturation when flows exceed the intersection capacity. Represents jammed conditions. Many cycle failures. Queues may block upstream intersections.

SOURCE: Transportation Research Board, *Highway Capacity Manual*, updated 2000.

**TABLE IV.B-2
CRITERIA FOR FREEWAY LEVEL OF SERVICE (LOS)**

Volume-to-Capacity Ratio ^a	LOS Grade	Vehicle Density (pc / mile / lane) ^b
≤0.35	A	≤12
>0.35 and ≤0.54	B	>12 and ≤20
>0.54 and ≤0.77	C	>20 and ≤30
>0.77 and ≤0.93	D	>30 and ≤42
>0.93 and ≤1.00	E	>42 and ≤67
>1.00	F	>67

^a Free-flow speed is assumed to be 70 mile/hour.

^b Passenger car equivalents per mile per lane.

SOURCE: Transportation Research Board, Special Report 209, *Highway Capacity Manual*, 1985.

Existing Intersection Traffic Operating Conditions

To identify intersections that could potentially be adversely affected by Project traffic, a “screening criteria” was developed, based on the significance criteria of the City of Oakland. All intersections that satisfy the following two criteria were evaluated in detail in the DEIR analysis:

- Intersections to which the project would add 50 or more peak hour trips; and
- Inside the downtown area, the intersection was identified as operating at LOS D or worse, or, outside the downtown area, the intersection was identified as operating at LOS C or worse.

It is at these intersections where the Project could result in a significant adverse impact. It should also be noted that this screening approach is similar to criteria and methodology commonly employed by other Bay Area jurisdictions.

Based on the City’s significance criteria, a significant impact is identified when an intersection deteriorates to worse than LOS E inside the downtown area and worse than LOS D outside the downtown area. The addition of fewer than 50 trips to an intersection can not reasonably be expected to degrade a service level from LOS D or better to worse than LOS E (inside the downtown area) or to degrade a service level from LOS C or better to worse than LOS D (outside the downtown area).

On arterial roadways in the project study area, fewer than 50 trips are within daily traffic fluctuations. Daily and peak hour traffic fluctuations of 5 percent or more are commonplace on

these types of roadway facilities. For comparison purposes, 50 trips would comprise roughly 1.9 percent of a.m. peak-hour traffic at the intersection of Telegraph and West Grand Avenue, and approximately 1.6 percent of total traffic during the p.m. peak hour. This is less than typical daily fluctuations in traffic, and less than the 3.0 percent increase necessary to constitute a significant impact on the CMA Metropolitan Transportation System (for facilities operating at LOS F in the baseline condition).

Analysis of peak-hour traffic conditions was conducted at eight intersections in the project vicinity. The signalized intersections were selected on the basis of the above-described screening. Unsignalized intersections abutting the project site are also included in the analysis. The eight analysis intersections are listed below and shown in **Figure IV.B-1**.

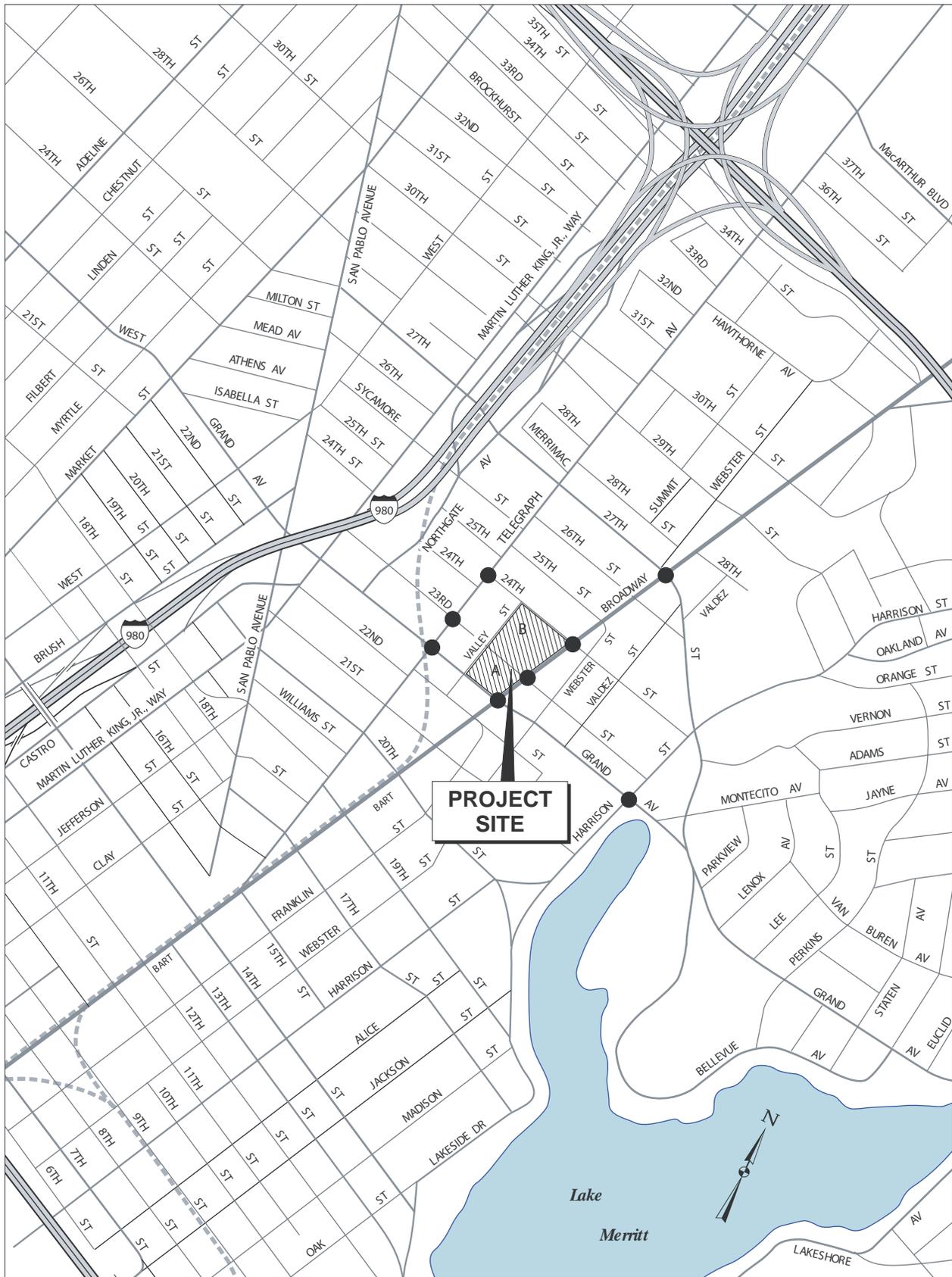
West Grand Avenue / Telegraph Avenue (*signalized*)
West Grand Avenue / Broadway (*signalized*)
Grand Avenue / Harrison Street (*signalized*)
23rd Street / Telegraph Avenue (*unsignalized*)
23rd Street / Broadway (*unsignalized*)
24th Street (east leg) / Telegraph Avenue (*unsignalized*)³
24th Street / Broadway (*unsignalized*)
27th Street / Broadway (*signalized*)

Figure IV.B-2 illustrates the existing lane geometry and traffic control at the study intersections. Existing a.m. and p.m. peak-hour traffic volumes are presented in **Figure IV.B-3**. The existing a.m. and p.m. peak-hour intersection LOS and delays are summarized in **Table IV.B-3**. All of the study intersections currently operate under acceptable conditions (at LOS D or better).

Existing Freeway Traffic Operating Conditions

Table IV.B-4 summarizes the existing level of service (LOS) on key freeway segments near the project, based on both the density and volume to capacity ratio methodologies. As indicated in the table, in some cases, a somewhat different LOS is calculated based on the two different analysis methodologies. I-580 currently operates at LOS F in the westbound direction during the morning peak hour and at LOS F in the eastbound direction during the evening peak hour near Grand Avenue based on both analysis methodologies. Based on the density criteria, the other freeway segments operate at LOS D or better during the peak hours. However, based on the volume to capacity criteria, some of the freeway segments along I-880 and I-580 currently operate at LOS E.

³ The 24th Street (west leg) / Telegraph Avenue intersection is signalized, located approximately 125 feet south of the 24th Street (east leg) / Telegraph Avenue intersection.



SOURCE: Korve Engineering, 2004

Broadway & West Grand / 203468 ■

Figure IV.B-1
Study Intersections

**TABLE IV.B-3
EXISTING PEAK-HOUR INTERSECTION LEVELS OF SERVICE (LOS)**

Intersection	Traffic Control	AM Peak		PM Peak	
		LOS ^a	Delay	LOS ^a	Delay
West Grand Avenue & Telegraph Avenue	Signal	C	25.2	B	20.0
West Grand Avenue & Broadway	Signal	C	25.0	D	38.4
Grand Avenue & Harrison Street	Signal	C	28.5	C	25.7
23rd Street & Telegraph Avenue	TWSC	C	16.4	D	30.8
23rd Street & Broadway	TWSC	C	24.1	D	30.0
24th Street & Telegraph Avenue	TWSC	B	11.6	C	19.5
24th Street & Broadway	TWSC	C	18.8	C	17.5
27th Street & Broadway	Signal	C	27.7	C	33.3

TWSC = Two-way stop controlled intersection

^a The LOS and delay for two-way stop controlled intersections represent the worst movement or approach. The LOS and delay for signalized intersections represent the overall intersection.

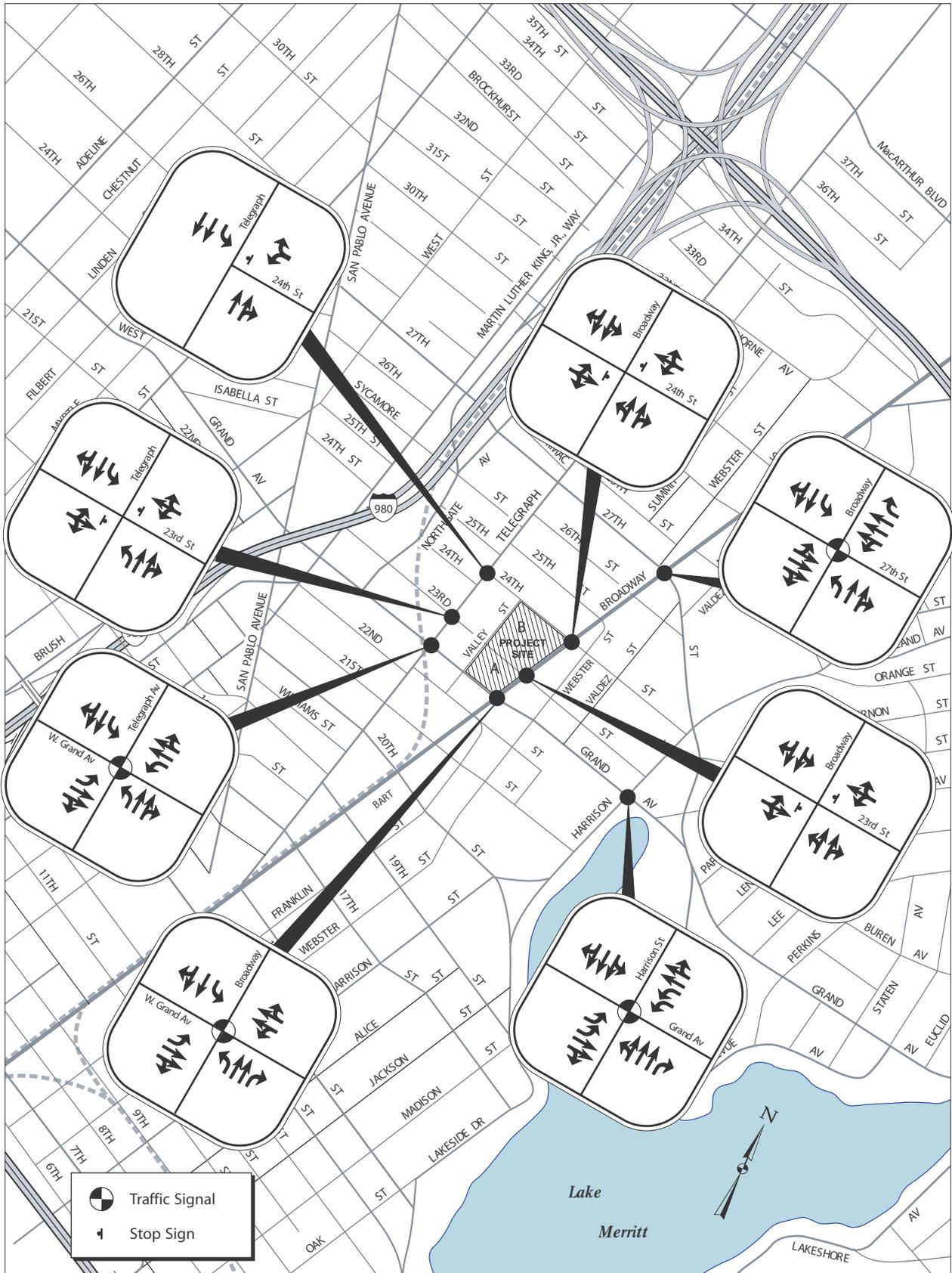
SOURCE: Korve Engineering

TRANSIT SERVICES

Existing transit service near the project site includes bus service provided by the Alameda-Contra Costa Counties Transit District (AC Transit) and rail service provided by Bay Area Rapid Transit (BART). Each of these services is described below, and shown in **Figure IV.B-4**.

AC Transit

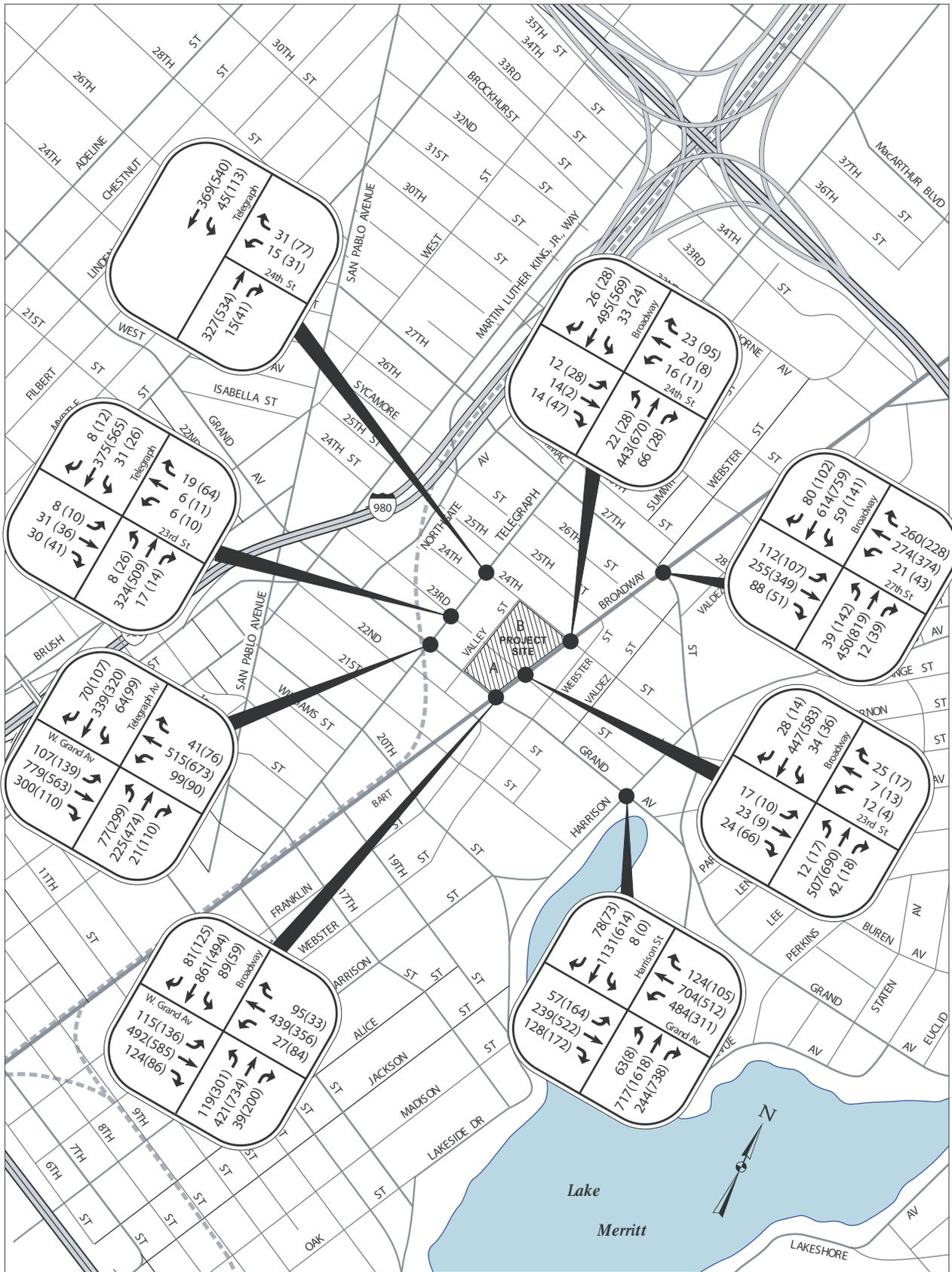
The project site is served by several AC Transit bus lines running through major north-south corridors: Telegraph Avenue (Lines 40, 40L and 43) and Broadway (Lines 51, 59 and 59A). **Table IV.B-5** summarizes the bus routes and service schedules for the AC Transit lines located within easy walking distance from the project site. Line 12 is the closest east-west bus line, running on Grand Avenue, on the southern edge of the project site. Lines 11, 15, 72, 72M and 72R run on 20th Street, three blocks south of the project site. Most of the buses run every 5 to 15 minutes during the peak periods and 20 to 30 minutes during non-peak periods. As of June 27, 2004, Line 59/59A operates between the 51st Street / Broadway intersection and the Lake Merritt BART Station only.



SOURCE: Korve Engineering, 2004

Broadway & West Grand / 203468 ■

Figure IV.B-2
Existing Lane Geometry
and Traffic Control



SOURCE: Korve Engineering, 2004

Broadway & West Grand / 203468 ■

Figure IV.B-3
Existing Peak Hour Traffic Volumes
AM (PM) Peak Hour

**TABLE IV.B-4
EXISTING FREEWAY LEVEL OF SERVICE (LOS)**

Location	Direction	Peak Hour	Density Method ^a		Volume-to-Capacity Method ^a		
			(pc/mi/ln) ^b	LOS	(Vehicles/lane)	V/C ^c	LOS
Interstate 980							
Junction with I-880	EBd	AM	25.5	C	1,334	0.72	C
		PM	32.5	D	1,616	0.88	D
	WBd	AM	20.5	C	1,038	0.61	C
		PM	17.0	B	928	0.53	B
18th Street	EBd	AM	9.5	A	518	0.29	A
		PM	21.0	C	1,222	0.63	C
	WBd	AM	23.0	C	1,121	0.69	C
		PM	12.0	A	619	0.34	A
State Route 24							
Junction with I-580	EBd	AM	15.0	B	968	0.42	B
		PM	31.5	D	1,632	0.83	D
	WBd	AM	39.5	C	1,395	0.92	C
		PM	17.0	C	1,205	0.51	C
Interstate 580							
Grand Avenue	NBd	AM	24.0	C	1,334	0.68	C
		PM	N/A	F	2,516	1.22	F
	SBd	AM	N/A	F	2,400	1.28	F
		PM	27.0	C	1,450	0.74	C
Harrison Street	NBd	AM	18.0	C	1,026	0.51	C
		PM	47.0	E	1,934	0.96	E
	SBd	AM	60.0	E	1,845	1.00	E
		PM	19.0	C	1,115	0.55	C
Interstate 880							
Oak/Madison Streets	NBd	AM	N/A	F	1,853	1.05	F
		PM	31.5	D	1,407	0.81	D
	SBd	AM	31.0	D	1,430	0.80	D
		PM	N/A	F	1,830	1.04	F
Broadway	NBd	AM	N/A	F	1,984	1.13	F
		PM	42.0	E	1,296	0.94	E
	SBd	AM	27.0	C	1,653	0.74	C
		PM	39.5	D	1,627	0.92	D
Junction with I-980	NBd	AM	N/A	F	1,882	1.07	F
		PM	25.0	C	918	0.71	C
	SBd	AM	18.0	B	1,246	0.52	B
		PM	35.0	D	1,554	0.80	D

^a Caltrans requires the use of the “density” calculation while the City of Oakland requires the “volume to capacity ratio” methodology. Project impacts are assessed based on the “volume to capacity” ratio methodology.

^b Passenger car equivalents per kilometer per lane.

^c Roadway capacities assumed to be 2,000 vehicles per hour per lane for freeways.

Bold = Unacceptable LOS

SOURCE: Korve Engineering and Caltrans

**TABLE IV.B-5
BUS SERVICE SUMMARY FOR PROJECT AREA**

Line	Route Name	Service Frequency
40/ 40L	Berkeley – Oakland – Bay Fair BART (on Telegraph Avenue)	40L provides limited stop service. Weekdays: 5-20 minutes (<i>depending on stops</i>) Weekends: 20-30 minutes
43	El Cerrito – Eastmont Transit Center (on Telegraph Avenue)	Weekdays: 5-20 minutes (<i>depending on stops</i>) Weekends: 20-30 minutes
51	Alameda – Oakland – Berkeley (on Broadway)	Weekdays: 10 to 15 minutes peak and 20 minutes off-peak Weekends: 15 to 20 minutes
59/ 59A	Lake Merritt BART – Oakland – Piedmont/Linda Ave (peak) Lake Merritt BART – Oakland – Rockridge BART (others) (on Broadway)	Weekdays: 60 minutes peak and 1 hour off-peak Weekends: 1 hour
12	MacArthur BART to Downtown Oakland (on Grand Avenue)	Weekdays: 20 minutes peak and 30 minutes off-peak Weekends: 30 minutes
w11	Diamond District – Downtown Oakland – Piedmont (on 20th Street)	Weekdays: 20 minutes peak and 30 minutes off-peak Weekends: 1 hour
15	Montclair Transit Center – Downtown Oakland – El Cerrito BART (alternate trips to Berkeley BART only) (on 20th Street)	Weekdays: 15 minutes before 7:30 p.m. 30 minutes afterwards Weekends: 20-30 minutes
72/ 72M	Hill Top Mall – Oakland (72) Richmond – Oakland (72M) (both on 20th Street)	Weekdays & weekends: 15 to 18 minutes (frequency of 72 and 72M combined)
72R	Along San Pablo Avenue from Contra Costa College in San Pablo to Jack London Square (on 20th Street)	Weekdays only: 12 minutes (6 a.m. to 7 p.m.)

SOURCE: AC Transit. Route and Bus Schedules, Effective June 27, 2004

Information on maximum load points was obtained from various sources compiled by the AC Transit Long Range Planning & Data Analysis Department.⁴ In the morning peak hour, Lines 40/40L, 43, 51 and 72/72M have high maximum loads, ranging between 103 and 224 percent of seated capacity. The bus lines with the lowest loads are in the northbound direction, with maximum loads of less than 20 percent. In the evening peak hour, Lines 40/40L in both directions, Line 72/72M in the southbound direction, and Lines 43 and 51 in the

⁴ Howard Der, Associate Transportation Planner of AC Transit, compiled the data file from the following sources:

- Fall 1997-Winter 1998 Systemwide Boarding & Alighting Survey
- Summer 2002-Spring 2003 APC Data Collection Units
- April 2001 Line 72 Boarding & Alighting Survey

northbound direction have high maximum loads, ranging between 102 and 245 percent of seated capacity. Southbound Line 12 has the lowest load, at approximately 30 percent. The ridership data suggests that bus lines running along major arterials near the site have high maximum demand/capacity ratios and overcrowding may occur. However, new routes and service schedules were implemented in July and December 2003 to improve bus services. The establishment of the new 72R rapid bus, together with other modifications enhancing the services, has eased some crowding issues.

In the vicinity of the proposed project site, AC transit bus stops are located on Telegraph Avenue at 24th Street (Lines 40, 40L and 43), on Telegraph Avenue at Grand Avenue (Lines 40, 40L and 43), on Broadway at Grand Avenue (Lines 51, 59, and 59A) and on Grand Avenue at Webster Street (Line 12).

BART

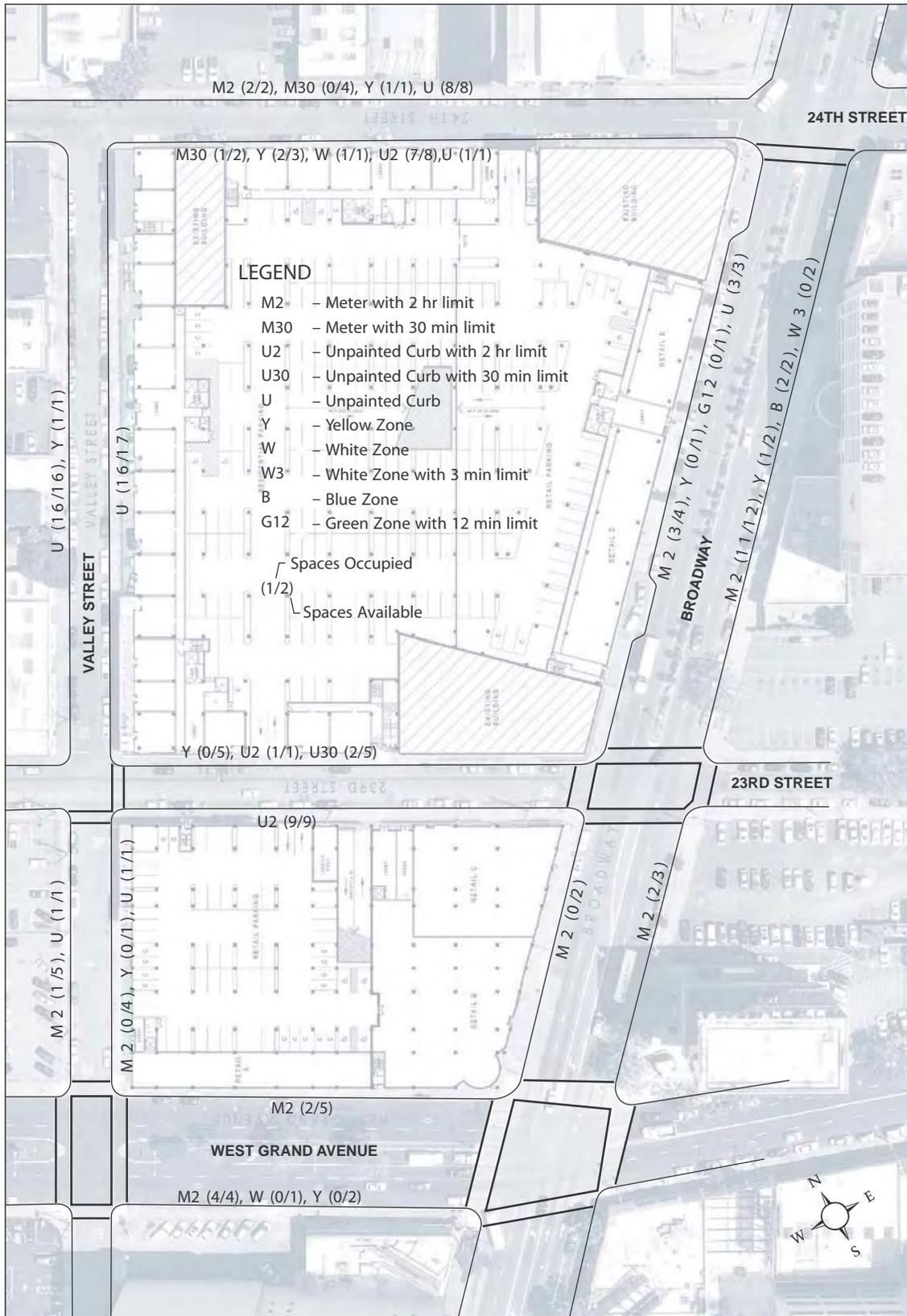
The Bay Area Rapid Transit (BART) is an automated rapid transit system serving the three BART counties of Alameda, Contra Costa, San Francisco as well as northern San Mateo County. The 19th Street BART Station is the closest station to the project site (about three blocks away), with three of the five BART lines serving that station (i.e., the Richmond – Fremont; Richmond – Millbrae / San Francisco International Airport (SFO); and Pittsburg / Bay Point – SFO/Millbrae).

The 19th Street BART station is the closest to the project site, with access at the Broadway / 20th Street intersection, three blocks from the proposed project site. April and May 2003 weekday entry/exit data was obtained from BART. Although the BART ridership data represent conditions before the opening of the BART extension to SFO (which started service in June 2003), BART staff indicates that ridership in the study area has not changed substantially with the new extension.

At the 19th Street Station, there were approximately 7,700 riders entering and 7,550 riders exiting the station on an average weekday. The morning peak hour of entries and exit at the station occurs between 8:00 and 9:00 a.m., and the evening peak hour is between 5:00 and 6:00 p.m. In general, queues at the entry/exit gates are longest when trains arrive because passengers alight and leave the station at the same time. Because passengers entering the station typically do not create long queues due to the more random arrival pattern, the morning exiting data was examined to judge levels of congestion in the station. Richmond-Fremont trains have the most passengers leaving at the 19th Street station in the morning peak hour, with an average of 102 and a maximum of 170 alighting passengers per train. Currently, there are ten exit gates during the morning peak, and all passengers can pass through the exit gate in less than one minute, which is one of the BART service standards.

Parking

On-Street Parking. An inventory of on-street parking in the two blocks bounded by West Grand Avenue, Broadway, Valley Street and 24th Street was conducted in November 2003. As shown in **Figure IV.B-5** and **Table IV.B-6**, the majority of on-street parking spaces in



SOURCE: Korve Engineering, November 2003

Broadway & West Grand / 203468 ■

Figure IV.B-5
On-Street Parking

**TABLE IV.B-6
INVENTORY OF EXISTING ON-STREET PARKING SPACES**

Location	Meters	Non-metered		Yellow Zone	White Zone	Blue Zone	Green Zone	Total
		Time Limit	No Time Limit					
West Grand Ave. (Valley Street to Broadway)	9	0	0	2	1	0	0	12
Broadway (24th Street to 23rd Street)	16	0	3	3	2	2	1	27
Broadway (23rd Street to West Grand Avenue)	5	0	0	0	0	0	0	5
24th Street (Valley Street to Broadway)	8	8	9	4	1	0	0	30
23rd Street (Valley Street to Broadway)	0	15	0	5	0	0	0	20
Valley Street (24th Street to 23rd Street)	0	0	33	1	0	0	0	34
Valley Street (23rd Street to West Grand Ave.)	9	0	2	1	0	0	0	12
Total	47	23	47	16	4	2	1	140

SOURCE: Korve Engineering

the study area are metered (generally two-hour limit), free parking with a time limit (generally two-hour limit), or free parking spaces (no time limit). Other types of available on-street spaces include service loading (yellow zone), passenger loading (white zone), handicapped accessible parking (blue zone), and short-term parking (green zone). As summarized in **Table IV.B-7**, the parking occupancy rate on individual blocks ranges from 25 to 97 percent, while spaces in the overall study area are about 70 percent occupied.

Off-Street Parking. A part of the project site (Parcel A) was recently⁵ converted to a privately-owned public parking lot with valet service, providing 111 parking stalls. The parking occupancy survey was conducted during the midday period on Wednesday June 9, 2004. The parking occupancy rate was 115 percent. All other off-street parking spaces on the project site serve existing site uses. These lots would be eliminated with the construction of the proposed project.

⁵ According to the project sponsor, the parking lot replaced an auto dealership on a portion of Parcel A, effective March 22, 2004. This was subsequent to the publication of the Notice of Preparation for this EIR and subsequent to the time that intersection traffic counts were taken for use in the EIR analysis.

**TABLE IV.B-7
EXISTING ON-STREET PARKING OCCUPANCY**

Location	Total Spaces	Occupied Spaces	Percent Occupancy
West Grand Avenue (Valley Street to Broadway)	12	6	50%
Broadway (24th Street to 23rd Street)	27	20	74%
Broadway (23rd St. to West Grand Ave.)	5	2	40%
24th Street (Valley Street to Broadway)	30	23	77%
23rd Street (Valley Street to Broadway)	20	12	60%
Valley Street (24th Street to 23rd Street)	34	33	97%
Valley Street (23rd St. to West Grand Ave.)	12	3	25%
Total	140	99	71%

SOURCE: Korve Engineering

PEDESTRIAN AND BICYCLE FACILITIES

Sidewalks are provided on all streets in the vicinity of the project site. Crosswalks are provided at all approaches at the West Grand Avenue / Broadway, West Grand Avenue / Telegraph Avenue and 23rd Street / Broadway intersections. In addition, pedestrian crosswalks are located on the northbound approach at the 24th Street / Broadway intersection, the southbound approach at the 24th Street / Telegraph Avenue intersection, and the southbound approach at the 23rd Street / Telegraph Avenue intersection.

Currently, there are bicycle facilities in proximity of the proposed project on Grand Avenue and Broadway north of 25th Street. The types of bicycle facilities range from a Class II bike lane to a Class III bike route along different stretches of those roadways.⁶ The facility surrounding Lake Merritt is a discontinuous Class I bike path, which also serves as a pedestrian walkway.

⁶ A Class I bike path provides a completely separate right-of-way for exclusive use of bicycles and pedestrians. A Class II bike lane provides exclusive usage for bicyclists with “BIKE LANE” marking and solid white striping on the roadway. A Class III bicycle route is established by placing Bike Route signs along the roadway and pavement markings are typically not installed; bicyclists and motorists share the available road pavement.

Figure IV.B-6 illustrates the proposed bicycle facilities near the project site that are in the City of Oakland's Bicycle Master Plan, adopted in July 1999. This plan recommends Class II bike lanes along San Pablo Avenue, Martin Luther King Jr. Way southwest of San Pablo Avenue, Clay Street southwest of San Pablo Avenue, and 20th Street northeast of San Pablo Avenue. Class II bike lanes are shown on Telegraph Avenue and portions of 16th and 17th Streets. The City of Oakland plans to reconfigure Telegraph Avenue between 16th Street and 20th Street from two travel lanes in each direction with parking along each side of the street to a single travel lane in each direction with a center left turn lane and a Class II bike lane on each side. No proposed bicycle facilities from the Alameda Countywide Bike Program are located near the project site.

According to the City of Oakland's *Pedestrian Master Plan* (August 2002), a landscape project is proposed on Telegraph Avenue between 16th Street and Aileen Street. In addition, pedestrian and crosswalk improvements are proposed on (West) Grand Avenue between Elwood Avenue and Adeline Street.

PROJECT IMPACTS AND MITIGATION MEASURES

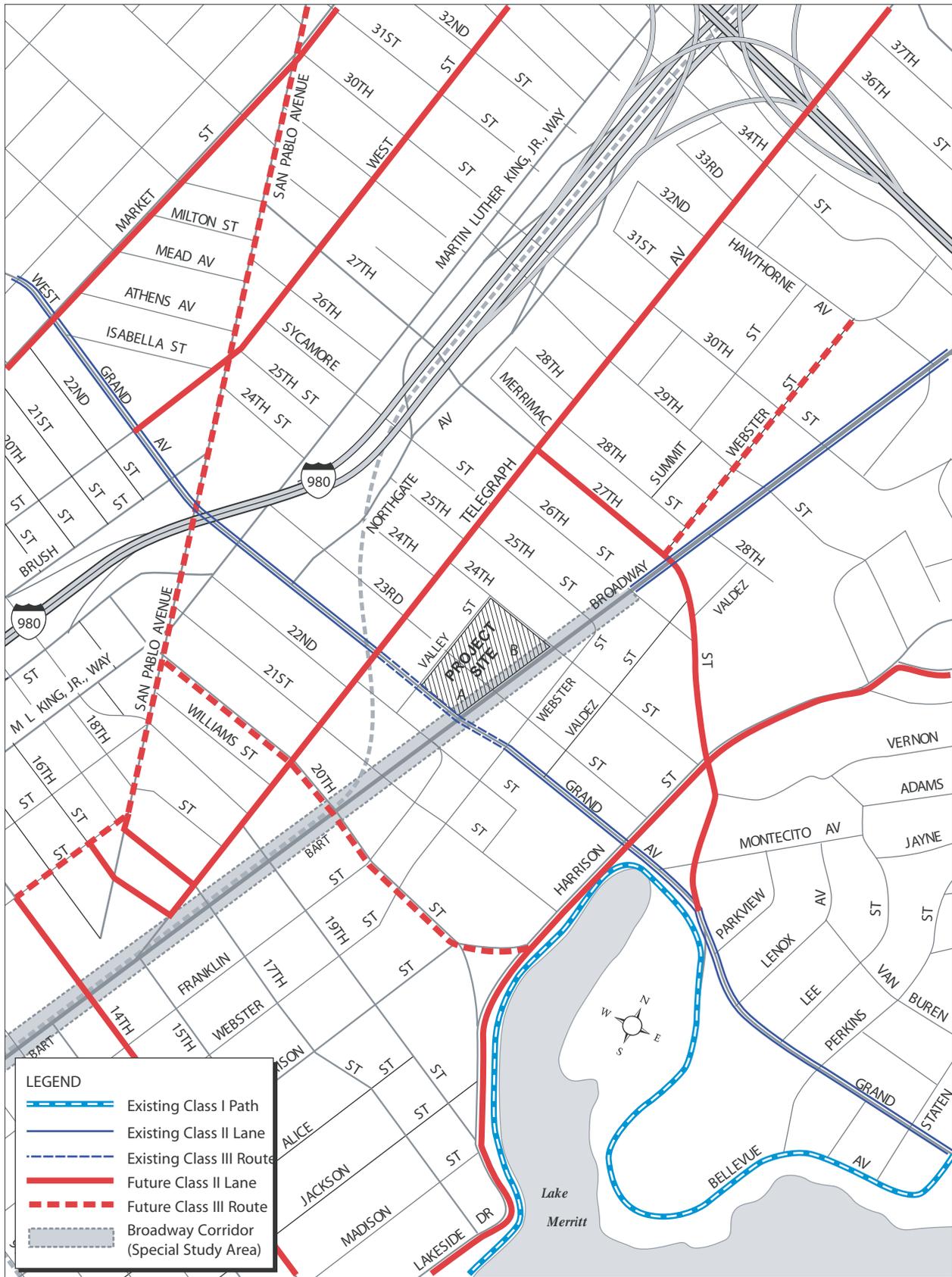
APPROACH TO ANALYSIS

The transportation analysis was conducted for typical weekday a.m. and p.m. peak commute hour conditions at local intersections and on the regional roadway facilities. Those time periods are the most relevant for this analysis because traffic volumes are generally the highest in downtown Oakland during those periods, and therefore, traffic and circulation conditions during the weekday morning and evening commute hours are considered the most critical to evaluate in determining potentially significant impacts. In addition, standard traffic analytical tools focus on the weekday peak hours.

Traffic impacts are assessed at eight critical intersections in the study area for the following five scenarios:

- Existing Conditions;
- Existing plus Project Conditions;
- Near-Term (2010) Baseline Conditions;
- Near-Term (2010) Conditions with the Project; and
- Cumulative (2025) Conditions

Intersection traffic volumes for Year 2010 Baseline conditions were derived through the use of the Alameda County Congestion Management Agency's (ACCMA) Countywide Transportation Demand Model, with land uses within Oakland modified by the Hausrath Economic Group to reflect the City's updated growth scenario for 2010. Intersection traffic volumes for cumulative (2025) conditions are derived using ACCMA's Countywide Transportation Demand model with land uses reflecting the City's updated growth scenario for 2025. Traffic associated with both the Uptown and Thomas L. Berkley Square projects are included in Year 2010 and 2025 conditions.



SOURCE: City of Oakland Bicycle Master Plan, July 1999

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Figure IV.B-6
Existing Bicycle Facilities

SIGNIFICANCE CRITERIA

Intersection Peak-Hour Level of Service

The project would have a significant effect at analysis intersections if it would cause an increase in traffic which is substantial in relation to the baseline 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 affect access or traffic load and capacity of the street system. Specifically, the project would have a significant impact if it would:

- Cause the baseline level of service (LOS)⁷ to degrade to worse than LOS E (i.e., LOS F) at a signalized intersection that is located within the Downtown area;
- Cause the baseline LOS to degrade to worse than LOS D (i.e., LOS E) at a signalized intersection that is located outside the Downtown area;
- Cause the total intersection average vehicle delay to increase by four or more seconds, or degrade to worse than LOS E (i.e., LOS F) at a signalized intersection outside the Downtown area where the baseline level of service is LOS E;
- Cause an increase in the average delay for any of the critical movements of six seconds or more, or degrade to worse than LOS E (i.e., LOS F) at a signalized intersection for all areas where the baseline level of service is LOS E;
- At a signalized intersection for all areas where the baseline level of service is LOS F, cause:
 - (a) The total intersection average vehicle delay to increase by two or more seconds,
 - (b) An increase in average delay for any of the critical movements of four seconds or more, or
 - (c) An increase in the volume-to-capacity (“V/C”) ratio that exceeds three percent (but only if the delay values cannot be measured accurately);
- At an unsignalized intersection for all areas, the project would add ten or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant; and
- Make a considerable contribution to cumulative impacts (the City of Oakland considers a project’s contribution to cumulative impacts to be “considerable” when the project contributes five percent or more of the cumulative traffic increase as measured by the difference between existing and cumulative [with project] conditions).

Roadway Segments

The project would have a significant effect on regional roadways if it would cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio

⁷ LOS and delay are based on the *2000 Highway Capacity Manual*, Transportation Research Board, National Research Council, 2000.

by more than three percent for a roadway segment that would operate at LOS F without the project.

Parking

Because a recent Court of Appeal decision (regarding a challenge to San Francisco's treatment of parking as a social, not physical, effect) held that parking is not part of the permanent physical environment, and that parking conditions change over time as people change their travel patterns, unmet parking demand created by the project is not considered a significant environmental effect under CEQA unless it would cause significant secondary effects. However, the City of Oakland wants to ensure that the provision of parking spaces in conjunction 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) will be minimized. Thus, although not mandated by CEQA, for purposes of this EIR, project effects on parking will be evaluated.

Transit

The project would have a significant effect on transit services if it would generate added transit ridership that would:

- Increase the average ridership on AC Transit lines by three percent where the average load factor with the project in place would exceed 125 percent over a peak 30-minute period;
- Increase the peak hour average ridership on BART by three percent where the passenger volume would exceed the standing capacity of BART trains;
- Increase the peak hour average ridership at a BART station by three percent where average waiting time at fare gates would exceed one minute.

Other Considerations

The project would have a significant effect if it would increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards, or due to the introduction of incompatible uses.

The project would have a significant effect if it would fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Construction Period

Potential short-term construction impacts generated by the proposed project would include the impacts associated with the delivery of construction materials and equipment, construction staging in vehicle lanes, removal of construction debris, and parking for construction workers. Construction traffic levels would be substantially below project traffic levels. Thus, the project's traffic analysis contemplates all construction traffic impacts.

The project would have a significant effect on the environment if it would result in interim significant impacts based on the above-cited criteria during the construction period. For purposes of this analysis, the potential impacts resulting from project construction activity have been assessed.

PROJECT TRIP GENERATION

The number of vehicle trips that would be generated by the proposed project was estimated through a trip generation analysis. Trip generation rates and inbound/outbound splits for the land uses under consideration were taken from the Institute of Transportation Engineers' *Trip Generation* (ITE, 1997). **Table IV.B-8** presents the results of the project's trip generation analysis.

Based on the mode split developed for this project, the manual's trip generation rates were discounted to account for transit trips.⁸ The project trip generation takes into account that vehicle trips are approximately 83 percent of all the trips generated by the proposed project's residential land uses. In addition, five percent of the project-related retail trips are estimated to be linked trips due to the project's mixed-use nature. Recently, the portion of the Negherborn auto dealership on Parcel A was converted to a privately-owned public parking lot and a car rental office. However, this study's traffic counts were conducted while the Negherborn auto dealership was in operation. Thus, the trip generation analysis considers the existing land use as an auto dealership.⁹

Taking into account the traffic generated by existing uses that would be displaced¹⁰ from the project, in the morning peak hour, the proposed project would result in net increase of about 41 vehicle trips (-73 inbound and 114 outbound). In the evening peak hour, the project would generate 137 net new vehicle trips (124 inbound and 13 outbound).

⁸ The modal split for trips generated by the proposed project was developed based on information from the ACCMA model, updated to reflect the cumulative land use forecasts of the City of Oakland. Approximately 83 percent of all trips would be vehicular trips. BART and AC Transit are expected to serve 62 and 38 percent of the transit trips, respectively.

⁹ According to the project sponsor, subsequent to the March 5, 2004, publication of the Notice of Preparation (NOP), a public parking lot commenced operation on a portion of Parcel A (on March 22, 2004) and an auto rental agency began operations on another part of Parcel A on June 1, 2004. Auto dealerships remained operational on Parcel B. Because all traffic counts conducted for this study were taken when auto dealerships operated on both Parcels A and B, the auto dealers are considered existing uses for the purposes of this analysis, and traffic generated by those uses is deducted from the anticipated new residential and commercial traffic to arrive at net new trip generation. No deduction is taken for the parking lot and car rental agency that began operations after publication of the NOP.

¹⁰ No deduction taken for vacant buildings at 440 23rd Street or 2398 Valley Street.

**TABLE IV.B-8
PROJECT WEEKDAY TRIP GENERATION**

Land Use	Size	Daily Total	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Proposed Uses								
Condominiums (units)	475	2,782	35	173	208	171	85	256
Retail (1,000 sq. ft.)	40	1,718	25	16	41	72	78	150
<i>Subtotal (All Trips)</i>		<i>4,500</i>	<i>60</i>	<i>189</i>	<i>249</i>	<i>243</i>	<i>163</i>	<i>406</i>
BART Trips ^a		(276)	(4)	(17)	(21)	(17)	(8)	(25)
AC Transit Trips ^a		(170)	(2)	(11)	(13)	(10)	(5)	(15)
Linked Trips ^b		(86)	(1)	(1)	(2)	(4)	(4)	(8)
<i>Subtotal (Vehicle Trips)</i>		<i>3,968</i>	<i>53</i>	<i>160</i>	<i>213</i>	<i>212</i>	<i>146</i>	<i>358</i>
Existing Uses to be Removed								
Auto Dealership (1,000 sq. ft.)	68.8	(2,577)	(111)	(41)	(152)	(77)	(116)	(193)
Auto Repair (1,000 sq. ft.)	3	(100)	(6)	(3)	(9)	(5)	(5)	(10)
Retail (1,000 sq. ft.)	3	(129)	(2)	(1)	(3)	(5)	(6)	(11)
Office (1,000 sq. ft.)	3	(55)	(7)	(1)	(8)	(1)	(6)	(7)
<i>Subtotal (Existing Vehicle Trips)</i>		<i>(2,861)</i>	<i>(126)</i>	<i>(46)</i>	<i>(172)</i>	<i>(88)</i>	<i>(133)</i>	<i>(221)</i>
Net New Project Trips		1,107	(73)	114	41	124	13	137

^a Transit trips are estimated to be 16 percent of the residential trips. BART and AC transit are estimated to serve 62 and 38 percent of project transit trips, respectively, based on the ACCMA’s model, updated to reflect the cumulative land use forecasts of the City of Oakland.

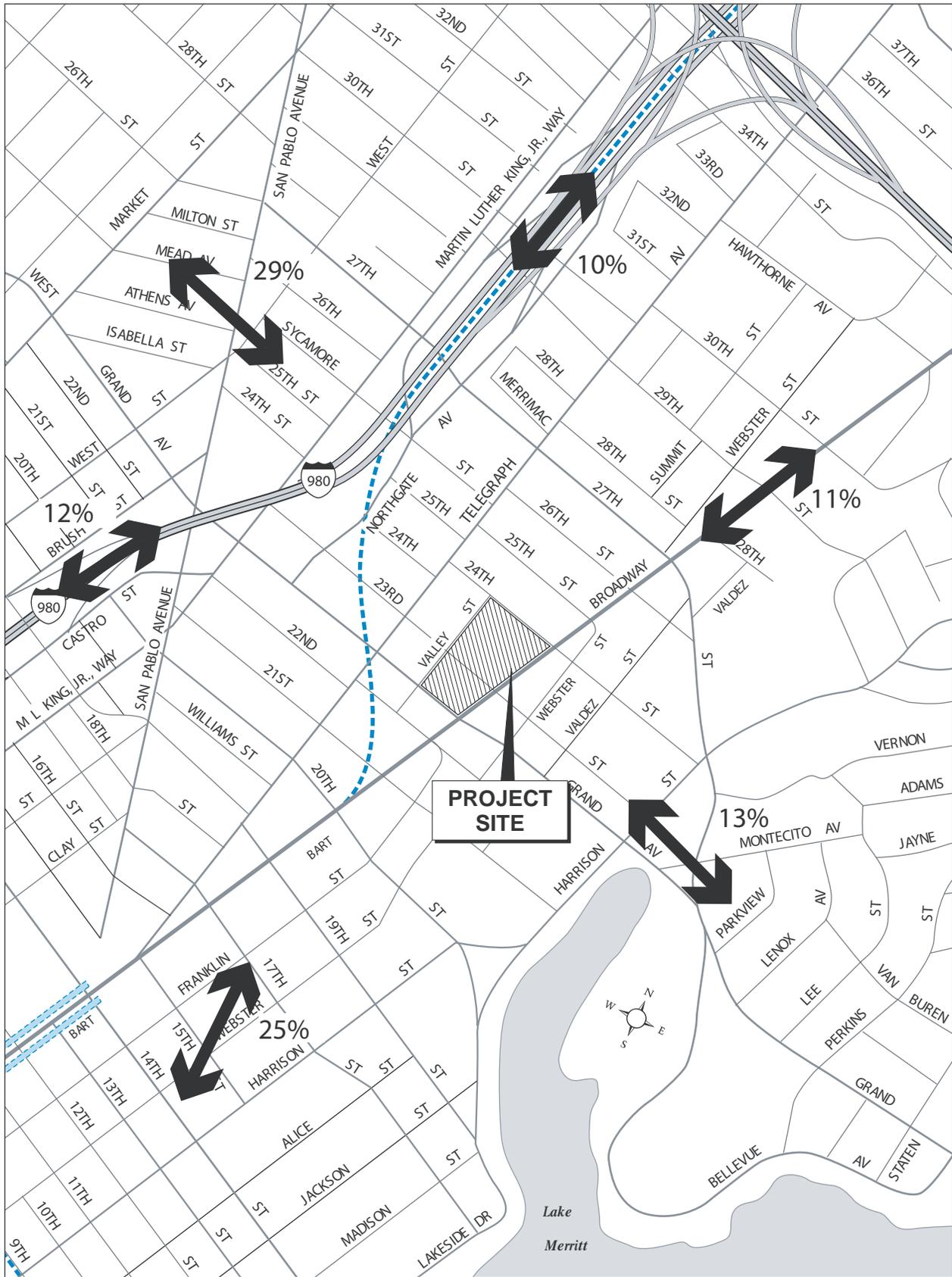
^b Five percent of the retail trips are assumed to be internal linked trips.

^c Assumes that p.m. peak-hour trips represent 10 percent of daily trip generation.

SOURCE: Korve Engineering; ITE, *Trip Generation*, 6th Edition, 1997.

PROJECT TRIP DISTRIBUTION / ASSIGNMENT

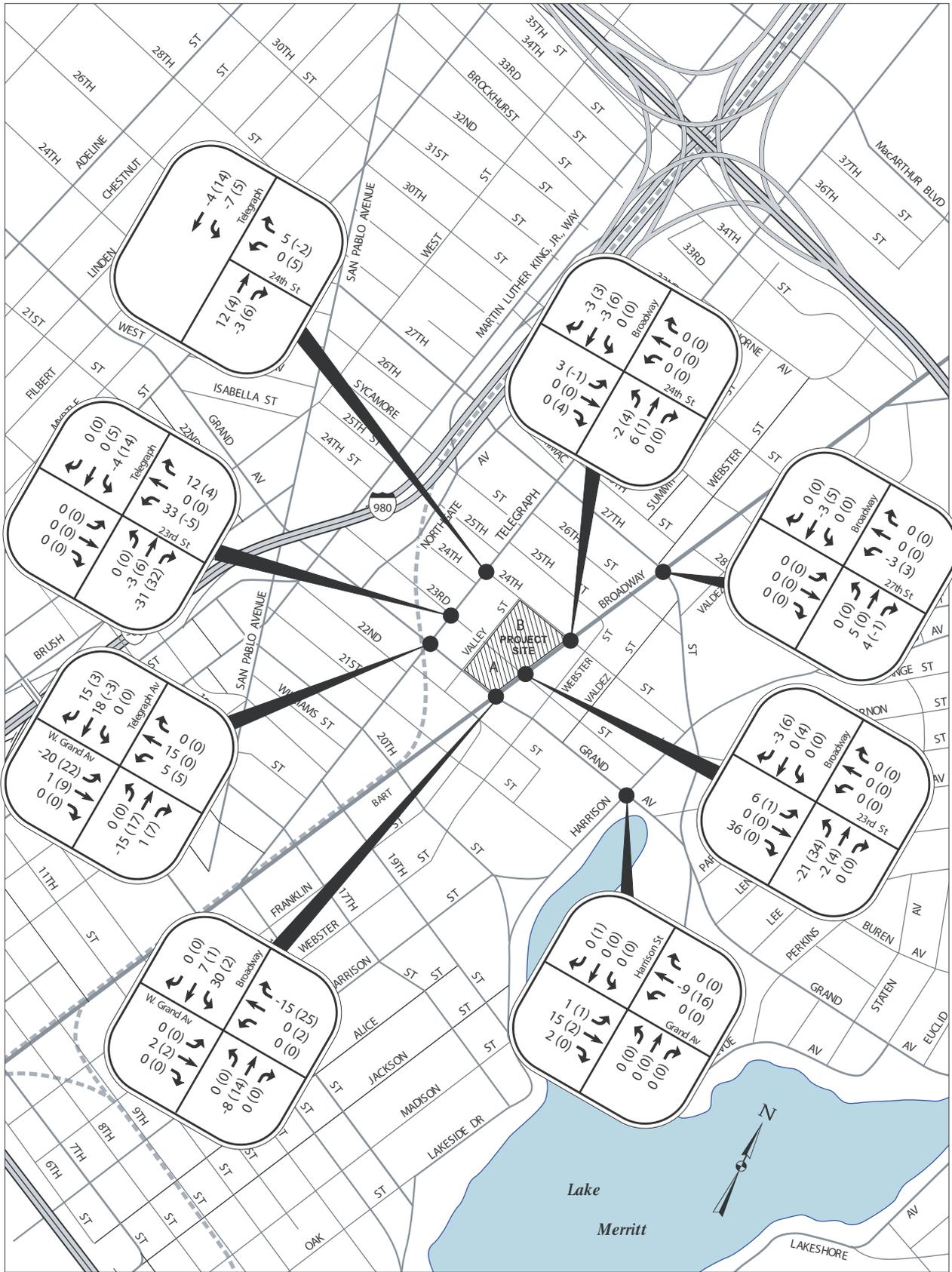
Vehicle trips forecast to be generated by the proposed project were assigned to the surrounding transportation network on the basis of a distribution pattern developed specifically for this study based on information from the ACCMA Model, updated to reflect the cumulative land use forecasts of the City of Oakland. **Figure IV.B-7** illustrates the project’s anticipated trip distribution pattern. Approximately 22 percent of project traffic is forecast to arrive from and depart via I-980, with 10 percent oriented north of the project and 12 percent to and from I-980/I-880 south. Approximately 29 percent of project traffic is expected to arrive from and depart to the northwest via Grand Avenue or 27th Avenue. About 13 percent of project traffic is forecast to arrive and depart to the southeast via I-580. As shown in **Figure IV.B-7**, the remainder of the project traffic is expected to be fairly evenly distributed on other streets near the project site. **Figure IV.B-8** presents the a.m. and p.m. peak-hour project traffic



SOURCES: ACCMA Countywide Transportation Demand Model; Korve Engineering, 2004

Broadway & West Grand / 203468 ■

Figure IV.B-7
Project Trip Distribution



SOURCE: Korve Engineering, 2004

Broadway & West Grand / 203468 ■

Figure IV.B-8

Project Peak Hour at Intersections

AM (PM) Peak Hour

volumes at the study intersections. **Figure IV.B-9** illustrates the Existing plus Project traffic volumes.

SITE ACCESS

Parcels A and B would each provide two driveways. Driveways to the residential parking, and retail parking for Parcel A would be provided off 23rd Street, as would access to a truck loading dock (an additional loading space would be provided in the garage). For Parcel B, shared parking access to the residential and retail uses would be provided off 24th Street, in addition to a residential-only driveway that would be provided off 23rd Street. Access for truck loading would be from 24th Street (two additional loading spaces would be provided in the garage).

Pedestrian access through lobbies to the residential portion of Parcel A would be provided from Valley Street and 23rd Street. Pedestrian access to the residential units on Parcel B would be provided from Valley Street, 23rd Street, 24th Street and Broadway. The retail space would be located along the frontage of Broadway on Parcel B and along the frontage of West Grand Avenue and Broadway on Parcel A.

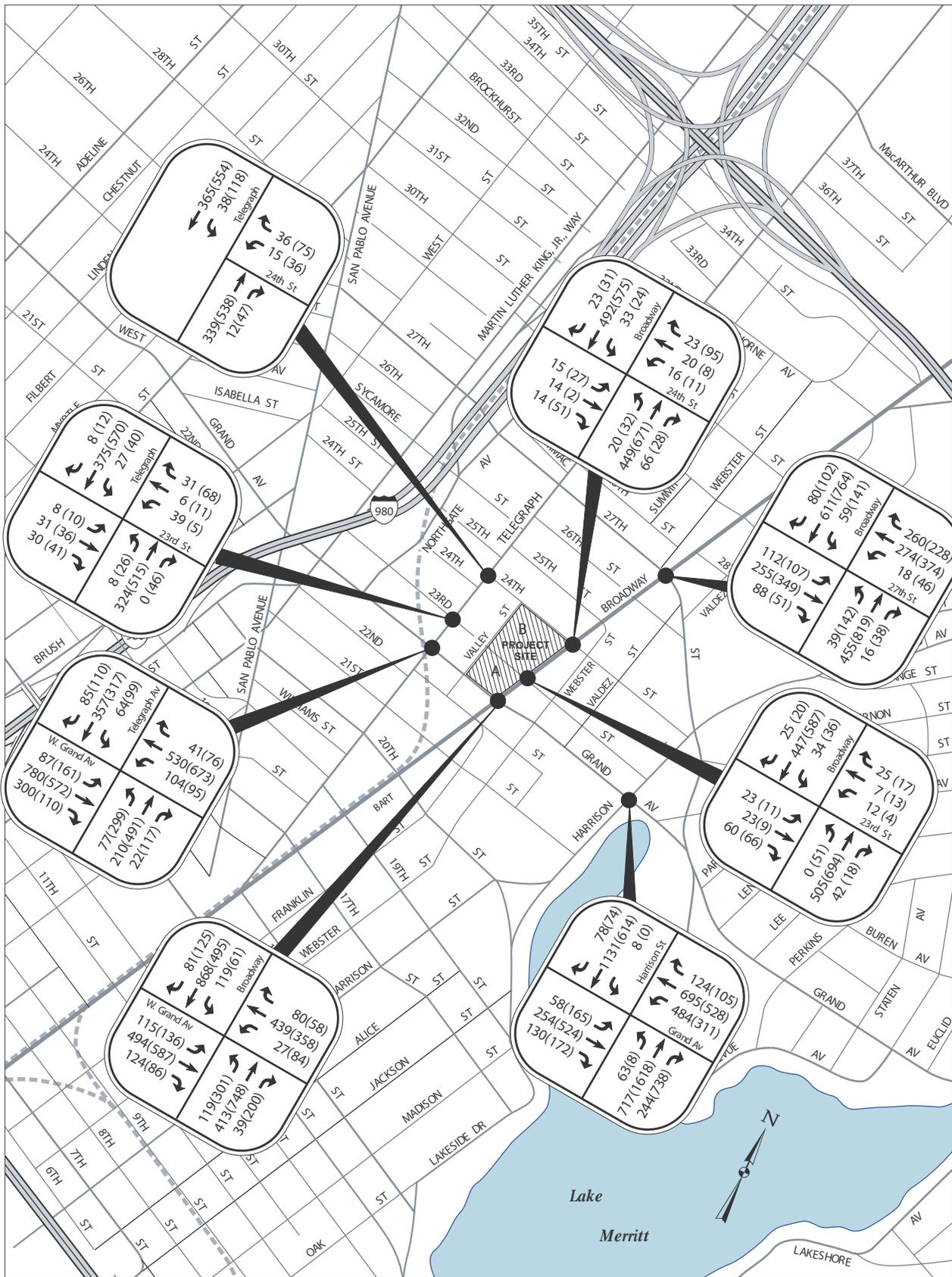
INTERSECTION IMPACTS

Existing plus Project Conditions

Impact B.1: Traffic generated by the project would affect existing traffic levels of service at local intersections. (Less than Significant)

As shown in **Table IV.B-9**, the four signalized study intersections would operate at an acceptable LOS D or better during the a.m. and p.m. peak hours with traffic associated with the project. All of the study unsignalized intersections would operate at LOS A in the Existing and Existing plus Project conditions. Addition of project-generated traffic would cause the worst service level on a side-street approach at the 23rd Street / Telegraph Avenue and 23rd Street / Broadway unsignalized intersections to degrade from LOS D to LOS E. However, these unsignalized intersections do not meet Caltrans' Peak-Hour Volume traffic signal warrant, and based on the significant impact criteria established for analyses in Oakland, the proposed project would not cause significant impacts at local intersections under the Existing plus Project scenario.

Mitigation: None required.



SOURCE: Korve Engineering, 2004

Broadway & West Grand / 203468 ■

Figure IV.B-9
Existing + Project Traffic at Intersections
AM (PM) Peak Hour

**TABLE IV.B-9
EXISTING AND EXISTING PLUS PROJECT
PEAK-HOUR INTERSECTION LEVELS OF SERVICE (LOS)**

No.	Intersection	Traffic Control	AM Peak Hour				PM Peak Hour			
			Existing		With Project		Existing		With Project	
			LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
1	West Grand Ave. & Telegraph Ave.	Signal	C	25.2	C	25.6	B	20.0	C	20.9
2	West Grand Avenue & Broadway	Signal	C	25.0	C	25.3	D	38.4	D	38.2
3	Grand Avenue & Harrison Street	Signal	C	28.5	C	28.3	C	25.7	C	25.8
4	23rd Street & Telegraph Avenue	TWSC	C	16.4	C	16.3	D	30.8	E	35.7
5	23rd Street & Broadway	TWSC	C	24.1	C	21.0	D	30.0	E	35.5
6	24th Street & Telegraph Avenue	TWSC	B	11.6	B	11.5	C	19.5	C	21.9
7	24th Street & Broadway	TWSC	C	18.8	C	18.9	C	17.5	C	17.6
8	27th Street & Broadway	Signal	C	27.7	C	27.7	C	33.3	C	33.3

^a The LOS and delay for Side-Street Stop intersections represent the worst movement or approach. The LOS and delay for Signalized intersections represent the overall intersection.

NOTE: TWSC = Two-Way Stop-Sign Control (with Stop sign[s] on the side street approach[es] only).

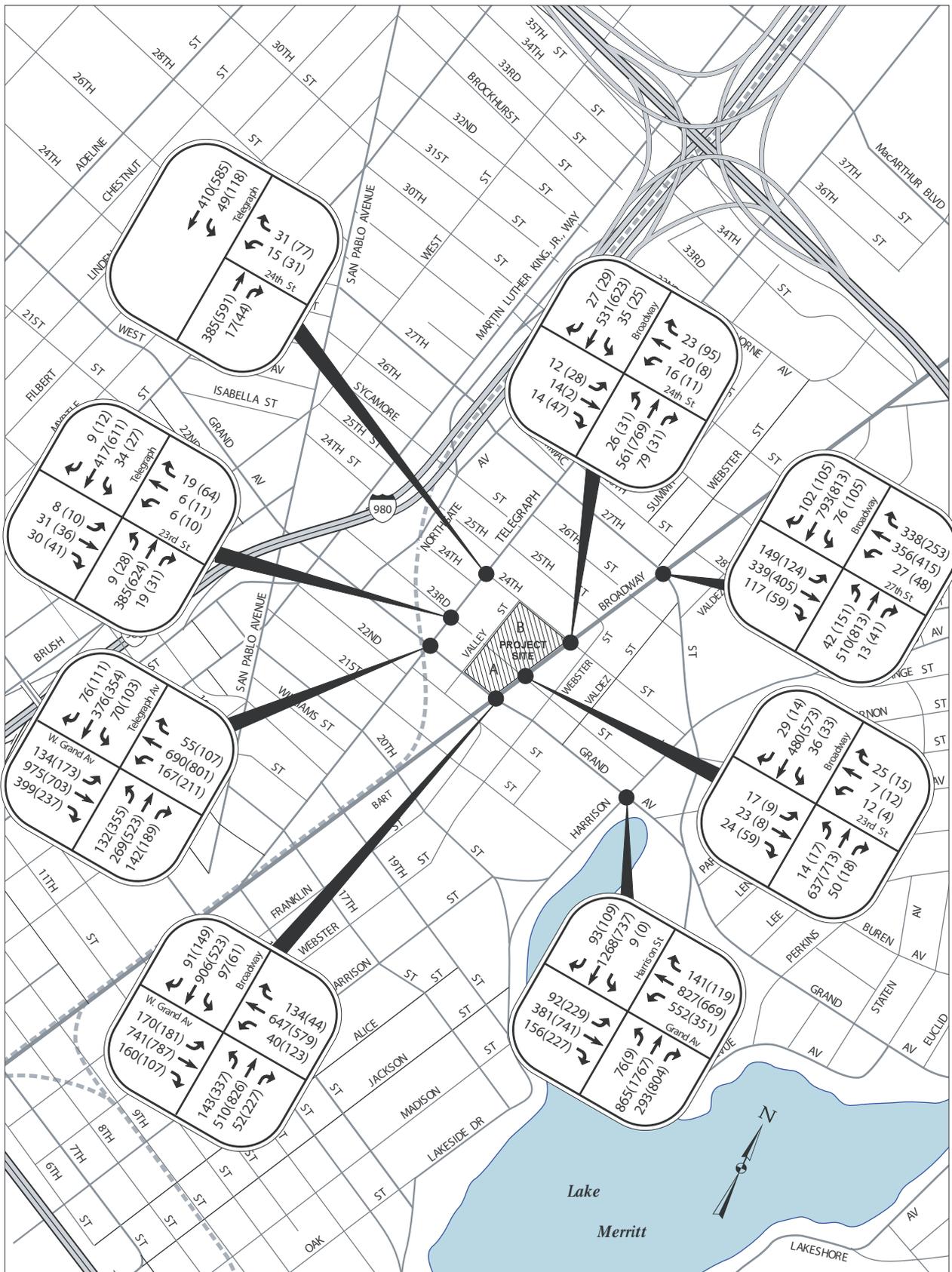
SOURCE: Korve Engineering

Near-Term Future 2010 Conditions

Impact B.2: Traffic generated by the project would affect traffic levels of service at local intersections under future (2010) conditions. (Significant)

Based on the Alameda County Congestion Management Agency's (ACCMA) Countywide Transportation Demand Model's forecasts updated to reflect the cumulative land use forecasts of the City of Oakland, increases in traffic levels at each study intersection were estimated. The Year 2010 Baseline traffic volumes were developed based on growth factors developed from the ACCMA model data, which reflected the increase in traffic from all planned development that would have an impact on the study area. **Figure IV.B-10** illustrates the Year 2010 Baseline traffic volumes without the proposed project. **Figure IV.B-11** illustrates the Year 2010 plus Project traffic volumes.

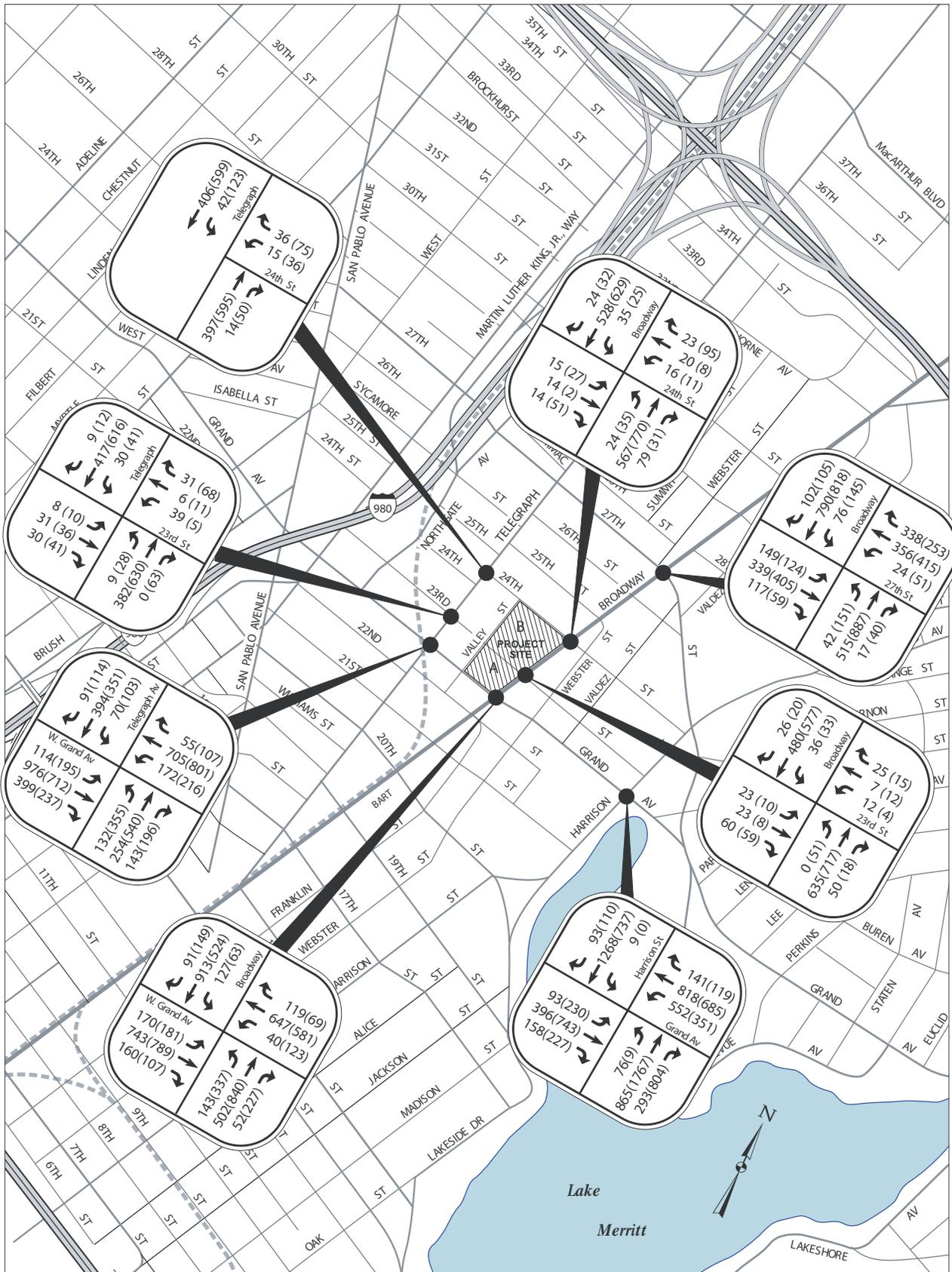
As shown in **Table IV.B-10**, the signalized intersections at West Grand Avenue / Telegraph Avenue (a.m. peak hour) and West Grand Avenue / Broadway (p.m. peak hour) would operate at LOS E in 2010 with and without the proposed project. As stated previously, LOS E is considered to be acceptable at intersections in the downtown area (within which those two intersections are located). However, the addition of project traffic would cause an increase in the



SOURCE: Korve Engineering, 2004

Broadway & West Grand / 203468 ■

Figure IV.B-10
2010 Baseline Traffic at Intersections
AM (PM) Peak Hour



SOURCE: Korve Engineering, 2004

— Broadway & West Grand / 203468 ■

Figure IV.B-11

2010 Baseline + Project Traffic at Intersections

AM (PM) Peak Hour

**TABLE IV.B-10
2010 PEAK-HOUR INTERSECTION LEVELS OF SERVICE (LOS) ^a**

No.	Intersection	Traffic Control	AM Peak Hour				PM Peak Hour			
			Baseline		With Project		Baseline		With Project	
			LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
1	West Grand Ave. & Telegraph Ave.	Signal	E	57.3	E^b	57.7^b	D	37.7	D	35.2
2	West Grand Avenue & Broadway	Signal	C	29.5	C	29.9	E	55.2	E	56.3
3	Grand Avenue & Harrison Street	Signal	C	27.1	C	27.1	C	33.4	C	33.5
4	23rd Street & Telegraph Avenue	TWSC	C	18.7	C	18.9	E	44.9	F	54.7
5	23rd Street & Broadway	TWSC	D	31.8	D	26.8	E	39.5	E	48.1
6	24th Street & Telegraph Avenue	TWSC	B	12.4	B	12.2	C	22.4	D	25.7
7	24th Street & Broadway	TWSC	C	21.3	C	21.4	C	20.6	C	20.7
8	27th Street & Broadway	Signal	C	30.4	C	30.3	C	34.8	C	34.8

^a The LOS and delay two-way stop controlled intersections represent the worst movement or approach. The LOS and delay for Signalized intersections represent the overall intersection. Significant impacts are denoted in **Bold** typeface.

^b The addition of project traffic would cause an increase in the average delay of greater than six seconds for the critical movements at West Grand Avenue / Telegraph Avenue, which would be a significant impact according to the significance criteria established by the City of Oakland. Specifically, a.m. peak-hour delay for the westbound left turn movement would grow by about 20 seconds with the addition of traffic generated by the proposed project.

SOURCE: Korve Engineering

average delay of greater than six seconds for the critical movements at West Grand/Telegraph, which would be a significant impact. Specifically, delay for the westbound left turn movement would grow by about 20 seconds with the addition of the proposed project. The increase in average delay for critical movements at West Grand Avenue / Broadway would be less than six seconds, and the project effect would be less than significant. Specifically, delay for a critical movement (westbound through movement) will grow from 33.8 seconds to 38.4 seconds (i.e., by less than six seconds), and delay for the northbound left turn movement (another critical movement) would remain the same with the project. Addition of project-generated traffic would cause the worst service level on a side-street approach at the 23rd Street / Telegraph Avenue unsignalized intersection to degrade from LOS E to LOS F. The project would add seven vehicles in the a.m. peak hour and 56 vehicles in the p.m. peak hour at the 23rd Street / Telegraph Avenue intersection. Thus, the project would add more than 10 vehicles in the p.m. peak hour and would meet the volume-based significance criterion for an unsignalized intersection. However, the unsignalized intersection would not meet Caltrans' Peak-Hour Volume traffic signal warrant, and based on the significant impact criteria established for analyses in Oakland, the project's effect on conditions at 23rd/Telegraph would be considered less than significant. The other five study intersections would operate at an acceptable LOS D or better.

Mitigation Measure B.2: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length and optimization of the traffic signal timing at the signalized intersection of West Grand Avenue / Telegraph Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal systems on West Grand Avenue and Telegraph Avenue.

The project sponsor shall contribute its fair share toward the cost of optimization of all traffic signals on West Grand Avenue between San Pablo Avenue and Broadway, and on Telegraph Avenue between Broadway and West Grand Avenue. The project volumes would comprise about 0.6 percent of the total intersection a.m. peak-hour traffic volumes, and about 2.3 percent of the *increase* in traffic volume during the a.m. peak hour.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:

- a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.
- b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

After implementation of this measure, the intersection would operate at an acceptable LOS C. The implementation of Mitigation Measure B.2 would not lead to any adverse impacts.

Significance after Mitigation: Less than Significant.

Cumulative 2025 Conditions

Impact B.3: Traffic generated by the project in combination with cumulative growth would affect traffic levels of service at local intersections under cumulative (2025) conditions. (Significant Cumulative)

Traffic increases for each study intersection were estimated based on the ACCMA Countywide Transportation Demand Model forecasts, updated to reflect the cumulative land use forecasts of

the City of Oakland. This cumulative scenario includes all development contemplated in the study area. **Figure IV.B-12** illustrates the Year 2025 cumulative traffic volumes.

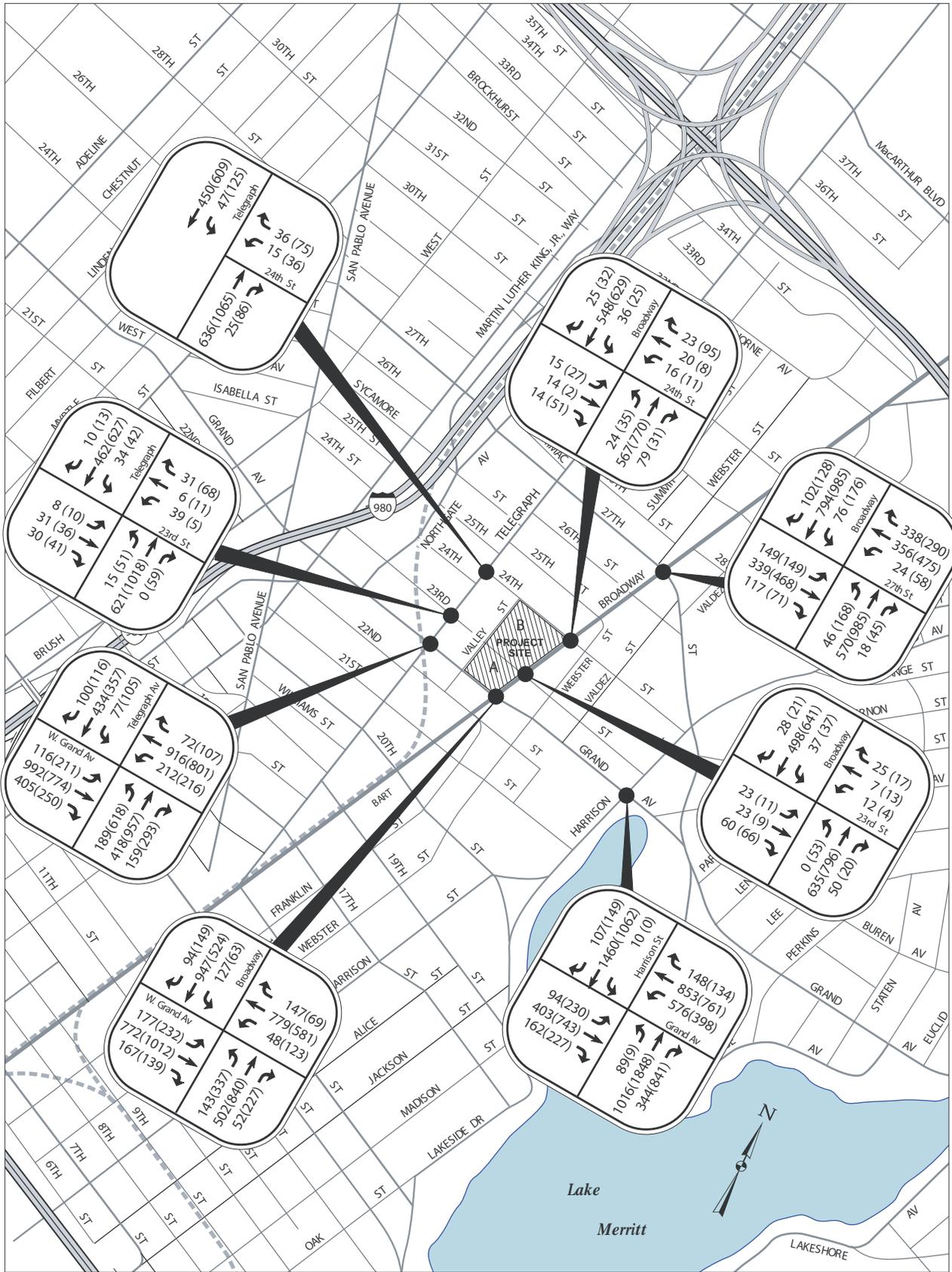
As shown in **Table IV.B-11**, the signalized intersections at West Grand Avenue / Telegraph Avenue (a.m. peak hour) and West Grand Avenue / Broadway (p.m. peak hour) would operate at LOS E in the Year 2025 cumulative conditions. The West Grand Avenue / Telegraph Avenue intersection would operate at LOS F in the p.m. peak hour in the Year 2025 cumulative conditions.

Addition of cumulative traffic would cause delays on a side-street approach at the 24th Street / Telegraph Avenue unsignalized intersection to increase within an unacceptable LOS F, and that unsignalized intersection would meet Caltrans' Peak-Hour Volume traffic signal warrant, and based on the significant impact criteria established for analyses in Oakland, the cumulative effect on conditions at 24th/Telegraph would be considered significant. Addition of cumulative traffic also would cause delays on a side-street approach at the 23rd Street / Telegraph Avenue unsignalized intersection to increase within an unacceptable LOS F, and would cause the worst service level on a side-street approach at the 23rd Street / Broadway unsignalized intersection to degrade from LOS E to LOS F. However, those two unsignalized intersections would not meet Caltrans' Peak-Hour Volume traffic signal warrant, and the cumulative effect would be considered less than significant. The other three study intersections would operate at an acceptable LOS D or better.

Mitigation Measure B.3a: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length and optimization of the traffic signal timing at the signalized intersection of West Grand Avenue / Telegraph Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal systems on West Grand Avenue and Telegraph Avenue.

The project sponsor shall contribute its fair share toward the cost of optimization of all traffic signals on West Grand Avenue between San Pablo Avenue and Broadway, and on Telegraph Avenue between Broadway and West Grand Avenue. The project volume would comprise about 0.5 percent of the a.m. peak hour volume and 1.2 percent of the p.m. peak hour volume at the West Grand Avenue / Telegraph Avenue intersection in the Year 2025 cumulative conditions. The proposed project would contribute about 1.4 percent in the a.m. peak hour and 3.4 percent in the p.m. peak hour to the traffic volume increase between the existing and Year 2025 cumulative conditions.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:



SOURCE: Korve Engineering, 2004

— Broadway & West Grand / 203468 ■

Figure IV.B-12
2025 Cumulative Intersections
AM (PM) Peak Hour

**TABLE IV.B-11
2025 PEAK-HOUR INTERSECTION LEVELS OF SERVICE (LOS) ^a**

No.	Intersection	Traffic Control	AM Peak		PM Peak	
			LOS	Delay	LOS	Delay
1	West Grand Ave. & Telegraph Ave.	Signal	E ^b	66.7 ^b	F ^b	83.8 ^b
2	West Grand Avenue & Broadway	Signal	C	32.5	E ^b	71.3 ^b
3	Grand Avenue & Harrison Street	Signal	C	31.1	D	38.4
4	23rd Street & Telegraph Avenue	TWSC	D	29.6	F	>120
5	23rd Street & Broadway	TWSC	C	24.3	E	39.9
6	24th Street & Telegraph Avenue	TWSC	B	14.8	F ^b	79.3 ^b
7	24th Street & Broadway	TWSC	C	19.6	C	18.1
8	27th Street & Broadway	Signal	C	29.8	D	37.1

^a The LOS and delay two-way stop controlled intersections represent the worst movement or approach. The LOS and delay for Signalized intersections represent the overall intersection. Significant impacts are denoted in **Bold** typeface.

^b See text discussion on page IV.B-33 regarding the proposed project’s contribution to cumulative traffic volumes (as a percent of total traffic volume, and a percent of the traffic volume increase between the existing and Year 2025 cumulative conditions).

SOURCE: Korve Engineering

- a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.
- b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City’s thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

After implementation of this measure, the intersection would operate at an acceptable LOS E (with average delays lower than under 2025 Baseline conditions). The implementation of Mitigation Measure B.3a would not lead to any adverse impacts.

Mitigation Measure B.3b: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length, optimization of the traffic signal timing, and provision of protected left turn phases on the northbound and southbound approaches, at the signalized intersection of West Grand Avenue / Broadway. Optimization of traffic signal timing shall

include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal system on West Grand Avenue.

The project sponsor shall contribute its fair share toward the cost of optimization of all traffic signals on West Grand Avenue between San Pablo Avenue and Broadway, and on Telegraph Avenue between Broadway and West Grand Avenue. The project volume would comprise about 1.1 percent of the p.m. peak hour intersection volume at the Broadway / West Grand Avenue intersection in the Year 2025 cumulative conditions. The proposed project would contribute about 4.2 percent of the cumulative traffic volume increase between the existing and Year 2025 cumulative conditions.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:

- a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.
- b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

After implementation of this measure, the intersection would operate at an acceptable LOS E (with average delays lower than under 2025 Baseline conditions). The implementation of Mitigation Measure B.3b would not lead to any adverse impacts.

Mitigation Measure B.3c: The project sponsor shall contribute its fair share to installation of a traffic signal at the unsignalized intersection of 24th Street / Telegraph Avenue. Installation of the traffic signal shall include optimizing signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

The project sponsor shall contribute its fair share toward the cost of installation of the traffic signal. The project volume would comprise about 1.6 percent of the p.m. peak hour intersection volume at the 24th Street (westbound) / Telegraph Avenue intersection in the Year 2025 cumulative conditions. The proposed project would contribute about 4.8 percent of the cumulative traffic volume increase between the existing and Year 2025 cumulative conditions.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:

- a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.
- b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

The 24th Street (eastbound) / Telegraph Avenue intersection is signalized, located approximately 125 feet south of the 24th Street (westbound) / Telegraph Avenue intersection. Due to the proximity with the existing signal, the new and existing signals would need to be interconnected and operated as a single signalized intersection. After implementation of this measure, the intersection would operate at LOS A. The implementation of Mitigation Measure B.3c would not lead to any adverse impacts.

Significance after Mitigation: Less than Significant.

FREEWAY IMPACTS

Existing plus Project Conditions

Impact B.4: Traffic generated by the project would affect existing traffic levels of service on freeway segments in the project area. (Less than Significant)

Levels of service on the freeway system were evaluated based on the volume-to-capacity (V/C) ratio methodology used by the City of Oakland and CMA, as well as the density methodology used by Caltrans. The V/C ratio methodology used by the City of Oakland and CMA is the criteria used in this EIR to determine if the project would have a significant traffic impact.

Table IV.B-12 presents peak-hour freeway levels of service with and without the proposed project based on V/C ratios, and vehicle density. As seen, the addition of project-generated traffic would not change the LOS on any freeway segment, and the project impact would be less than significant, and project traffic would represent up to 0.44 percent of traffic volumes on freeway study segments.

Mitigation: None required.

**TABLE IV.B-12
EXISTING AND EXISTING PLUS PROJECT PEAK-HOUR FREEWAY LEVEL OF SERVICE (LOS)**

Location	Direction	Peak Hour	Volume-to-Capacity Methodology						Density Methodology				Percent Project Volume
			Existing			Existing + Project			Existing		Existing + Project		
			Veh./lane	V/C	LOS	Veh./lane	V/C	LOS	Pc/mi/ln	LOS	Pc/mi/ln	LOS	
I-980 at Junction with I-880	Eastbound	AM	1,334	0.72	C	1,334	0.72	C	25.5	D	25.5	D	0.00%
		PM	1,557	0.85	D	1,557	0.85	D	32.5	F	32.5	F	0.00%
	Westbound	AM	1,078	0.59	C	1,078	0.59	C	20.5	C	20.5	C	0.00%
		PM	928	0.50	B	928	0.50	B	17.0	C	17.0	C	0.00%
I-980 at 18th Street	Eastbound	AM	518	0.28	A	520	0.28	A	9.5	A	9.5	A	0.44%
		PM	1,121	0.61	C	1,121	0.61	C	21.0	C	21.0	C	0.02%
	Westbound	AM	1,222	0.66	C	1,221	0.66	C	23.0	D	23.0	D	-0.12%
		PM	619	0.34	A	622	0.34	A	12.0	B	12.0	B	0.40%
State Route 24 at Junction with I-580	Eastbound	AM	815	0.42	B	817	0.42	B	15.0	B	15.0	B	0.35%
		PM	1,618	0.83	D	1,618	0.83	D	31.5	D	31.5	D	0.02%
	Westbound	AM	1,785	0.92	C	1,784	0.92	C	39.5	E	39.5	E	-0.10%
		PM	982	0.51	B	985	0.51	B	17.0	C	17.0	C	0.31%
I-580 at Grand Avenue	Northbound	AM	1,334	0.68	C	1,338	0.68	C	24.0	C	24.0	C	0.28%
		PM	2,400	1.22	F	2,400	1.22	F	N/A	F	N/A	F	0.02%
	Southbound	AM	2,516	1.28	F	2,513	1.28	F	N/A	F	N/A	F	-0.09%
		PM	1,450	0.74	C	1,454	0.74	C	27.0	D	27.0	D	0.28%
I-580 at Harrison Street	Northbound	AM	1,007	0.51	C	1,010	0.52	C	18.0	C	18.0	C	0.29%
		PM	1,873	0.96	E	1,874	0.96	E	47.0	F	47.0	F	0.02%
	Southbound	AM	1,953	1.00	F	1,951	1.00	F	60.0	F	60.0	F	-0.10%
		PM	1,087	0.55	C	1,090	0.56	C	19.0	C	19.0	C	0.29%
I-880 at Oak/Madison Streets	Northbound	AM	1,853	1.05	F	1,852	1.05	F	N/A	F	N/A	F	-0.09%
		PM	1,430	0.81	D	1,433	0.81	D	31.5	E	31.5	E	0.21%
	Southbound	AM	1,407	0.80	D	1,409	0.80	D	31.0	D	31.0	D	0.19%
		PM	1,830	1.04	F	1,830	1.04	F	N/A	F	N/A	F	0.02%
I-880 at Broadway	Northbound	AM	1,984	1.13	F	1,984	1.13	F	N/A	F	N/A	F	0.00%
		PM	1,653	0.94	E	1,653	0.94	E	42.0	F	42.0	F	0.00%
	Southbound	AM	1,296	0.74	C	1,296	0.74	C	27.0	D	27.0	D	0.00%
		PM	1,627	0.92	D	1,627	0.92	D	39.5	F	39.5	F	0.00%
I-880 at Junction with I-980	Northbound	AM	1,882	1.07	F	1,887	1.07	F	N/A	F	N/A	F	0.24%
		PM	1,246	0.71	C	1,246	0.71	C	25.0	E	25.0	E	0.04%
	Southbound	AM	918	0.52	B	915	0.52	B	18.0	C	18.0	C	-0.31%
		PM	1,554	0.88	D	1,559	0.88	D	35.0	F	35.0	F	0.32%

SOURCE: Korve Engineering and Caltrans

Near-Term Future 2010 Conditions

Impact B.5: Traffic generated by the project would affect traffic levels of service on freeway segments in the project area under future (2010) conditions. (Less than Significant)

Levels of service on the freeway system were evaluated based on the volume-to-capacity (V/C) ratio methodology used by the City of Oakland, as well as the density methodology used by Caltrans. The V/C ratio methodology used by the City of Oakland is the criteria used in this EIR to determine if the project would have a significant traffic impact. **Table IV.B-13** presents peak-hour freeway levels of service in 2010 with and without the proposed project based on V/C ratios, and vehicle density. As seen, the addition of project-generated traffic would not change the LOS on any freeway segment, and the project impact would be less than significant, and project traffic would represent up to 0.42 percent of traffic volumes on freeway study segments.

Mitigation: None required.

Cumulative 2025 Conditions

Impact B.6: Traffic generated by the project would affect traffic levels of service on freeway segments in the project area under cumulative (2025) conditions. (Less than Significant)

Levels of service on the freeway system were evaluated based on the volume-to-capacity (V/C) ratio methodology used by the City of Oakland, as well as the density methodology used by Caltrans. The V/C ratio methodology used by the City of Oakland is the criteria used in this EIR to determine if the project would have a significant traffic impact. **Table IV.B-14** presents peak-hour freeway levels of service in 2025 with and without the proposed project based on V/C ratios, and vehicle density. As seen, the addition of project-generated traffic would not change the LOS on any freeway segment, and the project impact would be less than significant, and project traffic would represent up to 0.38 percent of traffic volumes on freeway study segments.

Mitigation: None required.

**TABLE IV.B-13
2010 PEAK-HOUR FREEWAY LEVEL OF SERVICE (LOS)**

Location	Direction	Peak Hour	Volume-to-Capacity Methodology						Density Methodology				Percent Project Volume
			Existing			Existing + Project			Existing		Existing + Project		
			Veh./lane	V/C	LOS	Veh./lane	V/C	LOS	Pc/mi/ln	LOS	Pc/mi/ln	LOS	
I-980 at Junction with I-880	Eastbound	AM	1,374	0.80	D	1,374	0.80	D	31.0	D	31.0	D	0.00%
		PM	1,634	1.01	F	1,634	1.01	F	N/A	F	N/A	F	0.00%
	Westbound	AM	1,195	0.73	C	1,195	0.73	C	26.0	C	26.0	C	0.00%
		PM	1,061	0.63	C	1,061	0.63	C	22.0	C	22.0	C	0.00%
I-980 at 18th Street	Eastbound	AM	542	0.33	A	545	0.33	A	11.0	A	11.0	A	0.42%
		PM	1,229	0.72	C	1,230	0.72	C	25.5	C	25.5	C	0.02%
	Westbound	AM	1,314	0.77	D	1,313	0.77	D	28.0	D	28.0	D	-0.11%
		PM	677	0.40	B	679	0.40	B	14.0	B	14.0	B	0.36%
State Route 24 at Junction with I-580	Eastbound	AM	840	0.43	B	843	0.43	B	15.5	B	15.5	B	0.34%
		PM	1,726	0.89	D	1,726	0.89	D	36.5	D	36.5	D	0.02%
	Westbound	AM	1,946	1.00	E	1,944	1.00	E	60.0	E	60.0	E	-0.09%
		PM	1,064	0.55	C	1,067	0.55	C	19.0	C	19.0	C	0.29%
I-580 at Grand Avenue	Northbound	AM	1,465	0.75	C	1,469	0.75	C	27.5	C	27.5	C	0.25%
		PM	2,603	1.33	F	2,604	1.33	F	N/A	F	N/A	F	0.01%
	Southbound	AM	2,617	1.34	F	2,615	1.34	F	N/A	F	N/A	F	-0.09%
		PM	1,630	0.83	D	1,634	0.83	D	31.5	D	31.5	D	0.25%
I-580 at Harrison Street	Northbound	AM	1,085	0.55	C	1,088	0.56	C	19.0	C	19.5	C	0.27%
		PM	2,023	1.03	F	2,024	1.03	F	N/A	F	N/A	F	0.02%
	Southbound	AM	2,038	1.04	F	2,036	1.04	F	N/A	F	N/A	F	-0.09%
		PM	1,228	0.63	C	1,231	0.63	C	22.0	C	22.0	C	0.26%
I-880 at Oak/Madison Streets	Northbound	AM	2,003	1.19	F	2,001	1.19	F	N/A	F	N/A	F	-0.09%
		PM	1,653	0.96	E	1,656	0.96	E	46.0	E	46.0	E	0.18%
	Southbound	AM	1,637	0.89	D	1,640	0.89	D	36.5	D	36.5	D	0.17%
		PM	1,945	1.20	F	1,946	1.20	F	N/A	F	N/A	F	0.01%
I-880 at Broadway	Northbound	AM	2,189	1.39	F	2,189	1.39	F	N/A	F	N/A	F	0.00%
		PM	1,883	1.16	F	1,883	1.16	F	N/A	F	N/A	F	0.00%
	Southbound	AM	1,509	0.82	D	1,509	0.82	D	31.5	D	31.5	D	0.00%
		PM	1,730	1.07	F	1,730	1.07	F	N/A	F	N/A	F	0.00%
I-880 at Junction with I-980	Northbound	AM	2,186	1.42	F	2,191	1.42	F	N/A	F	N/A	F	0.21%
		PM	1,552	0.92	E	1,552	0.92	E	39.5	E	39.5	E	0.03%
	Southbound	AM	1,217	0.53	C	1,214	0.53	C	18.0	C	18.0	C	-0.24%
		PM	1,703	1.07	F	1,708	1.07	F	N/A	F	N/A	F	0.29%

SOURCE: Korve Engineering and Caltrans

**TABLE IV.B-14
2025 PEAK-HOUR FREEWAY LEVEL OF SERVICE (LOS)**

Location	Direction	Peak Hour	Peak (Vehicles /lane)	Density Method ^a (pc/mi/ln) ^b	Method ^a LOS	Volume-to-Capacity Method ^a		Percent Project Volume
						V/C ^c	LOS	
Interstate 980								
Junction with I-880	EBd	AM	1,473	31.0	D	0.80	D	0.00%
		PM	1,852	N/A	F	1.01	F	0.00%
	WBd	AM	1,345	26.0	C	0.73	C	0.00%
		PM	1,163	22.0	C	0.63	C	0.00%
18th Street	EBd	AM	604	11.0	A	0.33	A	0.38%
		PM	1,322	25.5	C	0.72	C	0.02%
	WBd	AM	1,422	28.0	D	0.77	D	-0.10%
		PM	734	14.0	B	0.40	B	0.33%
State Route 24								
Junction with I-580	EBd	AM	840	14.5	B	0.41	B	0.36%
		PM	1,726	42.0	E	0.94	E	0.02%
	WBd	AM	1,946	N/A	F	1.04	F	-0.09%
		PM	1,064	20.0	C	0.58	C	0.27%
Interstate 580								
Grand Avenue	NBd	AM	1,399	25.5	C	0.72	C	0.26%
		PM	2,567	N/A	F	1.31	F	0.02%
	SBd	AM	2,739	N/A	F	1.40	F	-0.09%
		PM	1,747	36.5	D	0.89	D	0.23%
Harrison Street	NBd	AM	979	17.5	B	0.50	B	0.30%
		PM	1,991	N/A	F	1.02	F	0.02%
	SBd	AM	2,150	N/A	F	1.10	F	-0.09%
		PM	1,306	23.5	C	0.67	C	0.24%
Interstate 880								
Oak/Madison Streets	NBd	AM	2,098	N/A	F	1.19	F	-0.08%
		PM	1,693	46.0	E	0.96	E	0.17%
	SBd	AM	1,575	37.0	D	0.90	D	0.17%
		PM	2,120	N/A	F	1.20	F	0.01%
Broadway	NBd	AM	2,446	N/A	F	1.39	F	0.00%
		PM	2,041	N/A	F	1.16	F	0.00%
	SBd	AM	1,451	31.5	D	0.82	D	0.00%
		PM	1,885	N/A	F	1.07	F	0.00%
Junction with I-980	NBd	AM	2,508	N/A	F	1.42	F	0.18%
		PM	1,615	39.5	D	0.92	D	0.03%
	SBd	AM	942	18.0	B	0.53	B	-0.31%
		PM	1,886	N/A	F	1.07	F	0.26%

SOURCE: Korve Engineering and Caltrans

PARKING IMPACTS [NON-CEQA ANALYSIS]**Impact B.7: [Non-CEQA Impact] The proposed project would increase the demand for parking in the project area. (Less than Significant)**

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.¹¹ 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.

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, 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 whether 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 Redevelopment Agency-owned or controlled parking, and/or legally required off-street parking (not-open-to-the-public parking that is legally required).

The proposed project would displace a privately-owned public parking lot off Grand Avenue in Parcel A, which has been in operation as a temporary use since March 2004. In addition, as noted

¹¹ San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco. 102 Cal.App.4th 656; 125 Cal.Rptr.2d 745 (2002).

above, the removal of the parking lot is not evaluated further because it is privately owned and not legally required parking. Although drivers of approximately 125 cars currently parked in this lot would have to find alternative parking locations or choose another means of travel, for the same reasons discussed above, this would not be considered a significant impact under CEQA.

City Off-Street Parking and Loading Requirements

A consideration when evaluating the project's proposed parking supply is how it compares to the City's Planning Code requirements for off-street parking. However, Code requirements are not used to judge parking impacts; parking supply versus estimated parking demand (discussed below) is used to judge impacts. The City's parking requirements are based on the zoning designation for the property. Parcel A of the proposed project is located in zone "C-55". Parcel B of the proposed project is located in zone "C-60" in the area not facing Broadway and zone "C-40" along Broadway. According to the Code, the proposed project would require a total of up to 529 vehicle parking spaces (see **Table IV.B-15**). The proposed project would provide 546 parking spaces for the residential units, plus 129 spaces for the commercial component, and the total of 675 onsite parking spaces would exceed the Code requirement.

According to the Code, the proposed project would require a total of seven loading berths (see **Table IV.B-16**). As currently proposed, five loading berths are proposed. On Parcel A, one off-street truck loading space would be provided, for use by both commercial tenants and residents, on 23rd Street and an additional loading space would be provided in the garage. This would necessitate a variance from both the required number of loading spaces and the height of the space in the garage. On Parcel B, an off-street loading dock would be provided on 24th Street, and two additional loading spaces would be provided in the garage. This would necessitate a variance from the required height of the spaces in the garage.¹²

According to the City's Planning Code Chapter 17.116.200, for Code-required parking, a regular parking space shall not be less than 18 feet long and 8.5 feet wide (plus an additional 3 feet required for spaces adjacent to walls or similar obstructions) for all parking patterns except for parallel parking. A compact parking space shall be no less than 16 feet long and 7.5 feet wide for all parking patterns except for parallel parking. Planning Code Chapter 17.116.210 requires that maneuvering aisles necessary for access into and out of required parking spaces shall have a minimum width of 24 feet where parking is at an angle of 90 degrees or less, but more than 60 degrees. The project would meet these minimum standards.

¹² As noted in Chapter III, Project Description, the project sponsor has submitted a development application and plans for a project that would include 409 residential units and approximately 30,390 square feet of commercial space, although, for purposes of a conservative analysis and to account for the project site to encompass an out-parcel not currently programmed, this EIR analyzes up to 475 units and 40,000 square feet of commercial space, which is the maximum feasible project. The loading requirements provided here are based on this maximum potential project; if the submitted project proceeds, six loading spaces would be required and a variance would be required for only one loading space, not two, as well as for the required size of the loading spaces proposed in the parking garages.

**TABLE IV.B-15
CITY OF OAKLAND PLANNING CODE
OFF-STREET PARKING REQUIREMENTS**

Land Use	Project Size ^a	Zone Requirement	Requirement at Project Buildout
Commercial (retail) – Parcel A	Up to 29,135	None Required	0
Commercial (retail) – Parcel B	Up to 10,865	1 space per 400 square feet of floor area (General Retail) <u>or</u> 1 space per 200 square feet of floor area (Food Sales)	Up to 54
Multi-family residential	475	1 space per dwelling unit	<u>475</u>
		Total	Up to 529

^a Project size expressed in gross square footage (not including parking), except for Residential (in dwelling units).

SOURCE: City of Oakland, Municipal Code, Chapter 17.116, Off-Street Parking and Loading Requirements

**TABLE IV.B-16
CITY OF OAKLAND PLANNING CODE
LOADING REQUIREMENTS**

Land Use	Project Size ^a	Requirement at Project Buildout
Commercial (retail) – Parcel A	Up to 23,000	1
Commercial (retail) – Parcel B	Up to 17,000 sf	1
Multi-family residential – Parcel A	200,000 sf	2
Multi-family residential – Parcel B	500,000 sf	<u>3</u>
		7

SOURCE: City of Oakland, Municipal Code, Chapter 17.116, Off-Street Parking and Loading Requirements

Parking Demand

According to empirically-collected data, land uses similar in size and type to the proposed project generate a demand for a total of about 657 parking spaces (about 527 spaces for the residential units plus about 130 spaces for the retail component); see **Table IV.B-17** (ITE, 1987). The total proposed onsite parking supply of 675 spaces would accommodate the estimated demand.

**TABLE IV.B-17
ESTIMATED PEAK PROJECT-GENERATED PARKING DEMAND**

Land Use	Project Size ^a	Parking Demand Rate	Parking Demand
Retail	40,000	3.23 spaces per 1,000 square feet of floor area	130
Multi-family residential	475	1.11 space per dwelling unit	<u>527</u>
		Total	657

^a Project size expressed in gross square footage, except for Residential (in dwelling units).

SOURCE: Institute of Transportation Engineer, *Parking Generation (Second Edition)*, 1987

Mitigation: None required.

Impact B.8: [Non-CEQA Impact] The proposed project would contribute to the cumulative increase in parking demand in the project area. (Less than Significant)

Projected cumulative development in the project vicinity could increase parking demand in the future. If those developments displaced existing parking spaces and/or did not provide adequate off-street parking to accommodate their parking demand plus the displaced demand, then parking occupancy in the project vicinity would increase. However, because the project’s peak parking demand would be fully accommodated by the proposed onsite parking supply, and thus the project’s contribution to cumulative parking impacts would be less than considerable. Moreover, as previously discussed, this would not be considered a significant impact under CEQA.

Mitigation: None required.

TRANSIT IMPACTS

Impact B.9: The project would increase ridership on public transit providers serving the area. (Less than Significant)

The proposed project is forecast to result in about 274 BART trips and 168 AC Transit bus trips to and from the proposed project site on an average weekday. In the morning peak hour, the proposed project is forecast to generate approximately 21 BART trips (4 inbound, 17 outbound) and 13 AC Transit bus trips (2 inbound, 11 outbound). In the evening peak commute hour, the project would generate roughly 25 BART trips (17 inbound, 8 outbound) and 15 AC Transit bus trips (10 inbound, 5 outbound).

Project BART Ridership. The potential project-related impacts on both BART lines and the BART station by the project were investigated. The anticipated BART trips were assigned to each of the BART lines at the 19th Street BART Station on the basis of the existing ridership share of each line. The number of new project-related trips assigned to a BART line would range from one to nine, which would result in less than a one percent increase in ridership. The increases are all less than the three percent significance threshold that the City of Oakland has identified for impact on BART service. In addition, load factors would be less than 115 percent for lines in the East Bay and 135 percent for transbay lines, with the completion of the proposed project, and would be in compliance with the performance measures of BART described in the 2001 Congestion Management Program (CMP 2001) of the Alameda County Congestion Management Agency (ACCMA).

During the morning peak hour, passengers entering the 19th Street BART station would increase by approximately 2.7 percent due to the project. The project is expected to add on average less than one person per gate per minute. Because the current waiting time at fare gates is less than 15 seconds during the morning peak, the waiting time is expected to remain below one minute (the threshold of significance set by the City of Oakland concerning waiting time at BART gates) with the addition of anticipated BART riders from the proposed project. During the evening peak hour, passengers exiting the 19th Street BART station would increase by about 2.9 percent due to the project. On average, the proposed project would result in an average increase of less than one person on the busiest BART line. The current maximum wait time to pass through the exit gates is approximately 10 seconds, and therefore the project is not expected to adversely affect the operation of the 19th Street BART station.

Project AC Transit Ridership. The potential project-related impacts on AC Transit were evaluated by calculating the total number of bus trips generated by the project and then distributing the bus trips to the bus lines near the project based on their current peak hour ridership levels. The percentage increases of riders due to the project would be below the three percent threshold of significance set by the City of Oakland for all bus lines near the project.

Mitigation: None required.

PEDESTRIAN AND BICYCLE FACILITIES IMPACTS

Impact B.10: Development of the proposed project would not conflict with existing pedestrian and/or bicycle facilities. (Less than Significant)

As described in the Setting section, there is a Class II and III bicycle facility on Grand Avenue that provides access to the project area, and there are sufficient sidewalks for pedestrian circulation on all streets in the project area. Increased vehicle trips generated by the implementation of the proposed project are not anticipated to adversely affect the capacity or ability of the existing facilities to provide adequate pedestrian and bicycle access to the area.

Further, the amount of pedestrian and bicycle travel generated by the project would not require additional pedestrian or bicycle facilities beyond those included in the plan. Therefore, the proposed project would not conflict with adopted policies, plans, or programs that support alternative transportation. This is considered a less-than-significant impact.

Mitigation: None required.

CONSTRUCTION PERIOD IMPACTS ¹³

Impact B.11: Project construction would affect traffic flow and circulation, parking, and pedestrian safety. (Significant)

During the construction period, temporary and intermittent transportation impacts would result from truck movements as well as construction worker vehicles to and from the project site. Construction of Parcel A and Parcel B would occur in two separate phases. Construction activity would generate about 8 average daily truck movements (i.e., about 4 truck loads leaving from, and a similar number of empty trucks returning to, the site). Trucks are anticipated to use Interstate 980 and West Grand Avenue as haul routes. The construction-related traffic would result in a temporary reduction to the capacities of project area streets because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles, and because there could be intermittent, temporary closure of traffic lanes during the construction period. Given the proximity of I-980 freeway ramps, use of local roadways would be limited. Truck traffic that occurs during the peak commute hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) could result in worse levels of service and higher delays at local intersections than during off-peak hours.

There may be partial closures of Valley Street, 23rd Street and 24th Street to accommodate trailers, parking, scaffolding, delivery of materials and reconstruction of roads/sidewalks.

Parking of construction workers' vehicles would temporarily increase parking occupancy levels in the area. The average number of construction workers would be about 25 workers per day, with higher numbers during peak construction periods. Parking lots/areas will be identified within the project site and at nearby parking lots, in consideration of the availability/necessity during various construction periods. Pedestrian traffic using sidewalks on the project frontages along Broadway, 24th Street, West Grand Avenue and Valley Street would be displaced to the other side of the street.

Mitigation Measure B.11: Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Traffic Engineering Division of the

¹³ This section was prepared on the basis of preliminary estimates of construction truck movements, construction worker staffing, and provisions for parking and staging locations provided by Signature Properties (project applicant), July 2004.

Oakland Public Works Agency 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 sponsor shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements:

- 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.
- Identification of any transit stop relocations, if necessary.
- Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- Identification of parking eliminations and any relocation of parking for employees and public parking during construction.
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- Provisions for accommodation of pedestrian flow.
- Location of construction staging areas for materials, equipment, and vehicles.
- Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.
- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.

Significance after Mitigation: Less than Significant.

REQUIRED CONGESTION MANAGEMENT PROGRAM EVALUATION

The Alameda County Congestion Management Program (CMP) requires the assessment of development-driven impacts to regional roadways. Because the project would generate more than 100 “net new” p.m. peak-hour trips, the CMP requires the use of the Countywide Travel Demand Forecasting Model to assess the impacts on regional roadways near the project site during the p.m. peak hour. The relevant CMP and Metropolitan Transportation System (MTS) roadways in the project vicinity include I-580, I-880, I-980, SR 24, Broadway, Brush Street, Castro Street, Grand Avenue, Martin Luther King Jr. Way, San Pablo Avenue and Telegraph Avenue.

The Countywide Model is a regional travel demand model that uses socio-economic data and roadway and transit network assumptions to forecast traffic volumes and transit ridership using a four-step modeling process that includes trip generation, trip distribution, mode split, and trip assignment. This process takes into account changes in travel patterns due to future growth and balances trip productions and attractions.

For the purposes of the CMP Analysis, the land uses of the proposed project were added to the assumptions in the Countywide Model; the land use assumptions in the Countywide Model for the rest of the City of Oakland were not modified. At this time, these land uses are different from the Oakland Cumulative Scenario that was used for the cumulative analysis. This version of the Countywide Model was based on ABAG *Projections 2002* land uses for 2010 and 2025. As shown in **Table IV.B-18**, the CMP evaluation identified no additional project-related traffic impacts or cumulative impacts.

REFERENCES – Transportation, Circulation, and Parking

ITE (Institute of Transportation Engineers), *Trip Generation*, 6th Edition, 1997.

ITE (Institute of Transportation Engineers), *Parking Generation*, 2nd Edition, 1987.

Transportation Research Board, *Highway Capacity Manual*, Special Report No. 209, 2000.

**TABLE IV.B-18
PEAK-HOUR INTERSECTION LEVELS OF SERVICE (LOS) – ACCMA LAND USE**

Intersection	Traffic Control	Year 2010 PM Peak				Year 2025 PM Peak			
		Baseline		With Project		Baseline		With Project	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
West Grand Ave. & Telegraph Ave.	Signal	D	36.5	D	39.5	E	76.3	E	79.7
West Grand Avenue & Broadway	Signal	D	53.8	D	54.5	E	63.9	E	67.8
Grand Avenue & Harrison Street	Signal	C	32.4	C	32.5	C	34.8	C	35.0
23rd Street & Telegraph Avenue	TWSC	E	36.7	E	43.4	F	>120	F	>120
23rd Street & Broadway	TWSC	E	39.2	E	47.6	E	39.2	E	47.6
24th Street & Telegraph Avenue	TWSC	C	21.6	C	24.6	F	80.2	F	113.4
24th Street & Broadway	TWSC	C	20.6	C	20.7	C	19.4	C	19.6
27th Street & Broadway	Signal	C	33.7	C	33.7	D	36.6	D	36.6
Castro Street & 18 th Street	Signal	D	40.4	D	43.0	D	50.3	D	54.1
Brush Street & 18 th Street	Signal	A	9.6	B	10.7	A	9.6	B	10.7
Martin Luther King Jr. Way & 18 th St.	Signal	B	13.6	B	13.7	B	14.4	B	14.5
Castro Street & 17 th Street	Signal	C	30.5	C	30.7	E	60.7	E	61.7
Brush Street & 17 th Street	Signal	B	10.6	B	10.7	B	11.6	B	11.8
Martin Luther King Jr. Way & 17 th St.	Signal	B	10.9	B	10.9	B	11.2	B	11.2

^a The LOS and delay for two-way stop controlled intersections represent the worst movement or approach. The LOS and delay for signalized intersections represent the overall intersection.

SOURCE: Korve Engineering

C. AIR QUALITY

SETTING

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features that influence pollutant movement.

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants, and consequently affect air quality. This setting section provides region-specific information related to climate and topography; followed by an overview of the regulatory context, plans, policies, and regulations; and existing air quality conditions. The air pollutants of primary concern in the Bay Area are ozone and particulate matter. Because vehicle emission systems now generate less carbon monoxide than in the past, there is reduced concern for carbon monoxide.

AIR QUALITY TERMINOLOGY

The subject of air quality relates to ambient concentrations of pollutants in the atmosphere. This section translates the expected changes within the project area into the language of air quality assessment, namely “emissions” and “concentrations.” Most pollutant emissions data are presented as “emission rates” that refer to the amount of pollutants emitted during a specified increment of time or during a specified increment of emission source activity. Typically, emission rates are reported in units of grams per second, pounds per day or tons per year.

“Concentration” estimates present information in terms of quantities of a given pollutant in a given volume of air. The term “ambient air quality” refers to the atmospheric concentration of a specific compound (amount of a pollutant in a specified volume of air) experienced at a geographic location some distance from the source of the emissions. Wind patterns, precipitation patterns, and chemical reactions affect pollutants emitted into the atmosphere and thus affect ambient air quality measurements. Typically, concentrations are reported in parts per million by volume (ppm) or micrograms per cubic meter. Emissions estimates themselves cannot be directly compared to ambient air quality standards but rather provide only a rough indication of the relative contribution of a source to ambient concentrations. Concentration estimates, on the other hand, can be directly compared to ambient air quality standards. Ambient air quality standards represent concentrations of air pollutants below which public health and welfare are protected.

Air pollutants are often characterized as being “primary” or “secondary” pollutants. Primary pollutants are those emitted directly into the atmosphere (such as carbon monoxide, sulfur dioxide, lead particulates, and hydrogen sulfide). Secondary pollutants are those (such as ozone, nitrogen dioxide, and sulfate particles) formed through chemical reactions in the atmosphere; these chemical reactions usually involve primary pollutants, normal constituents of the atmosphere, and other secondary pollutants.

CLIMATE AND METEOROLOGY

The project site is located in the city of Oakland and is within the boundaries of the San Francisco Bay Area Air Basin (Bay Area), which encompasses all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin and Napa counties, and the southern portions of Solano and Sonoma counties. The climate of the Bay Area is determined largely by a high-pressure system that is almost always present over the eastern Pacific Ocean off the west coast of North America. High-pressure systems are characterized by an upper layer of dry air that warms as it descends, restricting the mobility of cooler marine-influenced air near the ground surface, and resulting in the formation of subsidence inversions. In winter, the Pacific high pressure system shifts southward, allowing storms to pass through the region. During summer and fall, emissions generated within the Bay Area can combine with abundant sunshine under the restraining influences of topography and subsidence inversions to create conditions that are conducive to the formation of photochemical pollutants, such as ozone.

Specifically, the project site is within the Northern Alameda and Western Contra Costa Counties climatological subregion of the Bay Area Air Basin. This subregion stretches from Richmond to San Leandro with the San Francisco Bay as its western boundary and its eastern boundary defined by the Oakland-Berkeley Hills. In this area, marine air traveling through the Golden Gate, as well as across San Francisco and the San Bruno Gap, is a dominant weather factor. The Oakland-Berkeley Hills cause the westerly flow of air to split off to the north and south of Oakland, which causes diminished wind speeds. The prevailing winds for most of this subregion are from the west.

Temperature in Oakland averages 58° Fahrenheit (F) annually, ranging from an average of 40° F on winter mornings to mid-70s in the late summer afternoons. Daily and seasonal oscillations of temperature are small because of the moderating effects of the nearby ocean. In contrast to the steady temperature regime, rainfall is highly variable and predominantly confined to the “rainy” period from early November to mid-April. Oakland averages 18 inches of precipitation annually; however, 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. Winds in the Oakland area are typically from 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 at the Oakland International Airport (CARB, 1984).

REGULATORY CONTEXT

Criteria Air Pollutants

Regulation of air pollution is achieved through both federal and state ambient air quality standards and emissions limits for individual sources of air pollutants. As required by the federal Clean Air Act, the U.S. Environmental Protection Agency (EPA) has identified criteria pollutants and established National Ambient Air Quality Standards to protect public health and welfare. Federal standards have been established for ozone, carbon monoxide, nitrogen dioxide, sulfur

dioxide, particulate matter, and lead. These pollutants are called “criteria” air pollutants because standards have been established for each of them to meet specific public health and welfare criteria. California has adopted more stringent ambient air quality standards for most of the criteria air pollutants (referred to as State Ambient Air Quality Standards or State standards). Because of the unique meteorological conditions in California, there is considerable diversity between state and federal air quality standards currently in effect in California. Table IV.C-1 presents both sets of ambient air quality standards (i.e., federal and state) and provides a brief discussion of the related health effects and principal sources for each pollutant.

Under amendments to the federal Clean Air Act, the EPA has classified air basins or portions thereof, as either “attainment” or “nonattainment” for each criteria air pollutant, based on whether or not the federal standards have been achieved. In 1988, the State Legislature passed the California Clean Air Act, which is patterned after the federal Clean Air Act to the extent that areas are required to be designated as “attainment” or “nonattainment” for the state standards. Thus, areas in California have two sets of attainment / nonattainment designations: one set with respect to the federal standards and one set with respect to the state standards.

The federal Clean Air Act also requires nonattainment areas to prepare air quality plans that include strategies for achieving attainment. Air quality plans developed to meet federal requirements are referred to as State Implementation Plans (SIPs). The California Clean Air Act also requires plans for nonattainment areas with respect to the state standards. Thus, just as areas in California have two sets of designations, many also have two sets of air quality plans: one to meet federal requirements relative to the federal standards and one to meet state requirements relative to the state standards.

The project site is located in an area currently designated “nonattainment” for state and federal ozone standards and for the state PM-10 standard (Air Resources Board, 2003). The Bay Area is “attainment” or “unclassified” with respect to the other ambient air quality standards. Table IV.C-2 shows the attainment status of the Bay Area with respect to the federal and state ambient air quality standards for different criteria pollutants.

In April 2004, the U.S. EPA issued the first phase of its rules for implementation of a new eight-hour ozone standard, effective June 15, 2004. EPA had issued an eight-hour ozone standard in July 1997, based on information demonstrating that the existing one-hour standard was inadequate for protecting public health. The eight-hour standard was challenged in court and upheld, albeit with some court-required adjustments to its implementation. The eight-hour standard will replace the existing one-hour standard.¹ EPA also issued a list of areas designated nonattainment for the new standard (U.S. EPA, 2004). The Bay Area is designated as nonattainment for the new eight-hour standard and classified as “marginal,” meaning the region must develop a new attainment plan that demonstrates how the Bay Area can meet the new

¹ The one-hour standard will be revoked within one year of the June 15, 2004, effective date of the new regulations.

**TABLE IV.C-1
STATE AND FEDERAL CRITERIA AIR POLLUTANT
STANDARDS, EFFECTS, AND SOURCES**

Pollutant	Averaging Time	State Standard	Federal Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
Ozone	1 hour 8 hours	0.09 ppm ---	0.12 ppm 0.08 ppm	High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue.	Formed when reactive organic gases (ROG) and nitrogen oxides (NO _x) react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial / industrial mobile equipment.
Carbon Monoxide	1 hour 8 hours	20 ppm 9 ppm	35 ppm 9 ppm	Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen.	Internal combustion engines, primarily gasoline-powered motor vehicles.
Nitrogen Dioxide	1 hour Annual Avg.	0.25 ppm ---	--- 0.053 ppm	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown.	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
Sulfur Dioxide	1 hour 3 hours 24 hours Annual Avg.	0.25 ppm --- 0.04 ppm ---	--- 0.5 ppm 0.14 ppm 0.03 ppm	Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight.	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
Respirable Particulate Matter (PM-10)	24 hours Annual Avg.	50 ug/m ³ 20 ug/m ³	150 ug/m ³ 50 ug/m ³	May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility.	Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g. wind-raised dust and ocean sprays).
Fine Particulate Matter (PM-2.5)	24 hours Annual Avg.	--- 12 ug/m ³	65 ug/m ³ 15 ug/m ³	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and results in surface soiling.	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; Also, formed from photochemical reactions of other pollutants, including NO _x , sulfur oxides, and organics.
Lead	Monthly Quarterly	1.5 ug/m ³ ---	--- 1.5 ug/m ³	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurologic dysfunction.	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.

NOTE: ppm = parts per million; ug/m³ = micrograms per cubic meter.

SOURCES: South Coast Air Quality Management District. 1997. Air Quality Management Plan. November 1996.

<http://www.arb.ca.gov/health/heath.htm>.

California Air Resources Board, 2003. <http://www.arb.ca.gov/aqs/aaqs2.pdf>

**TABLE IV.C-2
ATTAINMENT STATUS OF THE PROJECT AREA FOR STATE AND FEDERAL
AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Attainment Status	
		State Standards ¹	Federal Standards ²
Ozone	8-Hour	---	Nonattainment
	1-Hour	Nonattainment	Nonattainment
Carbon Monoxide	8-Hour	Attainment	Attainment ³
	1-Hour	Attainment	Attainment
Nitrogen Dioxide	Annual Average	---	Attainment
	1-Hour	Attainment	---
Sulfur Dioxide Attainment	Annual Average	---	Attainment
	24-Hour	Attainment	Attainment
	1-Hour	Attainment	---
Respirable Particulate Matter (PM-10)	Annual Arithmetic mean	Nonattainment	Attainment
	24-Hour	Nonattainment	Unclassified ⁴
Fine Particulate Matter (PM-2.5)	Annual Arithmetic Mean	Nonattainment	Unclassified ⁴
	24-Hour	---	Unclassified ⁴
Lead	Calendar Quarter	---	Attainment
	30 Day Average	Attainment	---

¹ California Standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, and PM-10 are values that are not to be exceeded.

² Federal standards other than for ozone and those based on annual averages or annual arithmetic means are not to be exceeded more than once a year.

³ In June 1998, the Bay Area was redesignated to attainment for the federal carbon monoxide standard. Previously the area was designated "nonattainment."

⁴ EPA is expected to issue final designations with respect to the federal PM-2.5 standards by December 2004. ARB staff anticipates that the Bay Area will be in attainment for the federal PM-2.5 standards (CARB, 2004).

SOURCE: Bay Area Air Quality Management District, Bay Area Attainment Status. 2003. <http://www.baaqmd.gov/pln/ambientairquality.asp>

standard by June 2007. (As shown in Table IV.C-1, the eight -hour ozone standard is 0.08 parts per million (ppm), averaged over eight hours. The one- hour standard is 0.12 ppm, measured in hourly readings.)

REGULATORY AGENCIES

The EPA is responsible for implementing the programs established under the federal Clean Air Act, such as establishing and reviewing the National Ambient Air Quality Standards and judging the adequacy of SIPs, but has delegated the authority to implement many of the federal programs

to the states while retaining an oversight role to ensure that the programs continue to be implemented. The California Air Resources Board is responsible for establishing and reviewing the state ambient air quality standards, compiling the California State Implementation Plan and securing approval of that plan from the EPA, and identifying toxic air contaminants. The Air Resources Board also regulates mobile emissions sources in California, such as construction equipment, trucks, and automobiles, and oversees the activities of air quality management districts, which are organized at the county or regional level. The county or regional air quality management districts are primarily responsible for regulating stationary emissions sources at industrial and commercial facilities within their geographic area and for preparing the air quality plans that are required under the federal Clean Air Act and California Clean Air Act.

AIR QUALITY PLANS, POLICIES AND REGULATIONS

Plans and Policies

As noted earlier, the federal Clean Air Act and the California Clean Air Act require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state PM-10 and PM-2.5 standards). Plans are also required under federal law for areas designated as “maintenance” for federal standards. Such plans are to include strategies for attaining the standards. Currently, there are three plans for the Bay Area including the Ozone Attainment Plan for the 1-Hour National Ozone Standard (Association of Bay Area Governments (ABAG), 2001) developed to meet federal ozone air quality planning requirements; the Bay Area 2000 Clean Air Plan (BAAQMD, 2000a) developed to meet planning requirements related to the state ozone standard; and the Carbon Monoxide Maintenance Plan (ABAG, 1994) developed to ensure continued attainment of the federal carbon monoxide standard.

The Bay Area 2001 Ozone Attainment Plan has been prepared by the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission, and the Association of Bay Area Governments as a proposed revision to the Bay Area part of California’s plan to achieve the federal ozone standard. The plan was prepared in response to the EPA’s partial approval and partial disapproval of the Bay Area’s 1999 Ozone Attainment Plan and finding of failure to attain the federal standard for ozone. The Revised Plan was adopted by the Boards of the co-lead agencies at a public meeting on October 24, 2001, and approved by the ARB at its November 1, 2001 hearing. The Plan is now pending approval from the EPA as a revision to the California State Implementation Plan. This Plan amends and supplements the 1999 Plan and predicts attainment of the federal ozone standard by 2006.

Rules and Regulations

The regional agency primarily responsible for developing air quality plans for the Bay Area is BAAQMD, the agency with permit authority over most types of stationary emission sources of air pollutants in the Bay Area. BAAQMD exercises permit authority through its *Rules and Regulations*. Both federal and state ozone plans rely heavily upon stationary source control measures set forth in BAAQMD’s *Rules and Regulations*. In contrast to the ozone plans, the *Carbon Monoxide Maintenance Plan* relies heavily on mobile source control measures. There are

no stationary air emission sources proposed as part of the project, with the exception of minimal emissions that would be generated by space heating. Area source emissions are emissions resulting from sources that individually emit fairly small quantities of air pollutants but which cumulatively represent significant quantities of air emissions (BAAQMD, 1999). Area source emissions include water heaters, fireplaces, and lawn maintenance equipment (BAAQMD, 1999). No wood-burning fireplaces are proposed. However, with respect to the construction phase of the project, applicable BAAQMD regulations would relate to portable equipment (e.g., Portland concrete batch plants, and gasoline- or diesel-powered engines used for power generation, pumps, compressors, pile drivers, and cranes), architectural coatings, and paving materials. Equipment used during project construction would be subject to the requirements of BAAQMD Regulation 2 (Permits), Rule 1 (General Requirements) with respect to portable equipment unless exempt under Rule 2-1-105 (Exemption, Registered Statewide Portable Equipment); BAAQMD Regulation 8 (Organic Compounds), Rule 3 (Architectural Coatings); and BAAQMD Regulation 8 (Organic Compounds), Rule 15 (Emulsified and Liquid Asphalts). Emissions resulting from construction truck traffic are regulated by the state Air Resources Board.

City of Oakland General Plan

The Open Space, Conservation, and Recreation Element of the *Oakland General Plan* contains the following Air Quality objective and policies that would apply to the proposed project.

OBJECTIVE

1. To improve air quality in Oakland and the surrounding Bay Region.

POLICIES

- CO-12.1. Promote land use patterns and densities which help improve regional air quality conditions. The City supports efforts of the responsible public agencies to reduce air pollution.
- CO-12.4. Require that development projects be designed in a manner which reduces potential adverse air quality impacts.

Locating a mixed use project such as the proposed project near major transportation corridors and mass transit facilities is consistent with the above objective and policies of the general plan.

EXISTING AIR QUALITY

The BAAQMD operates a regional monitoring network that measures the ambient concentrations of the six criteria pollutants. Existing and probable future levels of air quality in Oakland can generally be inferred from ambient air quality measurements conducted by the BAAQMD at its monitoring stations. The major pollutants of concern in the Bay Area, ozone and particulate matter, are monitored at a number of locations. The monitoring station closest to the project site is on Alice Street in Oakland, approximately 1 mile from the project site. The station monitors ozone, as well as carbon monoxide. Currently, the nearest station to the project site that monitors

particulate matter (PM-10 and PM-2.5) is the Chapel Way station in Fremont, located approximately 22 miles southeast of the project site. The Port of Oakland (Port) initiated an air quality and meteorological monitoring program in West Oakland in 1997. The program was designed to collect baseline data on particulate air pollution in the West Oakland region prior to and during construction and operation of the Port maritime development projects (Port of Oakland, 2003). There are two monitoring stations: one in the vicinity of Port facilities and construction activities, and location is in the West Oakland residential neighborhood east (downwind) of the Port facilities (Port of Oakland, 2003). Table IV.C-3 shows a five-year summary of ozone and carbon monoxide monitoring data from the Alice Street station and PM-10 concentrations at the Port of Oakland monitoring stations. The table also compares measured pollutant concentrations with state and federal ambient air quality standards.

OZONE

Ozone is not emitted directly into the atmosphere, but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and nitrogen oxides (NO_x). ROG and NO_x are known as precursor compounds for ozone. Significant ozone production generally requires ozone precursors to be present in a stable atmosphere with strong sunlight for approximately three hours. Ozone is, therefore, considered a regional air pollutant because it is not emitted directly by sources, but is formed downwind of sources of ROG and NO_x under the influence of wind and sunlight. Ozone concentrations tend to be higher in the late spring, summer, and fall, when the long sunny days combine with regional subsidence inversions to create conditions conducive to the formation and accumulation of ozone.

Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials.

On-road motor vehicles emit approximately 48 percent and 49 percent of the regional inventory of ROG and NO_x respectively that contribute to ozone formation (CARB, 1999). Peak ozone values in the Bay area have declined approximately one percent per year, on average, since the 1986-88 base period. From 1990 through 1994, the Bay Area experienced a five-year period with ozone concentrations that met the federal 1-hour ozone standard, but during the summer of 1995, the Bay Area experienced its worst ozone season in a decade, with 11 days over the federal standard and 28 days over the state standard. The next year, 1996 was somewhat cleaner with 8 days over the federal ozone standard and 34 days over the state standard. Based on the data shown in Table IV.C-3, there have been no exceedances of the state and the federal one-hour ozone standards recorded at the Alice Street station in the project vicinity over the last five years. Region-wide ROG and NO_x emissions are expected to decrease by approximately 26 and 28 percent respectively from 2001 to 2010 (CARB, 2002).

**TABLE IV.C-3
AIR QUALITY DATA SUMMARY (1999-2003) FOR THE PROJECT AREA**

Pollutant	Standard ^b	Monitoring Data by Year ^a				
		1999	2000	2001	2002	2003
Ozone:						
Highest 1 Hour Average (ppm) ^c		0.08	0.07	0.07	0.05	0.08
Days over State Standard	0.09	0	0	0	0	0
Days over Federal Standard	0.12	0	0	0	0	0
Highest 8 Hour Average (ppm) ^c	0.08	0.06	0.05	0.04	0.04	0.05
Days over Federal Standard		0	0	0	0	0
Carbon Monoxide:						
Highest 8 Hour Average (ppm) ^c	9.0	5.2	3.4	4.0	3.3	2.8
Days over State Standard		0	0	0	0	0
Particulate Matter (PM-10) (September 2002 – August 2003)^d:						
<i>Port Site</i>						
Annual Average ($\mu\text{g}/\text{m}^3$)						
State Standard	20	34.6	30.6	33.4	27.1	16.2
Federal Standard	50					
<i>Residential Site</i>						
Annual Average ($\mu\text{g}/\text{m}^3$)						
State Standard	20	25.5	25	26.8	25.6	22.3
Federal Standard	50					
Particulate Matter (PM-2.5) (September 2002 – August 2003)^d:						
<i>Port Site</i>						
Annual Average ($\mu\text{g}/\text{m}^3$)						
State Standard	12	12.6	11.0	11.6	10.6	12.5
Federal Standard	15					
<i>Residential Site</i>						
Annual Average ($\mu\text{g}/\text{m}^3$)						
State Standard	12	11.8	11.2	10.6	11.0	9.9
Federal Standard	15					

^a Data are from the Alice Street station in Oakland.

^b Generally, state standards are not to be exceeded and federal standards are not to be exceeded more than once per year.

^c ppm = parts per million; $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter.

^d Source: Port of Oakland. 2003a. Annual period varies. Years 1999 and 2000 include January to December. Annual period in 2001 is from January to August, continuing to September 2001 to August 2002, and from September 2002 to September 2003.

NOTE: Values in **bold** are in excess of applicable standard. NA = Not Available.

SOURCE: California Air Resources Board, *Summaries of Air Quality Data*, 1998, 1999, 2000, 2001, 2002, 2003; <http://www.arb.ca.gov/adam>.

CARBON MONOXIDE

Carbon monoxide is a non-reactive pollutant that is a product of incomplete combustion and is mostly associated with motor vehicle traffic. Elevated carbon monoxide concentrations develop primarily during winter when periods of light winds combine with the formation of ground level temperature inversions (typically from the evening through early morning). These stable atmospheric conditions result in reduced dispersion of vehicle emissions. Motor vehicles also exhibit increased carbon monoxide emission rates at low air temperatures.

When inhaled at high concentrations, carbon monoxide combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease or anemia.

The project site is located in an area designated as an "attainment" area for carbon monoxide standards (Table IV.C-2). Further, according to the Table IV.C-3, there have been no exceedances of state and federal ambient carbon monoxide standards at the Alice Street station in the last five years. Based on BAAQMD carbon monoxide isopleth maps, existing background carbon monoxide concentrations in the project vicinity are approximately 6.0 and 4.0 parts per million, one-hour and eight-hour average respectively (BAAQMD, 1999). On-road motor vehicles are responsible for approximately 75 percent of the carbon monoxide emitted within the San Francisco Bay Area and 80 percent of the emissions in Alameda County (CARB, 1999). Carbon monoxide emissions are expected to decrease within the county by approximately 40 percent between 2001 and 2010 (CARB, 2002).

PARTICULATE MATTER

PM-10 and PM-2.5 consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively. (A micron is one-millionth of a meter). PM-10 and PM-2.5 represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Particulate matter in the atmosphere results from many kinds of dust- and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions. Some sources of particulate matter, such as demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. Very small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorides or ammonium) that may be injurious to health. Particulates also can damage materials and reduce visibility.

PM-10 emissions in the project area are mainly from urban sources, dust suspended by vehicle traffic and secondary aerosols formed by reactions in the atmosphere. Particulate concentrations near residential sources generally are higher during the winter, when more fireplaces are in use and meteorological conditions prevent the dispersion of directly emitted contaminants. Direct PM-10 emissions in Alameda County are expected to increase by approximately 10 percent between 2001 and 2010. This increase would be primarily from stationary sources (such as

industrial activities) and area sources (such as construction and demolition, road dust and other miscellaneous processes).

In 1997, U.S. EPA announced new ambient air quality standards for fine particulate matter. The new standards were intended to provide greater protection of public health. EPA proposed a new standard for the smaller particles, PM-2.5 that included an annual standard and a 24-hour standard. Following the announcement of the new national standards, the BAAQMD began collecting monitoring data to determine the region's attainment status with respect to the new standards. Industry groups challenged the new standards in court, but as of December 1999 the status of the new standards was uncertain (BAAQMD, 1999).

OTHER CRITERIA POLLUTANTS

The standards for nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead are being met in the Bay Area, and the latest pollutant trends suggest that these standards will not be exceeded in the foreseeable future (ABAG, 1999a). Ambient levels of airborne lead in the Bay Area are well below the state and federal standard and are expected to continue to decline. Because no sources of lead emissions exist on the project site or are proposed by the project, lead emissions are not required to be quantified by the BAAQMD and are not further evaluated in this analysis.

SENSITIVE RECEPTORS

Some receptors are considered more sensitive than others to air pollutants. Reasons for increased sensitivity include pre-existing health problems, proximity to emissions source, or duration of exposure to air pollutants. Schools, hospitals and convalescent homes are considered to be relatively sensitive to poor air quality because children, elderly people and the infirm are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. Recreational uses are also considered sensitive due to the greater exposure to ambient air quality conditions because vigorous exercise associated with recreation places a high demand on the human respiratory system.

Sensitive receptors in the project area include the residential units interspersed throughout the area, particularly across Valley Street from the project site, the child care center on West Grand Avenue, immediately west of the site, and the YMCA on Broadway, due to its indoor recreational uses. The project site includes an apartment complex (Casa Blanca Apartments) with 16 residential units that would be demolished as part of the project and, therefore, would not be considered a sensitive receptor, assuming the units are vacated by the start of construction.

IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE THRESHOLDS

Generally, the City of Oakland considers a project would have a significant effect on the environment if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- 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);
- Expose sensitive receptors to substantial pollutant concentrations;
- Create frequent, substantial, objectionable odors affecting a substantial number of people;
- Contribute to CO concentrations exceeding the State ambient air quality standard of 9 parts per million (ppm) averaged over 8 hours and 20 ppm for 1 hour;
- Result in total emissions of ROG, NO_x, or PM-10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater;
- Result in potential to expose persons to substantial levels of TACs, such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million;
- Result in ground level concentrations of non-carcinogenic toxic air contaminants such that the Hazard Index would be greater than 1 for the MEI; or
- Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan.

The following air quality analysis addresses all of these general criteria except the fifth criterion regarding odors. Because any sources of odor proposed as part of the project, such as restaurants, would be subject to the requirements of BAAQMD Regulation 7 – Odorous Substances, any odor impacts would be mitigated by this regulation.

For project-level impact analysis, the BAAQMD provides various thresholds and tests of significance. For ROG, NO_x and PM-10, a net increase of 80 pounds per day (lbs./day) is considered significant, while for CO, an increase of 550 lbs./day would be considered significant if it leads to a possible local violation of the carbon monoxide standards (i.e. if it creates a “hot

spot”). Generally, if a project results in an increase in ROG, NO_x, or PM-10, of more than 80 pounds per day, then it would also be considered to contribute substantially to a significant cumulative effect. For projects that would not lead to a significant increase of ROG, NO_x, or PM-10 emissions, the cumulative effect is evaluated based on a determination of the consistency of the project with the regional Clean Air Plan. Generally, a project that is consistent with the applicable General Plan, such as the proposed project, would not contribute in a significant manner to the cumulative regional effect if the applicable General Plan itself is consistent with the Clean Air Plan. To be consistent with the Clean Air Plan, a General Plan must be based on population projections that are consistent with those used in developing the Clean Air Plan and must provide for a rate of increase in vehicle miles traveled (VMT) that does not exceed the rate of increase in population. The growth projections for Oakland in the Clean Air Plan are based on the City’s General Plan in effect at the time the CAP was approved;² therefore, the current City of Oakland General Plan is consistent with the 2000 Clean Air Plan.

Furthermore, the General Plan is consistent with a number of the Clean Air Plan’s Transportation Control Measures (TCMs), developed for implementation by local governments to assist in attaining air quality objectives. The General Plan Land Use and Transportation Element encourages growth in proximity to public transit (along transit corridors or in transit villages), which is consistent with TCM 13 (provision of incentives for transit use) and TCM 15 (include policies and programs beneficial to air quality in local planning and development activities). In general, higher density development, such as that proposed by the project, tends to encourage the use of public transit, as well as bicycling and walking. Such compact development strategies can also further TCM 1 (support for employer-based trip reduction programs), because such programs are generally most effective where alternative forms of travel, such as transit or walking, are viable, as well as TCM 19 (support for pedestrian travel).

METHODOLOGY

Project-related air quality impacts fall into two categories: short-term impacts due to construction, and long-term impacts due to project operation. First, during project construction, the project would affect local particulate concentrations primarily due to fugitive dust sources. Over the long term, the project would result in an increase in emissions primarily due to related motor vehicle trips. On-site stationary sources and area sources would result in lesser quantities of pollutant emissions.

For construction phase impacts, BAAQMD does not require quantification of construction emissions, but recommends that significance be based on a consideration of the control measures to be implemented (BAAQMD, 1999). Construction impacts are discussed qualitatively and the applicable BAAQMD recommended dust abatement measures are identified.

Operational-phase emissions were estimated using the URBEMIS 2002 model (CARB, 2003) for analysis year 2005 and compared to BAAQMD significance thresholds. Lastly, cumulative

² The 2000 CAP is based on the City’s General Plan in effect in 1999, at the time the 2000 CAP was drafted.

impacts of the project were evaluated based on the *BAAQMD CEQA Guidelines* as discussed under the significance thresholds.

PROJECT CONSTRUCTION IMPACTS

Impact C.1: Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. (Significant)

Construction related emissions would be short term, but may still cause adverse effects on the local air quality. The proposed project would involve construction of approximately 40,000 square feet of commercial space, 475 residential units and 675 parking spaces. To accomplish this, the project would demolish a total of approximately 110,000 square feet of existing buildings – 20,000 on Parcel A and 90,000 on Parcel B (See Figure 2).

A project's most common construction activities include site preparation, earthmoving and general construction. Site preparation includes activities such as general land clearing and grubbing. Earthmoving activities include cut and fill operations, trenching, soil compaction and grading. General construction includes adding improvements such as roadway surfaces, structures and facilities. Emissions generated from these construction activities include:

- Dust (including PM-10 and PM-2.5) primarily from “fugitive” sources (i.e., emissions released through means other than through a stack or tailpipe) such as soil disturbance;
- Combustion emissions of criteria air pollutants (ROG, NO_x, CO, SO_x, PM-10) primarily from operation of heavy equipment construction machinery (primarily diesel operated), portable auxiliary equipment and construction worker automobile trips (primarily gasoline operated); and
- Evaporative emissions (ROG) from asphalt paving and architectural coating applications.

Some structural components of the buildings to be demolished may contain hazardous materials such as asbestos used in insulation, fire retardants, or building materials (floor tile, roofing, etc.) and lead-based paint (see Chapter IV.F, Hazards and Hazardous Materials). As noted therein, if asbestos were present in building materials to be removed, demolition and disposal would be required to be conducted in accordance with standard procedures as specified by the BAAQMD.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and as a result, local visibility and PM-10 concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM-10, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts. The BAAQMD's approach to analyses of fugitive dust emissions from construction is to emphasize implementation

of effective and comprehensive dust control measures rather than detailed quantification of emissions. The District considers any project's construction related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. In the case of the project, in addition to residential units on Valley Street and elsewhere in the project vicinity, there is a child care center on West Grand Avenue and a YMCA on Broadway. Therefore, without mitigation this impact would be considered significant.

Construction activities would also result in the emission of ROG, NO_x, CO, SO_x and PM-10 from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction activities would vary depending on the volume and type of equipment, duration of use, operation schedules, and the number of construction workers. Criteria pollutant emissions of ROG and NO_x from these emission sources would incrementally add to the regional atmospheric loading of ozone precursors during project construction. *BAAQMD CEQA Guidelines* recognize that construction equipment emits ozone precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans. Therefore construction emissions of ROG and NO_x are not expected to impede attainment or maintenance of ozone standards in the Bay Area (BAAQMD, 1999), and those emissions, therefore, would result in a less-than-significant effect.

Mitigation Measure C.1a: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic procedures required for sites of less than four acres.³ These include:

Basic Control Measures

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

³ Although, together, Parcels A and B comprise approximately 5 acres, the project sponsor intends to complete construction on Parcel A prior to the start of construction on Parcel B. Therefore, there would be no soil disturbance of more than four acres at any given time. Furthermore, the BAAQMD's Enhanced Dust Control Measures would, in general not apply to the proposed project, in that the project would not involve "inactive" areas once graded; would not require stockpiles of dirt, sand, etc.; would not include unpaved roads; and would not involve disturbance of currently vegetated areas.

Mitigation Measure C.1b: In accordance with standard City practices, to minimize water quality impacts, the project sponsor shall be required to comply with applicable standards and regulations of the City of Oakland. In addition, the following standard measures shall be implemented to avoid impacts related to stormwater or water quality: grading of unpaved areas shall be done in such a manner as to control surface drainage and redirect surface water away from areas of activity during excavation and construction, and the project shall be required to comply with provisions of the Clean Water Act, if applicable, with regard to preparing a storm water discharge plan.

Implementation of the above water quality control measure (already included in the project for water quality; see Section VIII, Hydrology and Water Quality of the Initial Study, Appendix A of the DEIR), would be consistent with the BAAQMD's Enhanced Control Measure calling for installation of sandbags or other erosion control measures to prevent silt runoff to public roadways, and would further reduce construction-generated dust.

In addition, the project sponsor proposes to install a wheel wash system for all exiting trucks, or to wash off the tires or tracks of all trucks and equipment leaving the site, consistent with one of the BAAQMD's Optional Control Measures. This, too, would contribute to reduction of construction-generated dust.

Significance after Mitigation: Less than Significant.

PROJECT OPERATIONAL IMPACTS

Impact C.2: The project would result in an increase in ROG, NOx and PM emissions due to project-related traffic and on-site area sources. (Less than Significant)

Over the long-term, the project would result in an increase in emissions primarily due to project-related motor vehicle trips. On-site stationary sources (such as natural gas fuel combustion for space and water heating) and area sources (such as landscaping equipment and use of consumer products such as household cleaners, insect repellants, hair sprays and other cosmetic items, etc.) would result in lesser quantities of pollutant emissions.

Emissions have been estimated for 2005 (the earliest that project uses could be occupied) using emission inventory model URBEMIS 2002 (version 7.4.2) and information from the traffic analysis prepared for this EIR (see Chapter IV.B). The results are shown in Table IV.C-4, where it is indicated that project-generated emissions would not exceed the significance thresholds specified by the BAAQMD for ROG, NOx and PM-10 in the analysis year 2005. Therefore, this impact would be less than significant.

The primary source of PM-2.5 emissions from project operation would be diesel trucks making deliveries to retail stores and other commercial uses on the project site. However, inasmuch as the project would include no large retail spaces and only about 40,000 square feet of commercial

space in total, the number of truck trips associated with the project is not anticipated to be significant (fewer than 10 per day,⁴ not all of which would necessarily be diesel-powered). Additionally, the number of truck trips would be distributed throughout the day and distributed spatially at various locations on the site. Therefore, no single sensitive receptor would be exposed to emissions from all the truck trips during the day. Given the minimal number of truck trips generated by the project, concentration of PM-2.5 emissions from the activity of project-generated truck trips would not exceed the ambient air quality standards. Therefore, impact of PM-2.5 emissions from the project would be less than significant.

Mitigation: None required.

**TABLE IV.C-4
OPERATIONAL EMISSIONS 2005^a (pounds per day)**

Pollutant	Total Emissions	BAAQMD Thresholds
ROG	56.25	80
NO _x	58.43	80
PM-10	48.51	80
CO	624.26	550 ^b

^a 2005 Estimated Project Emissions. Emissions estimates were generated using the Air Resources Board’s URBEMIS 2002 model for the San Francisco Bay Air Basin, and assume a default vehicle mix with 3,968 net new vehicle trips per day. Input assumptions include a summertime ambient temperature of 85 degrees, a wintertime ambient temperature of 40 degrees and year 2005 EMFAC 2002 composite emission factors. Architectural coating factor was not considered as a factor. All daily estimates are for summertime conditions except for CO, which assumes wintertime conditions.

^b Projects for which mobile source CO emissions exceed 550 pounds per day do not necessarily have a significant air quality impact, but are required to estimate localized CO concentrations. Refer to Impact C.3 for analysis of project CO emissions.

SOURCE: Environmental Science Associates, 2004.

Impact C.3: Project traffic would increase localized carbon monoxide concentrations at intersections in the project vicinity. (Less than Significant)

In addition to the project’s regional contribution to the total pollution burden, project-related traffic may lead to localized “hot spots” or areas with high concentrations of carbon monoxide concentrations around stagnation points such as major intersections and heavily traveled and congested roadways. Project-related traffic could not only increase existing traffic volumes but also cause existing non-project traffic to travel at slower, more polluting speeds.

ESA used California Line Source Dispersion Model (CALINE 4) (Department of Transportation, 2003) to analyze localized carbon monoxide concentrations at three receptors at the roadway

⁴ Truck trip estimate based on San Francisco Planning Department guidelines, which assume 0.22 truck trips per day for retail use.

segments and intersections that are expected to experience greater traffic volumes than others. The modeled results (included in Appendix A are presented in Table IV.C-5).

As shown in the table, the analysis demonstrated that no exceedances would occur in the vicinity of project site under all six scenarios. There is negligible or no impact of the implementation of the project when compared to the baseline CO concentrations. Therefore, the effect of the project on local carbon monoxide standards would be less than significant.

Mitigation Measure C.3: None required.

Impact C.4: Emissions generated by vehicular activity within the parking structures could result in a localized increase in carbon monoxide concentrations within the garage and adjacent areas and affect employees of the garage. (Less than Significant)

The parking structures associated with the project would all be located at or above grade and would be vented to the outside via mechanical ventilation. Ventilation design of the parking structures would be subject to the standards in Section 311.9 of the California Building Code, enforced by the City of Oakland, which regulates for natural ventilation purposes, the size and distribution of the exterior openings of the structure. Because the project's parking structures would be built to these standards (or would be by California Building Code required to have mechanical ventilation designed by a registered engineer), there would be adequate ventilation within the parking structures that would disperse any buildup of pollutants. Furthermore, the CALINE 4 (see Impact C.3 and Table IV.C-5) modeling results for localized CO concentrations indicate no exceedance of CO standards at the receptors at worst intersections in the project vicinity, the intersections at Broadway and 24th Street and at Broadway and West Grand being located closest to any garage openings. Therefore, impacts to occupants of the parking structures or adjacent residents as the result of carbon monoxide hot spots or other concentrated emissions are considered less than significant.

Mitigation Measure C.4: None required.

CUMULATIVE IMPACTS

Impact C.5: The project, together with anticipated future cumulative development in Oakland and the Bay Area in general, would contribute to regional air pollution. (Less than Significant)

**TABLE IV.C-5
ESTIMATED CARBON MONOXIDE CONCENTRATIONS AT SELECTED
INTERSECTIONS IN PROJECT VICINITY**

Receptor location	Averaging Time (hrs.)	Concentrations ^a					Cumulative (2025)
		State Standard	Existing (2004)	2004 plus Project	2010 Baseline	2010 plus Project	
Broadway and 24 th Street	1	20	6.1	6.1	5.6	5.6	5.0
	8	9	4.2	4.2	3.9	3.9	3.5
Broadway and W. Grand Ave.	1	20	6.5	6.5	6.0	6.0	5.2
	8	9	4.5	4.5	4.2	4.2	3.6
Telegraph Ave./ W. Grand Ave.	1	20	6.2	6.2	5.8	5.8	5.1
	8	9	4.3	4.3	4.0	4.0	3.5

^a Concentrations relate to receptor locations at approximately 20 feet (6) meters from the edge of the roadways that form the intersection. The carbon monoxide analysis focuses on the weekday morning (a.m.) peak-hour because the project's effects on traffic congestion and related carbon monoxide concentrations are greater during that period. Carbon monoxide estimates shown above include background concentrations of 4.8 ppm, one-hour average.

SOURCE: Environmental Science Associates, 2004.

According to the *BAAQMD CEQA Guidelines*, any proposed project that would individually have a less-than-significant air quality impact and is consistent with the General Plan, where the General Plan is consistent with the Clean Air Plan, would be considered to have a less-than-significant cumulative air quality impact. Table IV.C-4 shows the operational emissions of ROG, NOx and PM-10 due to project-related traffic estimated based on the CARB model URBEMIS 2002. Because the project would not exceed the significance criteria of 80 pounds per day for ROG, NOx and PM-10 in 2005, the project's cumulative impact on air quality of the region would not be considered significant. As discussed earlier, and as discussed in the Initial Study (Section IX, Land Use and Planning; see Appendix A of the DEIR), the project would be generally consistent with the Oakland General Plan. Additionally, the project is consistent with the Clean Air Plan (2000), which encourages local governments to promote high density residential developments in proximity to transit.

Mitigation Measure C.5: Implement Mitigation Measure C.2.

Significance after Mitigation: Less-than-Significant

REFERENCES – Air Quality

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D. NOISE

SETTING

INTRODUCTION

This section analyzes potential noise impacts caused both during construction and operational phases of the proposed project on the ambient noise environment, as well as the compatibility of proposed project uses with the existing noise environment.

Sound is mechanical energy transmitted by pressure waves through a medium such as air. Noise is defined as unwanted sound. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level. Sound pressure level is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). When all the audible frequencies of a sound are measured, a sound spectrum is plotted consisting of a range of frequency spanning 20 Hz to 20,000 Hz. The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the sound frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA).¹ Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise Exposure and Community Noise

An individual's noise exposure is a measure of the noise experienced by the individual over a period of time. A noise level is a measure of noise at a given instant in time. However, noise levels rarely persist consistently over a long period of time. Rather, community noise varies continuously with time with respect to the contributing sound sources of the community noise

¹ All noise levels reported herein reflect A-weighted decibels unless otherwise stated.

environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual.

These successive additions of sound to the community noise environment lead to variations in the community noise level from instant to instant. This requires the measurement of noise exposure to be taken over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts. This time-varying characteristic of environmental noise is described using statistical noise descriptors. The most frequently used noise descriptors are summarized below:

- Leq:** The equivalent sound level is used to describe noise over a specified period of time, typically one hour, in terms of a single numerical value. The Leq is the constant sound level which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).
- Lmax:** The instantaneous maximum noise level measured during the measurement period of interest.
- Lmin:** The instantaneous minimum noise level measured during the measurement period of interest.
- Lx:** The sound level that is equaled or exceeded x percent of a specified time period. The L_{50} represents the median sound level.
- DNL:** The energy average of the A-weighted sound levels occurring during a 24-hour period, and which accounts for the greater sensitivity of most people to nighttime noise by weighting noise levels at night (“penalizing” nighttime noises). Noise between 10:00 p.m. and 7:00 a.m. is weighted (penalized) by adding 10 dBA to take into account the greater annoyance of nighttime noises.
- CNEL:** Similar to the DNL, the Community Noise Equivalent Level (CNEL) adds a 5-dBA “penalty” for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to a 10-dBA penalty between the hours of 10:00 p.m. and 7:00 a.m.

Effects of Noise on People

The effects of noise on people can be placed into three categories (see Figure IV.D-1).

- subjective effects of annoyance, nuisance, dissatisfaction;
- interference with activities such as speech, sleep, learning; and
- physiological effects such as hearing loss or sudden startling.

Environmental noise typically produces effects in the first two categories. Workers in industrial plants generally experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise, or the corresponding reactions of annoyance and dissatisfaction. A wide variation exists in the individual thresholds of annoyance, and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so called "ambient noise" level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- a change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and
- a 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause adverse response.

These relationships occur in part because of the logarithmic nature of sound and the decibel system. The human ear perceives sound in a non-linear fashion, hence the decibel scale was developed. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, rather they combine logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

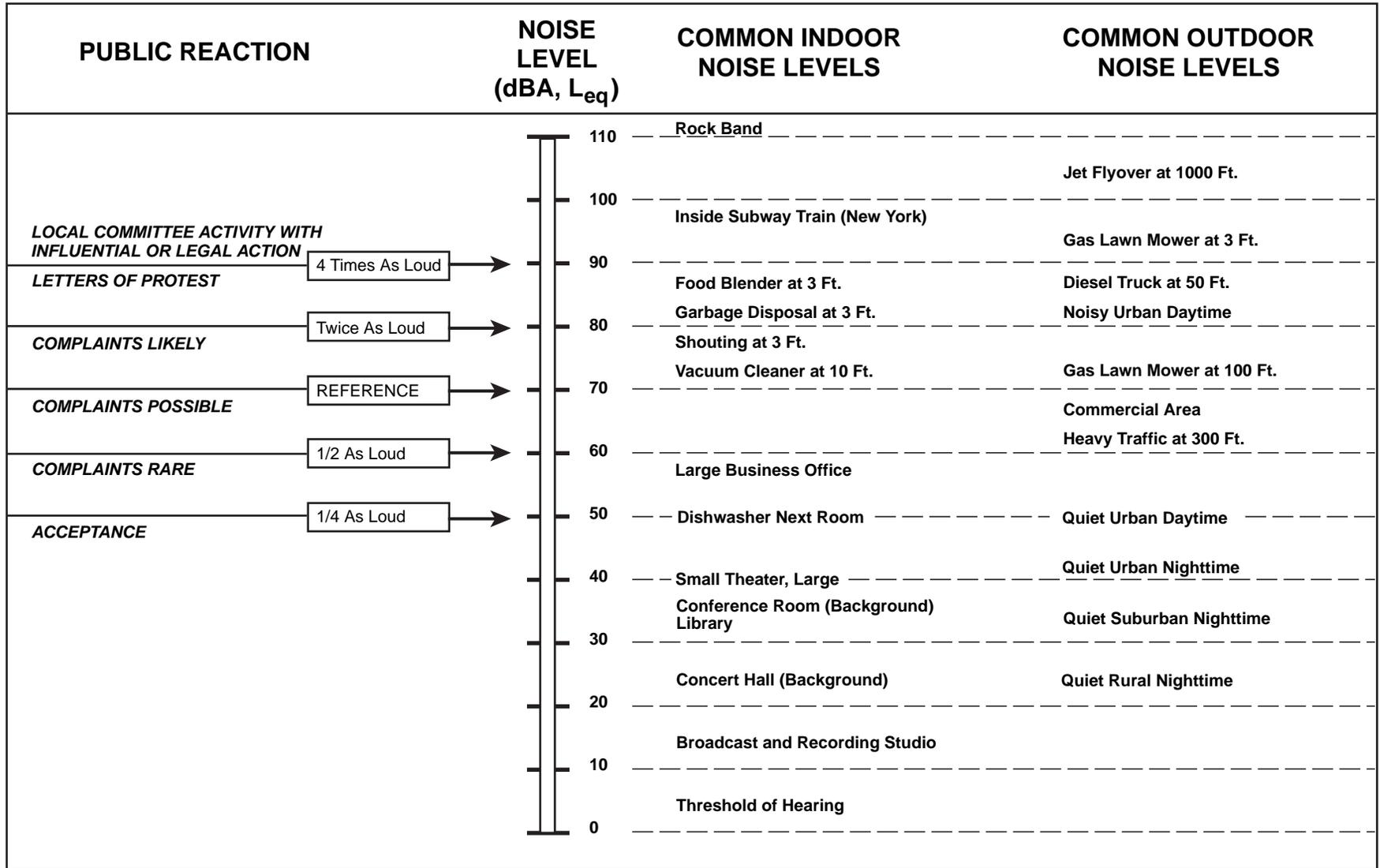
Noise Attenuation

Stationary point sources of noise, including stationary mobile sources such as idling vehicles, attenuate (lessen) at a rate of 6 dBA to 7.5 dBA per doubling of distance from the source, depending on the topography of the area and environmental conditions (i.e., atmospheric conditions and noise barriers, either vegetative or manufactured, etc.). Widely distributed noise, such as a large industrial facility spread over many acres or a street with moving vehicles, would typically attenuate at a lower rate, approximately 4 dBA to 6 dBA.

EXISTING ENVIRONMENT

Noise Sources and Levels

Transportation sources, such as automobiles, trucks, trains, and aircraft, are the principal sources of noise in an urban environment. Along major transportation corridors, noise levels can reach 80 DNL, while along arterial streets, noise levels typically range from 65 to 70 DNL. Industrial



SOURCE: Caltrans Transportation Laboratory Noise Manual, 1982

Figure IV.D-1
Effects of Noise on People

and commercial equipment and operations also contribute to the ambient noise environment in their vicinities. Noise measurements were conducted at the project site to provide a basis for evaluating potential impacts of the project on the nearest noise-sensitive uses.

The project area is located in the Northgate commercial district immediately north of downtown Oakland, at the south end of the Broadway Auto Row. It includes general and automobile-related commercial/ retail, office uses, medium density residential uses, and indoor recreational facilities (YMCA). Residential uses are interspersed throughout the area.

The primary source of noise in the project area is traffic on the local roadway network. Noise from activities associated with the retail, commercial and business establishments is considered secondary. Transportation related noise dominates the noise environment including vehicular traffic on adjacent streets, Interstate Highways 580 and 980, and general aviation. While distant rail activity is sometimes audible, noise levels generated from these sources have little influence on average daily sound levels (Charles M. Salter Associates, 2003).

Day/ Night Sound Levels (DNL)

Charles Salter Associates (2003) conducted 48-hour long term measurements and several short-term or ‘spot’ measurements in the vicinity of the project site. The noise measurement locations are shown on Figure IV.D-2. In addition ESA (2004) conducted short-term “spot” measurements at various locations on the site.

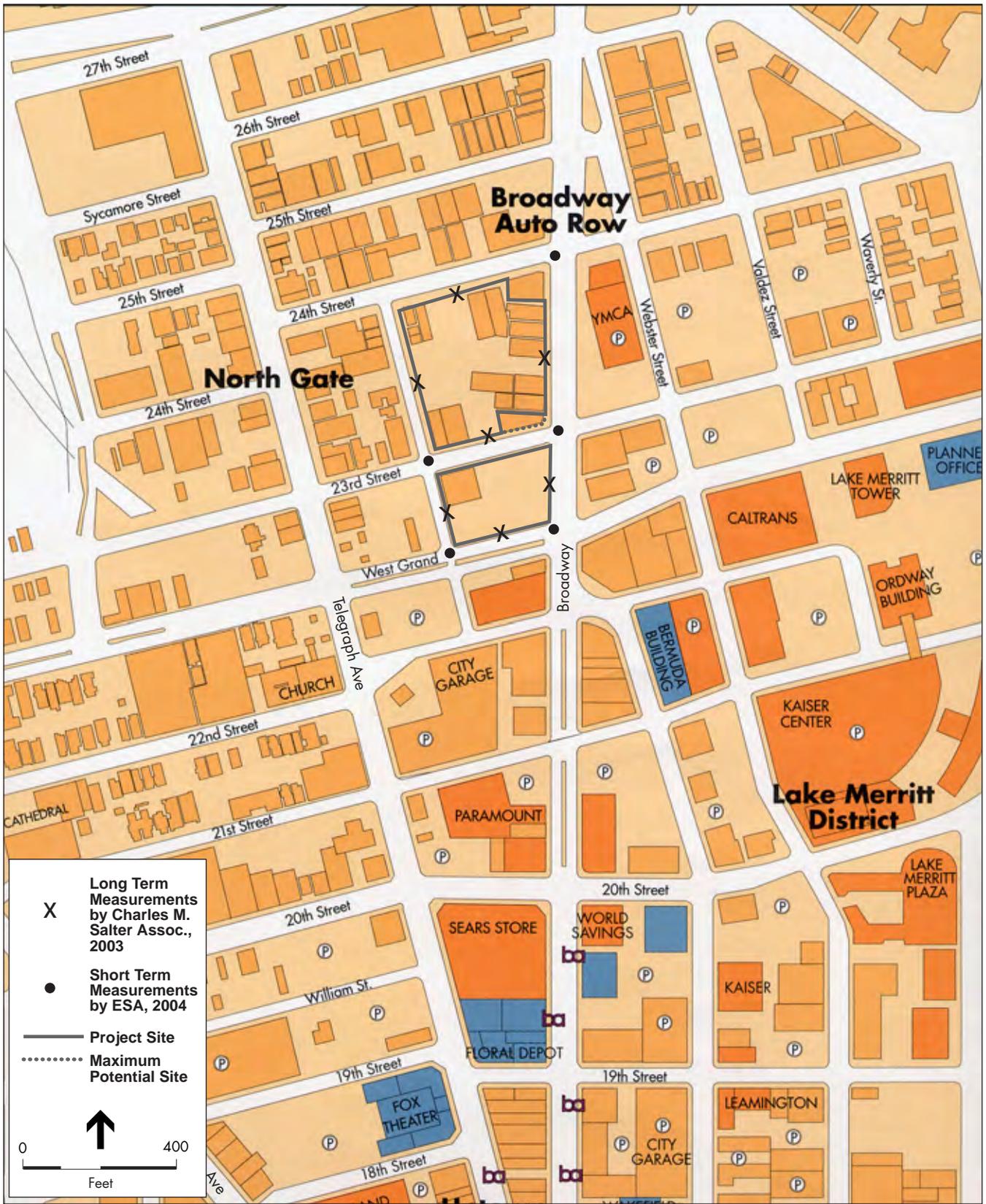
The long term monitors measured noise levels at the site for a period of 48 hours. Noise levels were logged digitally during that time, although individual noise sources are not identifiable in the resulting data. High noise levels typical of a noise urban environment were measured at all monitor locations. The noise levels measured by Charles Salter Associates and ESA are combined and presented as the existing noise environment in Table IV.D-1.

Maximum Noise Levels

Short-term (5-minute) measurements were taken at 5 locations by ESA during the weekday a.m. peak hour along four roadway segments in the vicinity of the project. Noise levels measured at these locations are shown in Table IV.D-1, p. IV.D-7.

SENSITIVE RECEPTORS

Human response to noise varies considerably from one individual to another. Effects of noise at various levels can include interference with sleep, concentration, and communication; physiological and psychological stress; and hearing loss. Given these effects, some land uses are considered more sensitive to ambient noise levels than others. In general, residences, schools, hotels, hospitals, and nursing homes are considered to be the most sensitive to noise. Commercial and industrial uses are considered the least noise-sensitive.



SOURCE: City of Oakland

Broadway & West Grand / 203468 ■

Figure IV.D-2
Noise Monitoring Locations

**TABLE IV.D-1
EXISTING NOISE ENVIRONMENT**

Location	Time Period	Leq (dBA)	Lmax (dBA)	Noise Sources
1. Broadway and West Grand Avenue Facades*	48 hours	68	75	Lmax from motorcycles on Broadway
2. Valley and 24 th Street Facades*	48 hours	64	80	Lmax from traffic on 24 th Street
3. 23 rd Street Façade*	48 hours	63	NA	NA
4. Intersection of Broadway and 24th Street	5 minutes	67.6	75.3	Traffic on Broadway and 24 th Street
5. Intersection of Broadway and 23rd Street	5 minutes	67.3	77.4	Traffic on Broadway and 23 rd Street
6. Intersection of Valley Street and 23rd Street	5 minutes	60.8	72.4	Traffic on Valley Street and 23 rd Street
7. Intersection of West Grand Avenue and Valley Street	5 minutes	65.8	78.9	Traffic on West Grand Avenue and Valley Street
8. Intersection of Broadway and West Grand Avenue	5 minutes	71.7	82.0	Traffic from Broadway and West Grand Avenue

NA = Not Available

Source: Environmental Science Associates. 2004.

*Charles M. Salter Associates, Inc. 2003.

A variety of commercial, retail, and recreational uses surround the project site as well as a children's day care center on West Grand Avenue and multi-family residences on Valley Street and elsewhere in the project vicinity. The project site includes an apartment complex (Casa Blanca Apartments) with 16 residential units that would be demolished as part of the project and, therefore, would not be considered a sensitive receptor, assuming the units are vacated by the start of construction.

REGULATORY SETTING

Federal, state, and local agencies regulate different aspects of environmental noise. Federal and state agencies generally set noise standards for mobile sources such as aircraft and motor vehicles, while regulation of stationary sources is left to local agencies. Local regulation of noise involves implementation of general plan policies and noise ordinance standards. Local general plans identify general principles intended to guide and influence development plans; local noise ordinances establish standards and procedures for addressing specific noise sources and activities. Noise issues relevant to the proposed project are addressed in Title 24 of the California Code of Regulations, City of Oakland General Plan policies and the Oakland noise ordinance standards.

State of California

State regulations include requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings that are intended to limit the extent of noise transmitted into habitable spaces. These requirements are collectively known as the California Noise Insulation Standards and are found in California Code of Regulations, Title 24 (known as the Building Standards Administrative Code), Part 2 (known as the California Building Code), Appendix Chapters 12 and 12A. For limiting noise transmitted between adjacent dwelling units, the noise insulation standards specify the extent to which walls, doors, and floor ceiling assemblies must block or absorb sound.

The proposed project includes development of dwelling units required to comply with the standards. For limiting noise from exterior sources, the noise insulation standards set forth an interior standard of 45 dBA, DNL in any habitable room and, where such units are proposed in areas subject to noise levels greater than 60 dBA, DNL demonstrating how dwelling units have been designed to meet this interior standard. If the interior noise level depends upon windows being closed, the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment. Title 24 standards are enforced through the building permit application process in Oakland, as in most jurisdictions.

Alameda County Airport Land Use Commission and the Federal Aviation Administration (FAA)

The Alameda County Airport Land Use Plan (ALUP) developed by the Airport Land Use Commission of Alameda County has adopted Noise Impact Zones for the Oakland International Airport. Noise Impact Zones are areas where exposure to aircraft noise would be above the levels acceptable as per the state noise guidelines for judging the land use compatibility of a site. Noise Impact Zones ensure that new development in the vicinity of an airport would not be incompatible with existing and projected noise from airport operations. The project site would be located outside the 65-dBA contour for the Oakland International Airport. Hence the site would not be located within the Noise Impact Zone of the Airport.

City of Oakland

The Oakland General Plan contains guidelines for determining the compatibility of various land uses with different noise environments. The Noise Element, last updated in 1974, recognizes that some land uses are more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. The City uses state noise guidelines for judging the compatibility between various land uses and their noise environments (City of Oakland, 1997). State noise guidelines are shown in Figure IV.D-3.

“Normally acceptable” is defined as satisfactory for the specific land use, assuming that normal conventional construction is used in buildings. “Conditionally acceptable” means that new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

Conventional construction, but with closed windows and fresh-air supply systems or air conditioning, will normally suffice. “Normally unacceptable” means that new construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and necessary noise insulation features be included in the design.

The City also regulates noise through enforcement of the noise ordinance, which is found in Section 17.120.050 of the Oakland Planning Code. The noise ordinance regulates only operational noise from stationary sources as cities and counties do not have regulatory authority over noise from mobile sources (transportation noise). Transportation noise is regulated at the state and federal level by noise limits placed on vehicle manufacturers. Table IV.D-2 presents maximum allowable receiving noise standards applicable to long-term exposure for residential and civic land uses. The noise ordinance states that if the measured ambient noise level exceeds the applicable noise level standard in any category, then the stated applicable noise level shall be adjusted so as to equal the ambient noise level. Table IV.D-3 presents noise level standards that apply to temporary exposure to short- and long-term construction noise. In this context, short-term refers to construction activity lasting less than 10 days while long-term refers to construction activity lasting more than 10 days. The construction activity for the proposed project would last longer than 10 days.

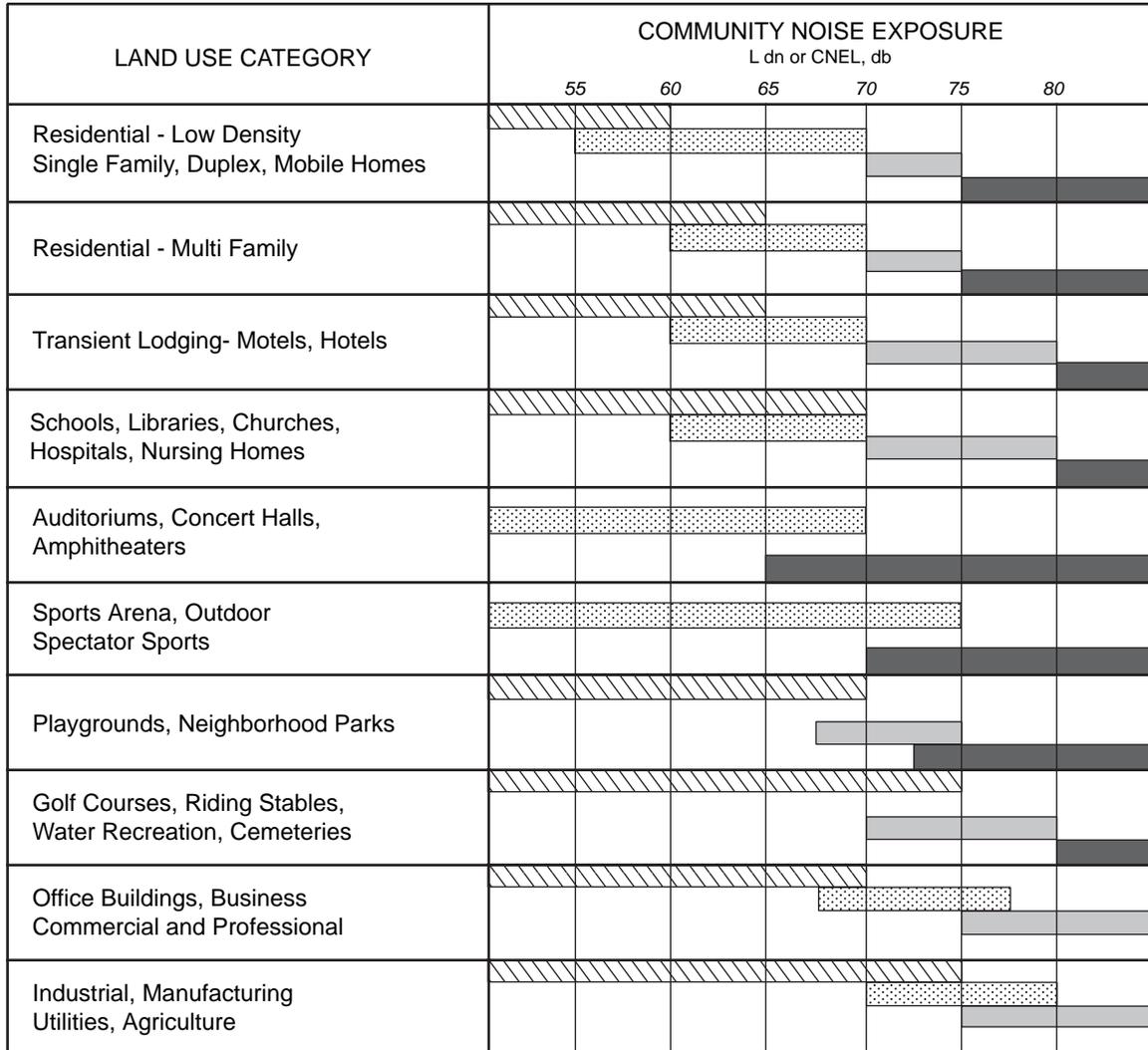
IMPACTS AND MITIGATION MEASURES

The proposed project site is not located within two miles of a public airport, or in the vicinity of a private airstrip. The Metropolitan Oakland International Airport is located approximately eight miles south of the project site, and the San Francisco International Airport is located approximately 21 miles southwest of the project site. Therefore, the project would not expose persons residing at the project site to excessive noise levels as a result of proximity to an airport or landing strip.

SIGNIFICANCE CRITERIA

The City of Oakland considers a project to have a significant impact on the environment if it would:

- Expose persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g., Occupational Safety and Health Administration (OSHA));
- Violate the City of Oakland Noise Ordinance regarding operational noise (shown in Table IV.D-2);
- Violate the City of Oakland Noise Ordinance (shown in Table IV.D-3) regarding construction noise, except if an acoustical analysis is performed and all feasible mitigation measures imposed, including the standard City of Oakland measures adopted by the Oakland City Council on January 9, 2001;



INTERPRETATION

- 
Normally Acceptable
 Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
- 
Conditionally Acceptable
 New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
- 
Normally Unacceptable
 New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
- 
Clearly Unacceptable
 New construction or development should generally not be undertaken.

SOURCE: California Office of Planning and Research.
1990, *General Plan Guidelines*.

Figure IV.D-3
State Noise Standards

**TABLE IV.D-2
MAXIMUM ALLOWABLE RECEIVING NOISE STANDARDS FOR
SPECIFIED LAND USES, dBA**

Receiving Land Use	Cumulative Number of Minutes in One-Hour Time Period ^a	Maximum Allowable Noise Level Standards (dBA)	
		Daytime 7:00 a.m. to 10:00 p.m.	Nighttime 10:00 p.m. to 7:00 a.m.
Residential ^b , School, Child Care, Health Care, or Nursing Home, and Public Open Space	20	60	45
	10	65	50
	5	70	55
	1	75	60
	0	80	65
Anytime			
Commercial ^c	20		65
	10		70
	5		75
	1		80
	0		85
Anytime			
Manufacturing, Mining, and Quarrying	20		70
	10		75
	5		80
	1		85
	0		90

^a The concept of “20 minutes in an hour” is equivalent to the $L_{33,3}$, which is a noise descriptor identifying the noise level exceeded one-third (33.3 percent) of the time. Likewise, “10 minutes in an hour,” “5 minutes in an hour,” and “1 minute in an hour” are equivalent to the $L_{16.7}$, $L_{8.3}$, and $L_{1.7}$, respectively. L_{max} , or maximum noise level, represents the standard defined in terms of “0 minutes in an hour.”

^b Residential air conditioning or refrigeration systems have a maximum allowable operational exterior noise level of 50 dBA, or 55 dBA if the unit was installed prior to October 2003 (17.120.050I).^c Maximum levels shown apply to stationary, commercial refrigeration units and exhaust systems. Mobile, commercial refrigeration units and exhaust systems may not be located within 200 feet of a legally-occupied residential facility, unless the unit or system is within an enclosure which reduces the noise level outside the enclosure to no more than (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060 of the Oakland Planning Code (17.120.050J; 17.120.050K)

SOURCE: Oakland Planning Code. 17.120.050. City of Oakland. 2003.

- Generate interior DNL 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);
- Result in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- Conflict with state land use compatibility guidelines (Office of Planning and Research, 1998) for all specified land uses for determination of acceptability of noise levels.

**TABLE IV.D-3
MAXIMUM ALLOWABLE RECEIVING NOISE STANDARDS FOR
TEMPORARY CONSTRUCTION OR DEMOLITION ACTIVITIES, dBA**

Operation/Receiving Land Use	Daily 7:00 a.m. to 7:00 p.m.	Weekends 9:00 a.m. to 8:00 p.m.
Short-Term Operation (less than 10 days)		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation (more than 10 days)		
Residential	65	55
Commercial, Industrial	70	60

SOURCE: Oakland Planning Code. 17.120.050. City of Oakland. 2003.

Noise from project-related traffic would not be regulated by the local general plan and noise ordinance. Therefore, the significance of increase in noise levels due to project traffic has been evaluated based on the fifth criterion listed above. For long-term operational impacts, such as mechanical noise from stationary sources, Oakland Noise Ordinance standards, as presented in Table IV.D-2, p. IV.D-11, would apply to the proposed project. Therefore, based on the first and second criteria listed above, operational noise from stationary sources that would exceed the values presented in Table IV.D-2 would result in a significant impact to the noise environment. The significance of temporary increases in ambient noise levels is evaluated based on the third criterion listed above. For land use compatibility impacts (noise impacts of the environment on the proposed project occupants), the land use compatibility categories are published in the State of California General Plan Guidelines.

PROJECT IMPACTS

Project Construction Noise

Impact D.1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. (Significant)

Project construction would involve demolition of approximately 105,000 square feet of existing commercial space (approximately 20,000 square feet on Parcel A and 85,000 square feet on Parcel B) and a 16-unit residential building, and involve construction of 475 dwelling units, 40,000 square feet of commercial space, and 675 spaces for vehicle parking. Construction-related activities would temporarily increase ambient noise levels in the project vicinity over the duration of construction. Construction-related noise levels at and near locations on the project site would fluctuate depending on the particular type, number, and duration of use of various pieces of construction equipment. The effect of construction noise would depend upon the level of

construction activity on a given day and the related noise generated by that activity, the distance between construction activities and the nearest noise-sensitive uses, and the existing noise levels at those uses.

Table IV.D-4 shows typical noise levels generated by construction of commercial and residential buildings. As shown in Table IV.D-4, the noisiest phase of construction would be during excavation and exterior finishing, which could generate noise levels of approximately 89 Leq at 50 feet. Erection of the structure and ground clearance activities may also generate a substantial amount of noise. The project would not include pile driving.

Noise from construction activity generally attenuates (decreases) at a rate of 6 dBA to 7.5 dBA per doubling of distance. Construction associated with the project would take place in the immediate vicinity of the multi-family residential units located on Valley Street, across from Parcel B. Conservatively assuming an attenuation of 6 dBA per doubling of distance, construction could generate noise levels of approximately 89 dBA, Leq at these receptors. At noise levels of 85 dBA, normal conversation is extremely difficult. These predicted noise levels would exceed the standards of the Oakland Noise Ordinance, which states that, for residential receptors, the maximum allowable receiving noise for weekday (Monday through Friday, 7:00 a.m. to 7:00 p.m.) construction activity of greater than 10 days duration is 65 dBA. For construction activity of 10 days or less, the residential receiving standard is 80 dBA, however construction activity for the project would occur over a period of more than 10 days. Consequently, the noisiest phases of construction would have the potential to exceed the construction noise standard of the City of Oakland's Noise Ordinance. Therefore, without mitigation, this impact, though temporary, would be considered significant. As construction activities would be likely to occur during daytime hours, construction noise may also be disruptive to local businesses. However, the analysis focuses on impacts to nearest residential uses as they are considered to be more sensitive to noise than are other commercial uses surrounding the project site.

The contractor shall be required to implement the following measures throughout the duration of construction activity, and based on the significance criteria used by the City of Oakland, compliance with the Noise Ordinance is achieved if the following mitigation measures are implemented. As a result, project construction impacts would be considered less than significant.

Mitigation Measure D.1a: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally 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, with no extreme noise generating activity permitted between 12:30 p.m. and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays.

TABLE IV.D-4
TYPICAL COMMERCIAL CONSTRUCTION NOISE LEVELS

<u>Phase</u>	<u>Noise Level (L_{eq})^a</u>
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Exterior Finishing	89
Pile Driving	90-105

^a Estimates correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase and 200 feet from the other equipment associated with that phase.

SOURCE: U.S. Environmental Protection Agency, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, December 1971.

Mitigation Measure D.1b: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:

- **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).**
- **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.**
- **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.**

Mitigation Measure D.1c: To further mitigate potential other extreme noise generating construction impacts, 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. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, particularly along the western boundary along Valley Street to shield the adjacent multi-family residential buildings;
- 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;²
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Mitigation Measure D.1d: 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 procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving or other extreme noise-generating activities about the estimated duration of the activity; and
- 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.

Significance after Mitigation: Less than Significant.

² As described, pile-driving is not proposed as part of the project. However, should pile-driving become necessary, this mitigation would become applicable, and no additional analysis or mitigation would be required.

Project Operational Noise

Impact D.2: Noise from project-generated traffic and other operational noise sources such as mechanical equipment, truck loading/unloading, etc., could exceed the Oakland Noise Ordinance standards and affect nearby residential receptors. (Less than Significant)

Operational activities associated with the project that would generate noise include vehicular circulation and operation of mechanical equipment such as heating, ventilation and air conditioning (HVAC) equipment.

Motor vehicle trips generated by proposed residential and commercial uses on the project site would be distributed on the local road network and would increase noise levels along the affected roads. To assess the significance of the increase in traffic noise due to the project, roadside peak-hour noise levels were estimated for existing conditions, existing plus project, 2010 baseline, 2010 with completion of the project, and cumulative (2025) with buildout of the project conditions along those roadways most affected by the project. Noise modeling using Federal Highway Administration's Noise Prediction Model was conducted for traffic on roadway segments of Broadway and West Grand Avenue. Data from the traffic analysis prepared for this EIR was used for analysis. Results of the modeling effort are presented in Table IV.D-5.

As seen from Table IV.D-5, the proposed project would not lead to a 5 dBA or greater increase in noise over the existing total ambient noise level at any of the analyzed roadway segments under any of the analysis scenarios. Because the increase in ambient noise from the addition of project and cumulative traffic would be less than 3 dBA, this increase would barely be perceivable over the baseline total ambient noise level. Therefore, addition of project and cumulative traffic would not result in a significant noise impact.

Once operational, the only other major source of noise would be from the operation of mechanical systems of the project buildings. It is assumed that the majority of the mechanical systems (e.g., ventilation fans, heating equipment) to serve the project buildings would be located within the mechanical equipment wells on the roofs of the buildings. All rooftop mechanical equipment is proposed to be visually and acoustically screened. Any noise generated by operational equipment would be subject to noise ordinance standards shown and footnoted in Table IV.D-2, p. IV.D-11. Provided that the equipment is designed and used in a manner that complies with those standards, the related noise impact to project residences and adjacent land uses would not be significant. The applicable design standard would meet the maximum 45 dBA limit at adjacent sensitive land uses. Also, mechanical equipment for commercial spaces would be operated primarily during the less noise sensitive daytime hours with higher background noise levels. For these reasons, noise from commercial-related mechanical equipment would not be expected to significantly affect the noise environment at nearby land uses.

Additionally, there would be operational noise related to the arrival, departure, and loading/unloading of goods from delivery trucks associated with the project's proposed commercial establishments. This noise would be less than significant, as it would primarily take place during the less noise sensitive daytime hours (typically during daytime working hours).

Also, the presence of intervening structures and distance of the commercial and retail establishments to the existing residential receptors would attenuate these noise levels to a less than significant level.

Mitigation: None required.

Impact D.3: The project would locate noise sensitive multifamily residential uses in a noise environment characterized as “conditionally unacceptable” for such uses by the City of Oakland. (Less than Significant)

The noise levels identified in Table IV.D-1, p. IV.D-7, would be representative of the noise environment on implementation of the project. Based on existing measurements at these locations, the ground-level noise levels are in the “conditionally acceptable” range (between 60 and 70 dBA) for multifamily residential uses (see Figure IV.D-3, p. IV.D-10).

The project’s proposed multifamily residences would be subject to Title 24 standards of the California Code of Regulations, which provides an interior standard of DNL 45 dBA in any habitable room and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. Construction in accordance with Title 24 standards would reduce the impact to a less than significant level. To meet the interior standard of DNL 45 dBA, a noise level reduction (window panes of STC [sound transmission coefficient]) of up 30 dBA would be required from the exterior facades of the buildings. Likely required noise insulation features could include, but would not limited to, double-paned windows, inoperable windows along the southern side of the residential buildings with provision of mechanical ventilation, and air-tight seals around window and doors. Design and construction of these buildings in compliance with the requirements of Title 24 would reduce any significant impacts of land use/noise compatibility to a less than significant level.

Though commercial uses are not subject to the requirements of Title 24, incorporation of standard noise insulation features in the design would minimize potential noise impacts to these on-site commercial uses.

Mitigation: None required.

**TABLE IV.D-5
TRAFFIC NOISE INCREASES ALONG LOCAL ROADWAYS IN THE PROJECT AREA**

Noise Level (dBA) at an Average of 25 feet from Roadway Centerline						
Street Segment	Existing	Existing plus Project	2010 Baseline	2010 plus Project	2025 Cumulative	Maximum Change
Broadway between West Grand Ave. and 23 rd Street	66.8	66.9	67.4	67.5	67.6	0.8
Broadway between 23 rd Street and 24 th Street	64.9	64.9	65.5	65.5	65.6	0.7
W. Grand btwn. Telegraph Ave. and Broadway	66.4	66.5	67.8	67.9	68.5	2.1

SOURCE: Environmental Science Associates, 2004.

CUMULATIVE IMPACTS

Impact D.4: The proposed project, together with anticipated future development in the Northgate commercial district area as well as Oakland in general, could result in long-term traffic increases that could cumulatively increase noise levels. (Less than Significant)

Noise from cumulative development in the area would primarily occur from increases in motor vehicle traffic. Cumulative traffic noise levels in the project area were estimated using traffic data prepared for this EIR and are presented in Table IV.D-5. As shown in the table, the addition of project and cumulative traffic would not increase traffic noise levels by greater than 5 dBA along the segments adjacent to the project site. As discussed under Impact D.2, this increase would not be perceivable over the total noise levels that were monitored along these segments. In other words, traffic noise forms one component of the total noise environment. Therefore, cumulative noise increases would be less than significant.

Mitigation: None required.

REFERENCES – Noise

Airport Land Use Commission of Alameda County, *Alameda County Airport Land Use Plan*, July 16, 1986.

Caltrans, *Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects*, October 1998.

U.S. Department of Transportation, Urban Mass Transportation Administration, *Guidance Manual for Transportation, Noise and Vibration Impact Assessment*, July 1995.

U.S. Department of Housing and Urban Development, *Noise Assessment Guidelines*, April, 1995.

Negherbon Mixed Use Project. Environmental Noise Assessment. Oakland California. Charles M. Salter Associates, Inc. 2003.

E. CULTURAL RESOURCES

INTRODUCTION

This section examines the impact of the proposed project on cultural resources (historical, archaeological and paleontological) located at the project site. Resources for this section include a Confirmation of Historic Significance report completed for the project site in August 2004 by Carey & Co. Inc., an archival research at the California Historical Resources Information System's Northwest Information Center (Northwest Information Center) completed in December 2003, consultation with the Oakland Cultural Heritage Survey, and a number of resources pertaining to paleontology.

SETTING

ARCHAEOLOGICAL AND HISTORIC

Prehistoric Setting

The project area lies within downtown Oakland. The area is now mostly urbanized, although, prehistorically, it was a biologically rich alluvial plain and estuarine environment between the East Bay Hills and San Francisco Bay.

The natural marshland biotic communities along the edges of bays and channels were the principal source for subsistence and other activities during the prehistory of the San Francisco Bay region. Many of the original surveys of archaeological sites in the Bay region were conducted between 1906 and 1908 by Stanford (and, later, UC Berkeley) archaeologist N.C. Nelson. Such surveys yielded the initial documentation of nearly 425 "earth mounds and shell heaps" along the littoral zone of the Bay (Nelson, 1909). From these beginnings, the most notable sites in the Bay region were excavated scientifically, like the Emeryville shellmound (Ala-309), the Ellis Landing Site (Cco-295) in Richmond, and the Fernandez Site (Cco-259) in Rodeo Valley (Moratto, 1984). These dense midden sites, such as Ala-309, have been carbon 14 dated to be 2310 ± 220 years old, but other evidence from around the Bay suggests that human occupation in the region is of greater antiquity, or around 5000 B.C. (Davis & Treganza, 1959 as cited in Moratto, 1984). Many of the earliest sites suggested less emphasis on shellfish than the later middens, but were rather focused on hunting and food processing, some including burial interments as well as abundant molluscan and charcoal ash remains.

As of 2000 B.C., however, the bayshore and marsh-adapted peoples began appearing in the archaeological record. The so-called Berkeley Pattern (2000 B.C. to A.D. 300) reflected a change in socioeconomic complexity and settlement patterns (Fredrickson, 1973). This artifact pattern was represented by minimally-shaped cobble mortar and cobble pestle, dart and atlatl, and bone industry. Given the size of these settlements, it is probable that the populations were denser and more sedentary, yet continued to exploit a diverse resource base—from woodland to grassland and marshland, to bayshore resources throughout the San Francisco Bay Area (Bickel, 1978;

King, 1974 as cited in Moratto, 1984). Many of the Berkeley traits diffused throughout the region and spread to the interior areas of central California during this time period.

Ethnographic Setting

Prior to Euro-American contact, the area of present-day Alameda County was occupied by the Ohlone (also known by their linguistic group, Costanoan¹). Politically, the Costanoan were organized into groups called tribelets. A tribelet constituted a sovereign entity that held a defined territory and exercised control over its resources. It was also a unit of linguistic and ethnic differentiation. Oakland, and a large area of the East Bay, is located within the territory of a people that spoke Chochenyo, one of several Costanoan languages.

The Ohlone economy was based on fishing, gathering, and hunting, with the land and waters providing a diversity of resources including acorns, various seeds, salmon, deer, rabbits, insects, and quail. The acorn was the most important dietary staple of the Costanoan, and the acorns were ground to produce a meal that was leached to remove the bitter tannin. Technologically, the Costanoan crafted tule balsa, basketry, lithics (stone tools) such as mortars and metates (a mortar-like flat bowl used for grinding grain), and household utensils. The Costanoan, like many other Native American groups in the Bay Area, likely lived in conical tule thatch houses.

In 1770, the Costanoan-speaking people lived in approximately 50 separate and politically autonomous nations or tribelets. At this time, the number of Chochenyo speakers reached 2,000, substantially more than the typical size of a tribelet, which ranged from 40 to 200 members.

During the mission period, 1770-1835, the Costanoan people experienced cataclysmic changes in almost all areas of their life, particularly a massive decline in population due to introduced diseases and declining birth rate, resulting in large part from colonization by the Spanish missionaries. Following the secularization of the missions by the Mexican government in the 1830s, most Native Americans gradually left the missions to work as manual laborers on the ranchos that were established in the surrounding areas.

Native American archaeological sites that could shed light on the Costanoan ways of life in the pre-mission era tend to be situated along near the historic extent of the Bay tidal marshland.

Historic Setting

The project site is within the Rancho San Antonio land grant that was granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. The 43,000-acre rancho included the present-day cities of Oakland, Berkeley, Alameda, and parts of San Leandro and Piedmont. Peralta's land grant was confirmed after Mexico's independence from Spain in 1822, and the title was honored when California entered the Union by treaty in 1848. Despite the title,

¹ "Costanoan" is derived from the Spanish word Costanos meaning "coast people." No native name of the Costanoan people as a whole existed in prehistoric times as the Costanoan were neither a single ethnic group nor a political entity.

by the middle of the 19th century, squatters had moved in to use portions of Peralta's undeveloped land. The Gold Rush and California statehood brought miners, businessmen, lumbermen and other speculators to the area in search of opportunities. Early settlers of that period include Edson Adams, Andrew Moon, and Horace Carpentier, who squatted on 480 acres of Vicente Peralta's (one of Luis Peralta's sons) land. Adams, Moon, and Carpentier subsequently hired Jules Kellersberger, an Austrian-educated Swiss military engineer, to plot a new City – Oakland, which was incorporated in 1852.²

Originally, the City encompassed the area roughly bordered by the estuary, Market Street, 14th Street and the Lake Merritt Channel. Broadway served as the main street. The majority of the early city dwellers, numbering under one hundred, lived near the foot of Broadway in proximity to the estuary. From there, city development moved towards the Oakland hills and ultimately towards East Oakland.

During the mid 1860s to mid 1870s the Chinese occupied four different sites in the Uptown area of Oakland. As the city's Central Business District moved northward, the Chinese were displaced to make way for the new City Hall and the influx of middle- to upper-class homes and businesses. A Chinese encampment at 19th and 20th streets (actually located between William and 20th Street due to the renaming of the streets since the 1860s), described in the Final EIR for the proposed Uptown Mixed-Use Project, is usually listed as the second site and another encampment near 22nd Street and San Pablo Avenue or Martin Luther King Jr. Way is given as the third; each of these sites is between about one-fourth and one-third of a mile from the project site. The site at 20th Street was only occupied for a short period of time before the people were displaced to the 22nd Street location, by 1876 (Chow, 1977). The size and characteristics of these Uptown Chinese settlements is difficult to establish due to the legal restriction placed upon the Chinese during the 1860s and 1870s. The Chinese were unable to buy or own property during this period; as a result, property records of the area can offer a picture of the land division and patterns of ownership but no information concerning any Chinese who might be living there. The federal census data from 1860 and 1870 does not include street addresses, which also makes it almost impossible to identify exactly how many people lived in this area. Furthermore, the precise location of these settlements is not known, as many historic documents refer to locations "in the vicinity of" one place or another (Archeo-Tec, 2004).

The 1906 earthquake and fire in San Francisco prompted a population increase in Oakland, and by 1910 the City's population of 150,000 was more than double the 1900 level of 67,000. Residential and commercial development in Oakland increased during this time to accommodate displaced San Francisco residents. Older neighborhoods became more densely populated as new apartment buildings and related growth became part of Oakland's residential fabric. The population growth also increased the demand for retail goods, and shopping districts expanded throughout the next decade to meet this demand. The post-earthquake development boom

² Kellersberger became City engineer in 1854; he later spent the Civil War in Texas, building and repairing fortifications and arms for the Confederacy.

defined much of downtown Oakland as it is known today, resulting in most of the City's notable early 20th century skyscrapers.

ARCHITECTURAL RATING SURVEYS

City of Oakland

The Oakland Cultural Heritage Survey (OCHS), a project of the Planning Department, has been conducted since 1979, and is intended to provide an inventory of historic resources throughout the city. The OCHS uses a five tier rating system for individual properties, ranging from "A" (highest importance) to "E" (of no particular interest). The ratings are based on visual quality and design, including the importance of the designer; history and association with persons and events; context; and integrity and reversibility of any changes.³ The OCHS has also identified historic districts, designated as Areas of Primary Importance and Areas of Secondary Importance. Areas of Primary Importance (API) appear eligible for the National Register of Historic Places (see below), while Areas of Secondary Importance do not qualify as APIs, but appear eligible for designation as a local Preservation District. The OCHS ratings use a plus (+) or minus (-) sign attached to the API and ASI indicators to indicate whether a building contributes to a historic district.^{4,5} The full list of ratings is:

A: Highest Importance: Outstanding architectural example or extreme historical importance (about 150 properties total). These properties are considered clearly eligible for individual listing on the National Register of Historic Places.

B: Major Importance: Especially fine architectural example, major historical importance (about 600 total). Most of these properties are considered individually eligible for the National Register of Historic Places, although some may be "marginal" candidates.

³ Properties with conditions or circumstances that could change substantially in the future are assigned both an "existing" and a "contingency" rating. The existing rating, denoted by a capital letter, describes the property under its present condition, while the contingency rating, denoted by a lower-case letter, describes it under possible future circumstances. Buildings receiving contingency ratings include those whose character-defining elements have been altered but that could become more important if the alterations were reversed; certain post-1945 buildings that are too new to be historically important; and properties believed to have historical importance but for which more research is required to document the importance. Thus, a building with a rating of "Eb" is currently of "no particular interest," but could be of "major importance" if, for example, it is restored.

⁴ Thus, a rating of "A1+" denotes a building of the highest importance [A] that is within a historic district that is an Area of Primary Importance [1] and is a contributor to the district [+], while a rating of "Db2-" denotes a building that is of minor importance [D], potentially of major importance [b], that is within a historic district that is an Area of Secondary Importance [2] and is not a contributing resource within the district [-].

⁵ According to National Register Bulletin 16A, "How to Complete the National Register Registration Form," a building is contributory to a historic district, and is thus a contributing resource, if it "adds to the historic associations [or] historic architectural qualities" for which the district is recognized. A building generally is identified as a contributing resource if it was built during the district's period of significance (the period for which the district's importance is recognized, generally being the period during which most of the buildings in the district were constructed), relates to the documented significance of the district, and possesses historic integrity. A building may also contribute to the significance of a district if the building individually meets National Register Criteria for listing.

C: Secondary Importance: Superior or visually important example, or very early (pre-1906). C buildings “warrant limited recognition” (about 10,000 total). These properties generally are not considered eligible for the National Register of Historic Places.

D: Minor Importance: Representative example of an important style, type, convention, or historical pattern, but “not individually distinctive.” About 10,000 D-rated buildings are Potential Designated Historic Properties (PDHPs),⁶ either because they have a higher contingency rating (“Dc”) or because they are in districts (“D2+”).

E: Of no particular interest. Some E-rated buildings are also PDHPs because they have higher contingency ratings or are in districts.

* or F: Less than 45 years old or modernized. Some *-rated and F-rated buildings are also PDHPs because they have higher contingency ratings or are in districts.

All areas of the City that are not yet intensively surveyed by the OCHS have been evaluated through “windshield” surveys in 1985-1986 and 1996-1997. This Preliminary Citywide Historical and Architectural Inventory, known as the Reconnaissance Survey, employs the same A-B-C-D-E rating system as the OCHS, but is not as thorough and is intended to be confirmed or modified over time by the OCHS.

Eleven of the 13 buildings located on the project site were evaluated by OCHS in 1994 for their potential historic significance on the national and local levels.⁷ (See “Project Site,” p. IV.E-10, for a discussion of each of the buildings.)

National and State Registers

The National Register of Historic Places (“National Register” or “NRHP”) is the official U.S. government list of properties that have architectural, historical or cultural significance at the national, state or local level. The Register is administered by the National Park Service, an agency of the Department of the Interior. The National Register includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Listing of a property in the National Register does not prohibit demolition or alteration of that property, but does denote that the property is a resource worthy of recognition and protection. The National Register includes four criteria under which a structure, site, building, district or object can be considered significant for listing on the Register. These include:

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

⁶ PDHPs are properties that have an existing or contingency rating of “A” (highest importance), “B” (major importance), or “C” (secondary importance) in either the OCHS or the Reconnaissance Survey, or have been determined by the surveys to contribute (or potentially contribute, based on contingency rating) to an Area of Primary Importance or Area of Secondary Importance. PDHP is the broadest definition of “historic” in the Preservation Element.

⁷ At the time, the California Register of Historical Resources had not been developed.

Criterion B (Person): Resources that are associated with the lives of persons significant in our past;

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

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

The State Office of Historic Preservation (OHP) maintains the California Register of Historical Resources (“California Register”). The California Register includes properties that are listed or are formally determined eligible for listing in the National Register of Historic Places; certain State Historical Landmarks; and eligible Points of Historical Interest. Other resources that may be eligible for the California Register, and which require nomination and approval for listing by the State Historic Resources Commission, include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resources surveys conducted in accordance with OHP procedures, historic resources or districts designated under a local ordinance consistent with the procedures of the State Historic Resources Commission, and local landmarks or historic properties designated under local ordinance. A resource may be listed in the California Register under criteria that are similar to those of the National Register, except that California Register criteria include specific references to California’s history and cultural heritage. In addition to historic significance, a National Register or California Register evaluation includes a determination of physical integrity, or the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance. Integrity consists of seven aspects: location, design, setting, materials, workmanship, feeling, and association.

Resources evaluated for listing on the National Register are assigned a status code from 1 to 7; until 2003, the codes were as follows:

1. Listed in the National Register
2. Determined eligible for the National Register in a formal process involving federal agencies
3. Appears eligible for the National Register in the judgment of those completing an evaluation of an historic resource
4. Might become eligible for listing (if restored, when older, or depending on further research)
5. Ineligible for the National Register but of local interest
6. Not eligible for the National Register
7. Undetermined.

Within each numerical code, alphabetical subdivisions indicate further detail, so that, for example, a rating of “4S7” (in the case of 2335 Broadway and 440-448 23rd Street) indicates that a building might become eligible for the National Register if the property’s architectural integrity

were restored, while “5B” (441-449 23rd Street) indicates a building is eligible for local listing only, both as a separate property and as a contributor to a district, “5S” (2343 Broadway, 2345 Broadway) designates a building eligible for local listing as a separate property, and “5D” (439 23rd Street) means a building is eligible for local listing as a contributor only.

In 2003, OHP prepared new California Historical Resource Status Codes generally based on the above National Register codes. The new codes also rate buildings 1-7, with slight modifications in subcategories.

GENERAL PLAN HISTORIC PRESERVATION ELEMENT

The Oakland General Plan Historic Preservation Element, adopted in 1994 and revised in 1998, identifies several categories of historical properties. Designated Historic Properties (DHPs) include City Landmarks, Preservation Districts, and Heritage Properties, which are designated by the Landmarks Preservation Advisory Board, Planning Commission, and City Council.⁸ The Element also defines a broad category of Potential Designated Historic Properties (PDHPs),⁹ which are all those properties that have an existing or contingency rating of “A” (highest importance), “B” (major importance), or “C” (secondary importance) in either the OCHS or the Reconnaissance Survey, or have been determined by the surveys to contribute (or potentially contribute, based on contingency rating) to an Area of Primary Importance or Area of Secondary Importance. PDHP is a status based on survey rating, not a formal designation by any City body. The highest rated PDHPs, plus all DHPs, are defined as Oakland’s Local Register of Historic Resources for such purposes as environmental review and use of the State Historical Building Code.

Goals and Policies

The following Historic Preservation Element goals and policies are applicable to the project:

- Historic Preservation Goal 2: To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.
- Policy 3.1: *Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions:* The City will make all reasonable efforts to avoid or minimize

⁸ Eligibility requirements for designation as a Heritage Property include an existing or contingency OCHS rating of A, B, or C; an existing or contingency Reconnaissance Survey rating of A or B; or a contributor (or potential contributor based on contingency rating) to a potentially eligible Preservation District (Area of Primary or Secondary Importance). The Heritage Property category was developed in the Historic Preservation Element to replace the City’s Preservation Study List. However, as of 2003, the City has not initiated designation of a list of Heritage Properties.

⁹ In accordance with Policy 1.2 of the General Plan Historic Preservation Element, PDHPs “warrant consideration for possible preservation”; thus, according to the OCHS, a PDHP is “of local interest” and therefore warrants a National Register status code of 5. They are also eligible to be Heritage Properties; see Footnote 8.

adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.

- Policy 3.5: *Historic Preservation and Discretionary Permit Approvals*. For additions or alterations to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical, to the property’s existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

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

- Policy 3.7: Property Relocation Rather than Demolition. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.
- Policy 3.8: *Definition of “Local Register of Historical Resources” and Historic Preservation “Significant Effects” for Environmental Review Purposes*. For purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland’s Local Register of Historic Resources:
 - 1) All Designated Historic Properties, and
 - 2) Those Potential Designated Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance.
 - 3) Until complete implementation of Action 2.1.2 (Redesignation), the “Local Register” will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

The above policies, and the Historic Preservation Element generally, encourage, but do not mandate, the preservation of Oakland’s historic resources, within the context of and consistent with other General Plan goals, objectives, and policies (as discussed in other sections of this EIR and in the Land Use and Planning section of the Initial Study). Thus, for example, the admonition in Historic Preservation Goal 2 against “the unnecessary destruction” of historic buildings and Policy 3.1’s direction to employ “all reasonable efforts to avoid or minimize adverse effects” on historic resources are reviewed against the proposed project’s provision of substantial new housing in downtown Oakland. A determination of consistency with the above

policies by the Planning Commission and City Council must be predicated upon a finding that, as specified in Policy 3.5, “(1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.” This policy is discussed in the impact evaluation in this section of the EIR (see Impact E.3, p. IV.E-33, and Impact E.4, p. IV.E-35).

Policy 3.7 is incorporated into the analysis in this EIR as Mitigation Measure E.3f.

Policy 3.8 defines the City’s “Local Register of Historical Resources” for CEQA purposes and identifies the changes that constitute significant effects under CEQA. This policy forms part of the basis for the impact evaluation in this section of the EIR (see “Significance Criteria,” p. IV.E-27).

PALEONTOLOGICAL SETTING

Geologically, the Oakland metropolitan area is quite diverse, although the area as a whole is, by and large, comprised of late Quaternary alluvium – making the majority of surface deposits relatively young, yet still capable of bearing fossils. The principle fossil-bearing formations occur to the east of the project area, in the Franciscan Complex of the Oakland Hills, but many of the geological units in the metropolitan area are linked to vertebrate and invertebrate fossil deposits (Helley et al., 1972). It should be noted that paleontological remains are not uniformly distributed within a rock formation; the fact that fossil-bearing sites have been identified within a rock unit or formation serves as an indication that those units or formations are fossiliferous, not that they are necessarily fossil-rich.

Baseline Paleontological Methods

To develop a baseline understanding of the paleontology of the proposed project site and surrounding area, the published geological and paleontological literature was reviewed (Graymer, 2000; USGS, 2004). The following is a list of the deposits found within the project area:

Qmt – Marine terrace deposits (Pleistocene) – Three small outcrops of marine terraces are located about 5 m above present mean sea level. Similar terraces are located north of the map area on the south shore of San Pablo Bay in the extreme northwest Contra Costa County at Lone Tree Point, Wilson Point, and an unnamed outcrop in between (Helley and Graymer, 1997b). The oyster beds at the base of those outcrops unconformably overlie the Cierbo Sandstone of Miocene Age and are in turn overlain by about 5 m of greenish-gray silty mudstone. The oysters have been dated by the Uranium-Thorium method (Helley and others, 1993) and are of last interglacial age, approximately 125 ka. This deposit represents the surface layer at the project site.

af – Artificial fill (Historic) – Man-made deposit of various materials and ages. Some are compacted and quite firm, but fills made before 1965 are nearly everywhere not compacted and consist simply of dumped materials. This deposit lies just east of the project site.

Qms – Merritt sand (Holocene and Pleistocene) – Fine-grained, very well sorted, well-drained eolian deposits of western Alameda County. The Merritt sand outcrops are located in three large areas in Oakland and Alameda. This deposit lies to the west and southwest of the project site.

Qhaf – Alluvial fan and fluvial deposits (Holocene) – Alluvial fan deposits are brown or tan, medium dense to dense, gravely sand or sandy gravel that generally grades upward to sandy or silty clay. Near the distal fan edges, the fluvial deposits are typically brown, never reddish, medium dense sand that fines upward to sandy or silty clay. The best developed Holocene alluvial fans are on the San Francisco Bay plain. All other alluvial fans and fluvial deposits are confined to narrow valley floors. This deposit lies northwest of the project site.

Given the relatively young geomorphic characteristics of the upper layers in the vicinity of the project area, the probability of encountering paleontological resources is substantially reduced. This is especially true in the cases of Holocene alluvial fan and Merritt Sands. However, the Pleistocene deposits of Marine Terrace may contain fossil remains. Indeed, the project area is of undetermined sensitivity until observations of exposed subsurface units can take place. In lieu of exposing subsurface units, the basis of determining the level of sensitivity, given the limited excavation required for the project, has relied on the existing geologic documentation for the area.

NATIVE AMERICAN CONSULTATION

The Native American Heritage Commission (NAHC) was contacted on April 6, 2004, in order to request a database search for sacred lands or other cultural properties of significance to local Native Americans. The sacred lands survey failed to indicate the presence of cultural resources in the project area. The NAHC provided a list of Native American contacts who may have further knowledge of the project area with respect to cultural resources and potential impacts to those resources that could occur as a result of the proposed project. Each person or organization listed on the NAHC list was contacted by letter requesting information about locations of importance to Native Americans. No response has been received as of the writing of this document.

HISTORIC RESOURCES ON THE PROJECT SITE

The project site is located in a developed urban area in the City of Oakland, bounded by 24th Street to the north, West Grand Avenue to the south, Valley Street to the west and Broadway to the east. The site occupies virtually all of two city blocks (approximately five acres), which are referred to as Parcels A and B. Existing uses on the project site include automobile-related sales

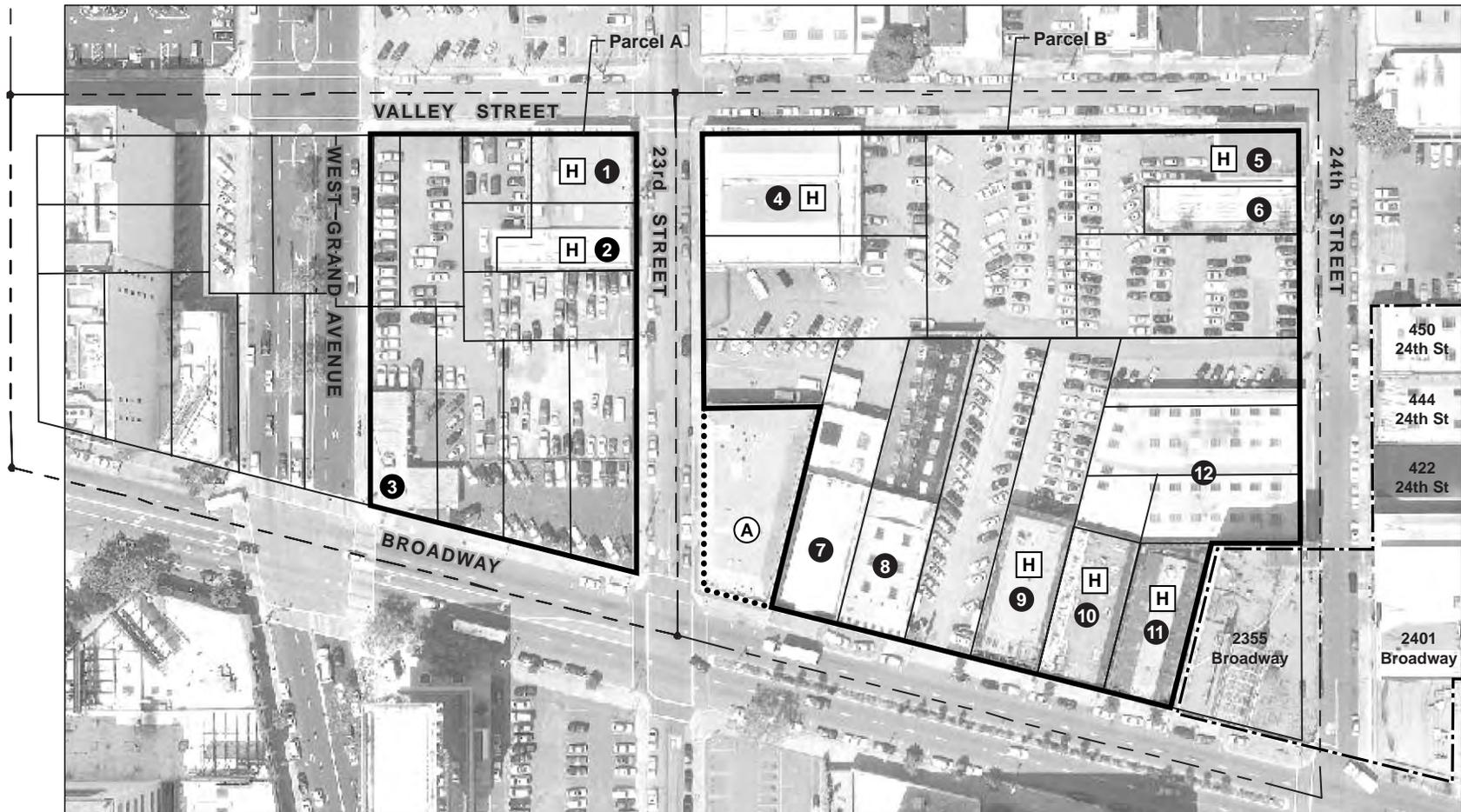
and services, smaller-scale retail and commercial services, and 16 residential units (in the Casa Blanca Apartments on Parcel B). Most of Parcel A and about half of Parcel B is devoted to surface vehicular storage areas associated with the Negherbon automobile business and a public parking lot. The balance of the project site is occupied by 13 buildings, including the clearly identified Negherbon automobile showrooms along Broadway and automobile repair shops on 23rd and 24th Streets.

For purposes of this analysis, the project site includes all lots and the 13 existing buildings on both blocks, with the exception of one lot at the southwest corner of Broadway and 24th Street (2355 Broadway, the location of a Saturn automobile dealership) that is not included as part of the project site. There is also one parcel located on Parcel B (Lucky Goldfish Pet Shop at 2301 Broadway) that is not currently under the control of the project sponsor, but may be acquired. Should the project sponsor ultimately not gain control of this site, the parcel could be excluded from the final project site (see Figure IV.E-1).

Eleven of the 13 buildings located on the project site were evaluated by OCHS in 1994 for their potential historic significance on national and local levels. In 2004 Carey & Co. Inc. evaluated all of the buildings on the project site, and other buildings adjacent to the project site. The findings are summarized in Table IV.E-1, p. IV.E-13, and described in detail below.

As part of its review of the buildings on the project site, Carey & Co. reviewed the applicable historic property inventory forms prepared by OCHS, visited the project site to determine whether alterations to the structures have occurred since the properties were previously surveyed that could affect their significance ratings, completed additional historic research in an attempt to uncover additional historic information not available during the initial survey in 1994, and assessed the restoration potential of those buildings given a local contingency rating. As to changes since the 1994 Unreinforced Masonry survey, Carey & Co. found no substantive physical alterations to the affected buildings on the project site that could change their significance ratings. At 2335, 2343, and 2345 Broadway (Buildings 9, 10, and 11), the non-historic perforated and corrugated metal exterior wall cladding observed during the previous survey has since been covered by another layer of metal paneling and texturized paint to form an even more unified and “updated” appearance. These three buildings have also received some alterations to the non-historic signage. The remaining buildings essentially appear as they did in 1994 when the survey was completed.

Research at the History Room of the Oakland Public Library and in other written and on-line sources identified no historical information that had become available since the 1994 survey that would alter the existing ratings. Restoration potential of buildings with OCHS contingency ratings is discussed in connection with each such building, below.



Buildings To Be Demolished

- | | | | |
|---|-------------------------------------|--------------------|-----------------|
| ① 449 23rd St.* | ⑤ 2366-98 Valley St. / 467 24th St. | ⑨ 2335-37 Broadway | } Shared Facade |
| ② 439 23rd St. | ⑥ 461 24th St. | ⑩ 2343 Broadway | |
| ③ 2251 Broadway | ⑦ 2315 Broadway | ⑪ 2345 Broadway | |
| ④ 440-48 23rd St. / 2300-14 Valley St.* | ⑧ 2323 Broadway | ⑫ 421 24th St. | |
| | | Ⓐ 2301 Broadway** | |

* Facade to be retained

** To be demolished if acquired by sponsor

H CEQA Historic Resource

— Project Site

..... Maximum Potential Site

- - - - 25th Street Garage District (API)

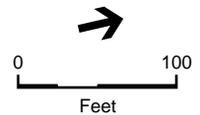


Figure IV.E-1
Existing Buildings on the Project Site

**TABLE IV.E-1
HISTORIC SIGNIFICANCE RATINGS FOR BUILDINGS ON THE PROJECT SITE**

	Property	OCHS Rating	NRHP Status Code on DPR Form 523B	CEQA Historic Resource (yes/no)^a
1	441-449 23rd Street	Dc2+	5B	Yes
2	439 23rd Street	D2+	5D	Yes
3	2251 Broadway ^b	–	6Z	No
4	440-448 23rd Street	Cb+2+	4S7	Yes
5	2366-2398 Valley Street ^c	C3	6/5D	Yes
6	461 24th Street ^b	–	6Z	No
7	2315 Broadway	Ec3	6Z	No
8	2323 Broadway	Ed3	6Z1	No
9	2335 Broadway	Eb+3	4S7	Yes
10	2343 Broadway	Ec3	5S	Yes
11	2345 Broadway	Eb-3	5S	Yes
12	421 24th Street	D3	6Z1	No
A	2301 Broadway	Ed3	6Z1	No

^a Based on Carey & Co. (2004) evaluation for this EIR.

^b The buildings at 2251 Broadway and at 461 24th Street were not evaluated by the OCHS in 1994, but were previously determined “not historic” in the Reconnaissance Survey. A review and evaluation by Carey & Co. Inc. in August 2004 concluded that both buildings are ineligible for listing on national, state or local registers. The NRHP status code of 6Z is as assigned by Carey.

^c The building at 2366-2398 Valley Street was formerly a contributor to an Area of Secondary Importance (ASI) that no longer exists; when part of the ASI, the building had “2+” as part its OCHS rating. With the ASI no longer extant, the “2+” is changed to “3.”

SOURCE: Carey & Co. Inc.

Buildings Considered Historical Resources for Purposes of CEQA

The Oakland General Plan Historic Preservation Element (Policy 3.8) defines the City’s “local register of historical resources” (the term used in CEQA Section 21084.1 as part of the definition of “historical resource”) as including all Designated Historic Properties and Potential Designated Historic Properties that have an existing OCHS rating of “A” or “B” or are located within an Area of Primary Importance. In addition, until complete implementation of Action 2.1.2 (re-designation of existing landmarks and Preservation Districts into the Historic Preservation Element’s classification system, and Preservation Study List properties, where warranted, as

Heritage Properties¹⁰), the Local Register of Historical Resources also includes Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties. Therefore, none of the buildings on the project site meet the Preservation Element definition of historical resources, because none has an existing OCHS rating of “A” or “B” or is located within an Area of Primary Importance, nor is any of the buildings a landmark, within an S-7 combining zone, or on the Preservation Study List.

In 1994, pursuant to Oakland’s Seismic Safety Ordinance, OCHS prepared a State Department of Parks and Recreation (DPR) Form 523B for seven buildings on the project site that were on the City’s Unreinforced Masonry list; OCHS also completed a Form 523A (Primary Record) for two buildings not constructed of unreinforced masonry and in 1996 completed a Primary Record for a tenth building. These DPR forms, which are the official state assessment documents for evaluation of historical resources, include a National Register status code for each resource. Only two of the 10 buildings were rated as high as C (Secondary Importance) on the OCHS rankings. However, five other buildings received contingency ratings of “b” (Potentially of Major Importance if Restored) or “c” (Potentially of Secondary Importance if Restored), and a total of seven buildings were rated 5 (“of local interest”) or better on DPR Form 523B, consistent with their existing or contingency OCHS ratings as PDHPs. Changes to the CEQA Guidelines in 1998 resulted in the addition of Section 15064.5, which states, in part, that resources “identified as significant in an historical resource survey meeting the requirements of Section 5024.l(g) of the Public Resources Code” shall be presumed significant. Among the criteria in Section 5024.l(g) is that “the resource is evaluated and determined by the [O]ffice [of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523.” Therefore, this analysis began with the assumption that those six buildings rated 5 or better on Form 523 by OCHS in 1994 (plus one subsequently rated “6/5D”) were presumed to be historic resources, despite the City’s General Plan Historic Preservation Element guidance.

The Historic Resources Evaluation (Carey & Co., 2004) prepared for this EIR confirmed that the seven buildings on the project site initially presumed to be historic resources are, indeed, considered historic resources for purposes of CEQA. A brief description of each of the seven building follows (numbers are keyed to Figure IV.E-1 and Table IV.E-1). The OCHS ratings and National Register (NRHP) status codes for each building, indicated in parentheses, are those assigned by OCHS in its 1994 Unreinforced Masonry Building survey and confirmed by Carey & Co. in 2004, with the exception of 2251 Broadway and 461 24th Street, which were not evaluated by the OCHS in 1994.

Building #1 – 441-449 23rd Street (OCHS – Dc2+; NRHP – 5B): The building at 441-449 23rd Street was constructed in 1924 as a decorative brick service garage for McMann (R.E.) – General Tire, designed by local architect Clay Burrell. The single-story building is rectangular in plan, with a decorative stepped parapet, tiled pent roofs, and storefront, and includes a mezzanine. The building has full-height vehicle doors, large plate glass and industrial sash ground floor windows,

¹⁰ As of 2003, the City has not undertaken the zoning revisions that will be necessary to reclassify landmarks and Preservation Districts, nor has it initiated re-designation of study list properties as Heritage Properties.

and multi-paned transoms. Visible alterations include new vehicle doors, some ground floor windows, and some doorways in-filled with brick. The building is in present use as an auto repair establishment (On-Track BMW) and an art and performance gallery (21 Grand). Along with Buildings 2 and 4, 441-449 23rd Street is identified as a contributor to a three-building Area of Secondary Importance (ASI), the “23rd Street Group.” (See Figure IV.E-2, Photo A)

Carey found that while the historic windows and doors are lost, the remainder of the building is essentially unaltered. The terra cotta ornamental elements at the parapet are sound and complete and the brick masonry is in good condition. With all other architectural elements in place, the fabrication of replacement windows based on the design of the existing transom windows would return the property to its 1920’s appearance. Thus, the building “presents a clear opportunity for successful rehabilitation.”

Carey concurred with the OCHS rating of Dc2+ because the building is “is of minor historical importance in its current state, primarily due to its fairly extensive exterior alterations. Visual evidence suggests that a restoration of the windows is possible. As such, the contingency rating of “c” is appropriate, because the building could become of secondary importance after restoration, especially considering its associations with well-known local architect Clay Burrell and could become a good example of the decorative brick Beaux Arts derivative style.” The “2+” indicates that the building is a contributor an ASI, which Carey confirmed. Carey recommended a NRHP rating of 5D (locally significant as a contributor to a local district) because the building appears eligible for the National Register only as a contributor to a local district, the 23rd Street ASI, rather than 5B (locally significant both individually and as a contributor to a local district). This change would not affect the building’s designation as a historical resource under CEQA. At any rate, Carey concurred that the status code of 5, regardless of suffix, renders the building a historical resource under CEQA. In addition, the building has clear associations with well-known local architect Clay Burrell and would be a good example of the decorative brick Beaux Arts derivative style if restored. According to the Carey report,

the property at 441-449 23rd Street is a PDHP due to its contingency rating of “c.”¹¹ The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5B is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the existing 5B rating [or the 5D rating recommended by Carey].

¹¹ The “2+” rating also makes the building a PDHP.



A. 439 and 449 23rd Street



B. 440-48 23rd Street / 2300-14 Valley Street

SOURCE: Environmental Science Associates

Broadway & West Grand / 203468 ■

Figure IV.E-2
Existing Buildings on the Project Site

Building #2 – 439 23rd Street (OCHS – D2+; NRHP – 5D): This building was constructed in 1922 as Goldwater (Mandel) garage, and is an example of an early 20th century utilitarian garage. It is one story tall with a mezzanine, rectangular in plan, and constructed of brick. It has a corbeled¹² cornice, enframed window wall, and vehicle door. The building has wood sash ribbon windows and horizontal board siding at transom level. Visible alterations include a changed storefront and windows and an in-filled garage door. This building is currently in commercial use. Along with Buildings 1 and 4, 439 23rd Street is identified as a contributor to the “23rd Street Group” ASI. Because the building does not have an OCHS contingency rating higher than its existing “D” rating, Carey did not assess the rehabilitation potential. (See Figure IV.E-2, Photo A)

Carey concurred with the OCHS rating of D2+ because the building is “is of no particular historical importance, especially in its current state due the substantial exterior alterations.” The “2+” indicates that the building is a contributor an ASI, which Carey confirmed. Carey opined that the NRHP rating of 5D “is accurate ... to the extent that it is a contributor to a local district, the 23rd Street Group District.” According to the Carey report,

the property at 439 23rd Street is a PDHP, despite its existing rating of “D,” because it is located in an ASI. The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5D is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g).

Building #4 – 440-448 23rd Street (Cb+2+; 4S7): Constructed in 1919 as the Elliot (C.T.) Shop-Valley Auto Garage, this building was also designed by Clay Burrell in a decorative brick-Beaux-Arts derivative style. The building is single story, rectangular in plan, and constructed of brick bearing walls and wood posts. It has a truss roof with monitors,¹³ low stepped parapet, pilaster¹⁴ and bay composition with tall arched windows with fanlights, and vehicle doors. Exterior walls are brick with terra cotta keystones, pilaster capitals and columns. Original plans identify multi-pane fanlight windows. Visible alterations include new windows and doors, with window openings partially in-filled. Thus building is vacant, having most recently been used for automobile repair. Along with Buildings 1 and 2, 440-448 23rd Street is identified as a contributor to “23rd Street Group” ASI. (See Figure IV.E-2, Photo B)

Carey found that, while the historic windows are lost, the remainder of the building is essentially unaltered. The terra cotta ornamental elements including the entry columns are sound and complete. The brick masonry is in good condition, and the wood spanning structure on the inside appears basically unaltered. With all other architectural elements in place, the fabrication of

¹² **Corbel** – A projecting bracket of stone, brick, etc., that supports a cornice or other overhanging feature.

¹³ **Monitor** – A raised section above the rooftop that is glazed on the sides to admit natural light.

¹⁴ **Pilaster** – A rectangular column that projects slightly from, but is not separated from, the facade of a building.

replacement windows based on the design shown in the historic drawings would return the property to its 1920's appearance. Therefore, the building at 440-448 23rd Street "presents a clear opportunity for successful rehabilitation."

Carey concurred with the OCHS rating of Cb+2+ because the building is "is of secondary historical importance in its current state, primarily due to its exterior alterations. Visual and archival evidence suggests that a restoration of the windows is possible. As such, the contingency rating of "b+" is appropriate, because the building could become of major importance after restoration, especially considering its associations with well-known local architect Clay Burrell and could be a fine example of the decorative brick Beaux Arts derivative style." The "2+" indicates that the building is a contributor an ASI, which Carey confirmed. Carey concluded that the NRHP rating of 4S7 is appropriate because the building "would appear eligible for the NRHP at the local level for its associations with well-known local architect Clay Burrell and possibly as a fine example of the decorative brick Beaux Arts derivative style if restored." According to the Carey report,

the property at 440-48 23rd Street is a PDHP due to its rating of "C." The property does not have an existing rating of "A" or "B" nor is it located in an API, and as such, would not appear to be a CEQA "historic resource" under City policy 3.8. However, the property's NRHP rating of 4S7 is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g).

Building #5 – 2366-2398 Valley Street (C3 (formerly Cb-2+); 6/5D): The building at 2366-2398 Valley Street, constructed in 1936, is a two-story warehouse with Art Deco detailing. It has a straight parapet, large metal sash windows on the top floor, and a band of narrower transom windows. The structure and interior walls are concrete. Visible alterations include ground floor windows covered and in-filled with plywood and a changed entry. The building, currently vacant, was originally evaluated as a contributor to an Area of Secondary Importance, the "Valley Street Group." The other two buildings in the group, brick garages/shops at 2356 and 2360 Valley Street, were demolished in 2000, and the Valley Street Group, therefore, is no longer extant. Thus, the building's current OCHS rating is C3 ("3" indicates the building is not in an ASI or API). (See Figure IV.E-3)

Carey found that the building above the ground floor has high historic integrity. The second and third floor windows, finishes and ornament are unaltered. Damage to historic materials from wear, such as concrete spalling, can be easily repaired. Steel sash similar to that found in the upper stories is still in production, and if appropriate, could replace the infill panels at the ground level. Thus, the property at 2366-2398 Valley Street "presents a clear opportunity for successful rehabilitation."



SOURCE: Environmental Science Associates, 2004

Broadway & West Grand / 203468 ■

Figure IV.E-3
Existing Building at
2366-98 Valley Street/467 24th Street

Carey concurred with the OCHS rating of C3 because the building is “of secondary architectural importance, primarily due to ground floor exterior alterations.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey recommended that the NRHP rating of 6/5D be changed to 5S because the building is “of local historical interest.” (The “split” 6/5 rating is somewhat unorthodox.) This change would not affect the building’s designation as a historical resource under CEQA. According to the Carey report,

the property at 2366-98 Valley Street is a PDHP due to its rating of “C.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5S is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the proposed “5S” rating.

Building #9 – 2335 Broadway (Eb+3; 4S7): This building was constructed in 1924 in the Beaux Arts style to a design by renowned California architect Julia Morgan for Dinsmore Bros. Auto Accessories. The building is a one-story-plus mezzanine commercial brick building rectangular in plan. This building, along with adjacent buildings at 2343 and 2345 Broadway, was substantially remodeled in 1964 with the installation of two plate glass storefront bays with tile cladding and a new parapet constructed of perforated and corrugated metal above. The straight metal parapet visually united the building with the two structures to its north so that the three appear as one continuous structure (2335, 2343, and 2345 Broadway). In the late 1990s the parapet of all three buildings was covered with another layer of metal cladding and new signage was added. Original plans show an elaborate polychrome terra cotta frieze and cornice, and small-paned transom windows which may remain behind the metal cladding.

Substantial alterations also have been made to the interior of the building, including opening of the northern wall to the adjacent building, introduction of new interior partitions and “drop” ceilings with acoustical tiles, repainting and replastering of walls, and installation of new flooring materials, essentially resulting in the loss of all important original interior features. Visual evidence suggests that the original brick parapet and associated transom windows designed by Morgan exist beneath both layers of later metal cladding, as the back of parapet is visible from the roof, and the metal cladding protrudes from the original parapet by more than two feet. While the original Broadway elevation is not directly visible, it is likely that the original masonry may survive beneath the cladding as there is a large space between the original masonry wall and the front of the later cladding. The building is currently part of the Negherbon Auto Center automobile dealership. (See Figure IV.E-4)



A. 2335 Broadway



B. 2343 and 2345 Broadway (shared facade)

SOURCE: Environmental Science Associates, 2004

Broadway & West Grand / 203468 ■

Figure IV.E-4
Existing Buildings on the Project Site

Carey & Co. concurred with the OCHS rating of Eb in that the building is “of no particular historical importance in its current state, primarily due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick and polychrome terra cotta façade may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration of the façade is possible. As such, the contingency rating of “b+” is appropriate, because the building could become of major importance after restoration, especially considering it was designed by architect Julia Morgan and may have a highly detailed façade behind the metal parapet.” However, Carey noted that, even if restored, the building:

would not likely qualify for individual listing on the NRHP or the [California Register] under Criterion B/3 [association with important persons] for a number of reasons. The building would not be considered a “master” work, i.e., one that elevated Ms. Morgan to master status. By 1920, the date of construction for 2335 Broadway, Julia Morgan was already an established, large-scale architect, having designed many more architecturally significant buildings throughout California, and was already working on Hearst Castle in San Simeon, her most famous commission. In addition, there are more architecturally significant Julia Morgan designs in Oakland than the property at 2335 Broadway, such as the Fred C. Turner Stores (1916) on the corner of Piedmont Avenue and 40th Street (a commercial example) as well as dozens of earlier and more elaborate residential projects.

The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 4S7 is appropriate, as the building “would appear eligible for the NRHP at the local level for its associations with renowned architect Julia Morgan and possibly for its architectural style if restored.” According to the Carey report,

the property at 2335 Broadway is a PDHP due to its contingency rating of “b.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s confirmed NRHP rating of 4S7 is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g).

Building #10 – 2343 Broadway (Ec3; 5S): This building was constructed in 1924-1925 as the Arthur Kiel Auto Showroom, and designed by architects Schirmer-Bugbee Company. This single-story building is of brick construction, with a rectangular plan and a wide showroom bay. Exterior walls are brick, terra cotta, and plate glass. Similar to the adjacent buildings at 2335 and 2345 Broadway, this building was substantially remodeled in 1964 with the addition of plate glass storefront bays and perforated and corrugated metal cladding above. Another layer of metal paneling and textured paint was added in the late 1990s. As with 2335 Broadway next door, substantial interior alterations have removed virtually all important historic interior features. Original plans show vertically-oriented transom windows with “factory ribbon glazing” and a

stepped brick parapet. Also as with 2335 Broadway, visual evidence suggests that the original brick parapet exists beneath both layers of later metal cladding. This building is currently part of the Negherbon Auto Center. (See Figure IV.E-4)

Carey & Co. concurred with the OCHS rating of Ec3 in that the building “is of no particular historical importance in its current state due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick parapet may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration of the façade is possible. As such, the contingency rating of “c” is appropriate, as the building could become of secondary importance after restoration.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 5S is appropriate, as the building is “of local historical interest.” According to the Carey report,

the property at 2343 Broadway is a PDHP due to its contingency rating of “c.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of “5S” is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the “5S” rating.

Building #11 – 2345 Broadway (Eb-3; 5S): The building at 2345 Broadway was constructed in 1920 as the J.E. French Dodge Showroom, and designed by architects Reed & Corlett, with an early remodel in 1929 by architect Guy L. Brown. (Reed & Corlett were responsible for a number of Oakland buildings, including such notable downtown structures as the 18-story tower addition to the Oakland Bank of Savings Building at 12th and Broadway (1922) and the 15-story Financial Center Building at 14th and Franklin (1928).) This single-story building is built of brick in an irregular plan, and, like 2343 Broadway, has a wide showroom bay. Exterior walls are brick, terra cotta, and plate glass. Similar to the adjacent buildings at 2335 and 2343 Broadway, this building was substantially remodeled in the late 1960s with plate glass storefront bays and perforated and corrugated metal cladding above, with another layer of metal paneling and textured paint added in the late 1990s. Like its neighbors, substantial interior alterations have removed virtually all important historic interior features; also like the two buildings to the south, the original brick parapet likely exists beneath both layers of later metallic cladding. This building is currently part of the Negherbon Auto Center. (See Figure IV.E-4)

Carey & Co. concurred with the OCHS rating of Eb-3 in that the building “is of no particular historical importance in its current state due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick and small-paned transom windows may exist beneath the metal parapet. If the original historic material survives in sufficient quantity, a restoration of the façade is possible. As such, the contingency rating of “b-” is appropriate, as the building could become of major or secondary importance after restoration.”

The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 5S is appropriate, as the building is “of local historical interest.” According to the Carey report,

the property at 2345 Broadway is a PDHP due to its contingency rating of “b.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5S is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the “5S” rating.

Buildings Not Considered Historic Resources for Purposes of CEQA

Six of the existing 13 buildings on the project site are not considered historic resources for purposes of CEQA. None of the six buildings is listed in, or determined eligible for listing in, the California Register, nor is any included in the City of Oakland’s Local Register of Historical Resources (pursuant to Policy 3.8 of the Historic Preservation Element), nor does any have a NRHP rating of 5 or higher on DPR Form 523B. Finally, none has been determined historically or culturally significant by the Oakland City Council. A brief description of each building follows.

Building #3 – 2251 Broadway and Building #6 – 461 24th Street (both NRHP – 7) The two buildings at 2251 Broadway and 461 24th Street were not evaluated by the OCHS in the 1994 Unreinforced Masonry Building survey. A review and evaluation by Carey & Co. Inc. in August 2004 concluded that both buildings are ineligible for listing on the NRHP because they would not meet the criteria for exceptional significance, required for buildings less than 50 years of age. (Both buildings were constructed around 1970.) Additionally, the two buildings would be ineligible for listing on the state or local registers because research did not reveal associations with historic events or important individuals, nor is either building a good example of the Modern style of architecture. Therefore the structures at 2251 Broadway and 461 24th Street would not be considered historic resources for CEQA purposes.

Building #7 – 2315 Broadway (Ec3; 6Z): The building at 2315 Broadway was designed and constructed in 1922 by prominent Oakland architect and developer Maury Diggs as a commercial building (McCaslin store), with a high single story, rectangular plan, and is of steel and wood frame construction. The building was substantially remodeled around 1960 and joined with the brick and wood frame commercial building to the north (2323 Broadway) of similar vintage. During this remodeling, plate glass storefront bays with tile cladding and a new parapet constructed of perforated and corrugated metal was installed which united the two buildings visually, and the partition wall separating the buildings was removed, creating one large space, currently an automobile showroom for the Negherbon Lincoln Mercury automobile dealership.

Carey & Co. concurred with the OCHS rating of Ec3 in that the building is “of no particular historical importance in [their] current state, primarily due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick façades may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration is possible. As such, the contingency rating of “c” is appropriate, as the building could become of secondary importance after restoration.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 6Z (ineligible for listing in the NRHP) is appropriate due to the building’s lack of architectural distinction, lack of historical associations, and highly altered facade. According to the Carey report,

the property at 2315 Broadway is a PDHP due to its contingency rating of “c.” However, it is not a “historic resource” for CEQA purposes under City policy 3.8, as it is not a PDHP with an existing rating of “A” or “B.” In addition, this property [is rated] 6Z, which is beyond the CEQA threshold of between 1-5. As such, the property at 2315 Broadway is not an historic resource.

Building #8 – 2323 Broadway (Ed3; 6Z1): This brick building was constructed in 1924-26 as the Johnson Motors building, and is a representative example of an early 20th century automobile showroom. The architect was George T. Williams. This building was joined with the adjacent 2315 Broadway in a circa 1960 remodeling that also resulted in the addition of new display windows and corrugated metal panels above to match 2315 Broadway, and the partition wall separating the two buildings was removed to functionally create a single building for use as an automobile showroom.

Carey & Co. concurred with the OCHS rating of Ed3 in that the building is “of no particular historical importance in its current state, primarily due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick façades may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration is possible. Even with a restoration the contingency rating of “d” is appropriate, as the building could remain of minor historical importance.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 6Z (ineligible for listing in the NRHP) is appropriate due to the building’s lack of architectural distinction, lack of historical associations, and highly altered facade. According to the Carey report,

the property at 2323 Broadway is not a PDHP due to its contingency rating of “d.” It is also not a “historic resource” for CEQA purposes under City policy 3.8, as it is not a PDHP with an existing rating of “A” or “B.” In addition, this property has a NRHP rating of 6Z1, which is beyond the CEQA threshold of between 1-5. As such, the property at 2323 Broadway is not an historic resource.

Building #12 – 421 24th Street (D3; 6Z1): This building was constructed in 1929 for the Weaver-Wells Company service garage by architect Guy L. Brown. The high single-story

utilitarian service garage has a trapezoidal plan and brick construction with wood frame trusses and posts. Exterior windows are partly covered with plywood, and there are replacement metal roll-up garage doors. The building is currently a commercial repair garage for the Negherbon Auto Center. Because the building does not have an OCHS contingency rating higher than its existing “D” rating, Carey did not assess the rehabilitation potential.

Carey concurred with the OCHS rating of D3 because the building is “is of no particular historical importance and has had some exterior alterations.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey confirmed the NRHP rating of 6Z (ineligible for listing in the NRHP). According to the Carey report,

the property at 421 24th Street is not a PDHP due to its existing rating of “D.” The property also does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. In addition, the property’s NRHP rating of “6Z” indicates that the property appears ineligible for listing in the NRHP, and would not qualify as a historic resource under CEQA Guidelines Section 15064.5 or Public Resources Code Section 5024.1(g).

Building A – 2301 Broadway (Ed3; 6Z1): The building at 2301 Broadway was the former Goldwater (Mandel) commercial store, constructed in 1917-1918, and designed by architect Fred D. Voorhees. It is a one-story building with mezzanine, trapezoidal in plan with stucco over brick exterior walls. Windows are replacement metal sash units. Originally an example of early 20th century commercial architecture, this building was substantially remodeled in the 1980s with stucco cladding, awnings, and new doors and windows. The building is currently occupied by the Lucky Goldfish pet shop and Friedmans’ Microwave store.

HISTORIC RESOURCES ADJACENT TO THE PROJECT SITE

Historic architectural resources adjacent to the project site identified and documented by the OCHS include the building at 2355 Broadway, and the historic 25th Street Garage District. Oakland’s 25th Street Garage District occupies most of both sides of 25th Street between Broadway and Telegraph Avenue, and partially extends to 24th and 26th Streets. There are three contributory buildings to the District in the immediate project vicinity, including the building at 2355 Broadway, and two garage buildings across 24th Street from the project site (442 and 450 24th Street). 2355 Broadway is located at the southwest corner of Broadway and 24th Street immediately adjacent to Parcel B, and is occupied by the Saturn of Oakland auto dealership.

25th Street Garage District: The 25th Street Garage District is historically significant as a concentrated, intact, and homogeneous group of buildings of a distinctive type, dating from a specific period of Oakland’s economic development. The district contains 29 properties, 24 of which are contributory. The district appears eligible for listing in the National Register and is a City of Oakland Area of Primary Importance (API). Contributory buildings include 2355 Broadway (discussed below), 442 and 450 24th Street. The building at 442 24th Street, also

known as the RPM/Merit Transmission Parts Building, is a single-story truss-roofed brick garage building with a sculptural, fortress-like facade and elaborate brickwork. The building was constructed in 1929 and designed by architect Claude B. Barton. The building at 450 24th Street, currently Eurasia Autobody, is a single-story plus mezzanine brick garage with a red tile ornamental pent roof and wood sash windows constructed in 1928 and designed by builder W. K. Owen. For purposes of CEQA, this API is considered a historic resource.

2355 Broadway: The building at 2355 Broadway is the former Cuyler Lee Packard and Maxwell Salesroom and Garage Building, constructed in 1913-1914. The four-story commercial building was designed by noted architect Willis Polk in the Beaux Arts style. Presently, the building is occupied by the Saturn of Oakland auto dealership. The building was rated 3/3D (eligible for listing in the National Register individually and as a district contributor) by OCHS in 1983. The building is rated B+a1+,¹⁵ is listed on Oakland's Preservation Study List, and is a contributor to Oakland's 25th Street Garage District. For purposes of CEQA, this building is considered a historic resource.

IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

A cultural resource impact would be considered significant if the project would result in any of the following, according to Appendix G of the CEQA *Guidelines*:

- Cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Disturb any human remains, including those interred outside of formal cemeteries; or
- Cause a substantial adverse change in the significance of a historic resource, as defined in Section 15064.5

CEQA Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” A “historical resource” is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources. A resource that is officially designated or recognized as significant in a local register of historical resources or one that is identified as significant in a historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g), is presumed to be significant under CEQA “unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant.” In addition, a resource included in a local register of historical resources, as defined by section 5020.1(k) of

¹⁵ Original listing was B/A3 under a different system.

the Public Resources Code, shall be presumed to be historically or culturally significant. A “substantial adverse change” is defined in Section 15064.5(b)(1) of the CEQA *Guidelines* as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The significance of a historical resource is “materially impaired,” according to *Guidelines* Section 15064(b)(2), when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that:

- convey its historic significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources (including a determination by the lead agency that the resource is eligible for inclusion in the California Register);
- account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution (in accordance with Public Resources Code Sec. 5020.1(k)); or
- account for its identification in a historical resources survey that meets the requirement of Public Resources Code Sec. 5024.1(g), including, among other things, that “the resource is evaluated and determined by the [State Office of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523,” unless the lead agency “establishes by a preponderance of evidence that the resource is not historically or culturally significant.”

The state CEQA Guidelines indicate that projects that are consistent with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings generally “shall be considered as mitigated to a level of less than a significant impact on the historic resource” (Section 15064.5(b)(3)).

CEQA also requires lead agencies to consider whether projects will adversely affect “unique archaeological resources.” Public Resources Code section 21083.2, subdivision (g), states that “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

The Oakland General Plan Historic Preservation Element (Policy 3.8) defines the City’s “local register of historical resources” (the term used in CEQA Section 21084.1 as part of the definition of “historical resource”) as including all Designated Historic Properties and Potential Designated

Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance. In addition, until complete implementation of Action 2.1.2 (re-designation of existing landmarks and Preservation Districts into the Historic Preservation Element’s classification system, and Preservation Study List properties, where warranted, as Heritage Properties; not yet complete), the Local Register of Historical Resources also includes Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

Under Policy 3.8, “complete demolition” of a historical resource generally is considered to constitute a significant effect that cannot be mitigated to a less-than-significant level.

The Historic Preservation Element identifies favored mitigation, for CEQA purposes, as (1) including project modifications that avoid adversely affecting the character defining elements of the property, or (2) relocation of the affected resource to a location consistent with its historical or architectural character. If these measures are not feasible, the Element identifies a menu of other potential measures, including:

- restoration of the remaining historic character of the property;
- incorporating or replicating elements of the building’s original architectural design;
- salvage and display of significant features in a local museum or as part of the project;
- measures to protect the resource from effects of construction activities;
- preparing historic documentation of the resource;
- placement on-site of a display providing information on the historical resource; or
- contribution to a historic preservation program appropriate to the resource.

The Element states that “determination of whether mitigations are adequate to reduce a significant effect to a Historical Resource to a level less than significant will be determined by the lead agency on a case by case basis.” (Historic Preservation Element, Action 3.8.1)

PROJECT IMPACTS

Section 15065 of the CEQA Guidelines mandates a finding of significance if a project would eliminate important examples of the major periods of California history or pre-history. Impacts to resources not determined to be significant according to the significance criteria are not considered under CEQA. Generally, under CEQA a project that follows *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* is considered to have mitigated impacts to a historical resource to a less-than-significant level (CEQA Guidelines 15064.5).

Archaeological and Paleontological Resources

Impact E.1: Construction of the proposed project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including

an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries. (Significant)

Archival research at the Northwest Information Center was undertaken in December 2003 to determine whether any archaeological resources have been discovered at the project site. There are no recorded Native American or historic-period archaeological resources listed with the Historical Resources Information System within the footprint of the project site. However, CA-Ala-17 is an example of a prehistoric site in the area that has now been either destroyed or capped by paving activities. Ala-17 was located on 7th Street between Adeline and Magnolia Street and had yielded burial remains. In addition, a prehistoric archaeological site CA-ALA-22, near the corner of 13th Street and Broadway, yielded a burial during the construction of a building foundation. Further, the proposed project site is near the historic extent of the Bay tidal marshlands where Native American archaeological sites in this portion of Alameda County tend to be situated. Thus, there may be subsurface archaeological resources that have been obscured by urbanization at the project site. According to the Northwest Information Center, there is “moderate potential for Native American sites in the project area.” Further, there is “moderate possibility of identifying historic-period archaeological deposits in the project area.”

The project would likely not affect a historical Chinese community in the Uptown area of Oakland, as described in the Final EIR for the proposed Uptown Mixed-Use Project. According to that document, this community has been documented along San Pablo Avenue near 20th Street, northeast of the intersection of 20th Street and San Pablo Avenue, and east of San Pablo Avenue between 19th and 20th Streets, some one-fourth to one-third of a mile from the Broadway-West Grand Avenue project site. Similarly, a subsequently settled Chinese community is believed to have been located near 22nd Street and Martin Luther King Jr. Way, a similar distance from the project site.

Because the project would involve only minor excavation for building footings and foundations, and no other subsurface construction, the possibility of encountering subsurface cultural resources is limited. However, because the precise locations of prehistoric and historic subsurface resources is not known with certainty, Mitigation Measure E.1 would require further archival research to definitively identify any potential resources in advance of ground-disturbing activities, and to properly handle and/or recover any resources that may be discovered. Implementation of Mitigation Measure E.1a would reduce any potential impacts to a less-than-significant level.

At the project site, there is not any indication that the site has been used for burial purposes in the recent or distant past. Thus, it is unlikely that human remains would be encountered at the project site. However, in the event of the discovery of any human remains, including those interred outside of formal cemeteries, during project construction activities, work would be halted and the following mitigation measure implemented. Implementation of Mitigation Measure E.1b would reduce potential impacts to a less-than-significant level.

Mitigation Measure E.1a: An archival cultural resource evaluation shall be implemented prior to the start of construction or other ground-disturbing activities to identify whether historic or unique archaeological resources exist within the project site. The archival cultural resource evaluation, or “sensitivity study,” shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior’s Professional Qualifications Standards for Prehistoric and Historical Archaeology.

The purpose of the archival cultural resource evaluation is to: (1) identify documentation and studies to determine the presence and location of potentially significant archaeological deposits; (2) determine if such deposits meet the definition of a historical resource under CEQA Guidelines Section 15064.5 or a unique archaeological resource under CEQA Section 21083.2(g); (3) guide additional archaeological work, potentially including pre-construction subsurface archaeological investigation if warranted, to recover the information potential of such deposits; and (4) define an archaeological monitoring plan, if warranted. If excavation is the only feasible means of data recovery, such excavation shall be in accord with the provisions of CEQA Guidelines Section 15126.4(b)(3)(C). Any additional archaeological work and or monitoring shall be pursuant to a plan approved by the City. If a pre-constructing testing program is deemed necessary by the qualified professional as a result of the archival study, it shall be guided by the archival study and shall use a combination of subsurface investigation methods (including backhoe trenching, augering, and archaeological excavation units, as appropriate).

Representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center) shall be invited to participate in a focused community review of the archival cultural resource evaluation prior to any subsequent recovery of potential resources or prior to the start of construction, whichever is earlier. The City shall consider the community comments in its review and approval of any plan for additional archaeological work or monitoring.

Should an archaeological artifact be discovered on-site during project construction, all activities within a 50-foot radius 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.

If historic or unique archaeological resources associated with the Chinese community are identified within the project site and are further determined to be unique, the City shall consult with representatives of an established local Chinese-American organization(s) regarding the potential use of the archaeological findings for interpretive purposes.

Mitigation Measure E.1b: 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 follow 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 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.

Significance after Mitigation: Less than significant.

Impact E.2: The proposed project may adversely affect unidentified paleontological resources at the site. (Significant)

The project site contains Pleistocene marine terrace deposits as well as recent alluvium of stream channel, stream overflow, and alluvial fan deposits. The sediments are Pliocene and Quaternary marine and non-marine sedimentary rock sources. The Marine Terrace deposits have been demonstrably fossil-bearing. However, the surrounding areas represent relatively young geomorphic characteristics, thereby reducing the probability of encountering paleontological resources. In addition, due to the limited exposure required for building foundations and utilities, and no other subsurface construction, the possibility of encountering fossil-bearing deposits is diminished.

This notwithstanding, significant fossil discoveries can be made even in areas designated as having low potential, and may result from the excavation activities related to the proposed project. Excavation activities can have a deleterious effect on such resources. This impact would be reduced to a less-than-significant level with the incorporation of the following Mitigation Measure.

Mitigation Measure E.2: The project sponsor shall notify a qualified paleontologist of unanticipated discoveries, who 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. In the event of an unanticipated discovery of a brea, true, and/or trace fossil 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 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.

Significance after Mitigation: Less than Significant

Historical Resources

Carey & Co. Inc. (2004), a historic preservation consultant, evaluated the project's potential effects on historic resources, and the findings are summarized here.

Impact E.3: The project would result in demolition or substantial alteration of seven buildings that qualify as historical resources, as defined in CEQA Guidelines Section 15064.5. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway; 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street. (Significant and Unavoidable)

The proposed project would demolish the existing buildings on the project site, including the one building on the out-parcel not currently owned by the sponsor (Lucky Goldfish), assuming that the sponsor acquires the site. The exterior facades of the two existing structures at the corner of 23rd and Valley Street, one on Parcel A (441-449 23rd Street) and one on Parcel B (440-448 23rd Street / 2300 Valley Street), would remain and be incorporated into the project development. As noted, the Saturn dealership at 24th Street and Broadway is not part of the project site and would not be altered. Figure IV.E-1, shows the buildings on the project site that are proposed for demolition.

All seven of the buildings on the project site that are identified as historical resources for CEQA purposes were evaluated by OCHS in 1994, recorded on DPR forms, and given NRPS status codes of 4 or 5. Additionally, if restored, five of the seven buildings could have revised OCHS ratings of B (major importance) or C (secondary importance). Demolition or substantial alteration of the buildings would constitute a significant adverse impact. While retaining the facades at 440-448 and 441-449 23rd Street would somewhat attenuate the loss of these historic resources, the buildings would be substantially altered. The construction of several stories of residential units above the retained facades would so alter the original proportions of the buildings – originally built as single-story utilitarian garage structures – as to result in a substantial adverse effect on each building's character-defining elements and thereby render the two structures no longer eligible for listing in the California Register. Incorporating the facades of these buildings into the new development would preserve the memory and street presence of the buildings, but would not mitigate the impact of demolition to a less-than-significant level.

Implementation of Mitigation Measures E.3a through E.3f would minimize the impact as much as feasible. However, because the demolition of all or portions of a historic resource represents an irreversible change to the resource, the impact would remain significant and unavoidable.

As described in Section IV.A. Aesthetics, the proposed project would incorporate different materials (stucco, brick veneer, concrete, stone, standing seam metal roof, and fiberglass windows) and design styles to increase articulation and visual interest and minimize apparent

bulk. It would employ a combination of modern and traditional design elements, which would be compatible with existing development within the project vicinity. Furthermore, the project would provide up to 475 new housing units in downtown Oakland. Therefore, notwithstanding the above, affirmative findings for the current project could be made under Policy 3.5 of the General Plan Historic Preservation Element, that “the design quality of the proposed project is at least equal to that of the original structure[s] and is compatible with the character of the neighborhood” (Finding 1) and that “the public benefits of the proposed project outweigh the benefit of retaining the original structure[s]” (Finding 2).

Mitigation Measure E.3a: Record each of the seven affected historic resources in accordance with procedures of the Historic American Building Survey (HABS) through methods that may include measured drawings, large-format photographs and written histories in a combined document, to be archived locally at the Oakland History Room (OHR) of the Oakland Public Library with copies to OCHS and the Northwest Information Center (NWIC). Portions of the metal facades on 2335-2345 Broadway shall be selectively demolished to determine if any original fabric from the 1920s exists behind them, as visual evidence suggests. If the selective demolition reveals sufficient evidence of historic fabric, all metal facades shall be carefully removed and all original facades photographed for the HABS documentation effort. If no original fabric exists, these buildings shall be photographed as they currently appear.

Mitigation Measure E.3b: Prepare a history of the development of automobile sales and repair in Oakland, and the role played by the buildings on the project site in that history, that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography. The resulting report, in brochure or other form, shall be made available at local libraries and museums.

Mitigation Measure E.3c: Incorporate interpretive elements, such as signs and placards that describe the history of the area and the historic buildings to be demolished, into public areas and street frontages proposed as part of the project.

Mitigation Measure E.3d: Salvage architectural elements from the historic buildings to be demolished, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction where feasible.

Mitigation Measure E.3e: Curate all materials, notes, and reports at the Oakland History Room, and submit copies to the NWIC.

Mitigation Measure E.3f: Make any or all of the historic buildings proposed for demolition available at no cost to a qualified individual or organization that may wish to relocate one or more of the buildings to a nearby site consistent with the early automotive history of Oakland.

As stated above, implementation of the above mitigation measures would reduce, but not eliminate, the significant effect on identified historic resources. It is noted that Mitigation Measure E.3f, derived from Policy 3.7 of the Historic Preservation Element, is unlikely to result in preservation and relocation of any of the historic buildings on the project site, because it is anticipated that the cost to relocate one or more buildings would be prohibitive.

Although recommended in the Historic Preservation Element, mitigation is not included to modify the project design “to avoid adversely affecting the character defining elements” of the identified historic resources, because such a mitigation measure would substantially alter the project as proposed. However, this concept is explored in the form of alternatives to the proposed project in Chapter V of this EIR.

Significance after Mitigation: Significant and Unavoidable.

Impact E.4: The proposed project would construct a new mixed-use, multi-story development adjacent to historic resources including the building at 2355 Broadway and the 25th Street Garage District. (Less than Significant)

The proposed project would appear as a new and visibly different edifice immediately adjacent to the historic building at 2355 Broadway. The building at 2355 Broadway is individually eligible for listing in the National Register of Historic Places, is rated B+a1+,¹⁶ is on Oakland’s Preservation Study List, and is a contributor to Oakland’s 25th Street Garage District. The proposed project would be relatively compatible in terms of scale, massing, materials, and spatial relationships by constructing with little setback from the street, and by incorporating articulated facades and varied architectural details, which would provide some visual interest and break up the scale of the proposed development. (See Chapter IV.A, Aesthetics for further detail.) In addition, ground floor retail uses with residential uses above would be similar to the arrangement of the building space at 2355 Broadway, with a high-bay showroom space on the ground floor and multiple windows on the floors above. Masonry cladding and architectural parapets would also echo details on the building at 2355 Broadway. The height of the new buildings (approximately six to seven stories) would be closer to the four-story height of the building at 2355 Broadway than the adjacent existing single-story building. The proposed project would also be more compatible architecturally than the buildings at 2335-2345 that it would replace, given the substantial facade alterations that have occurred to these building over the past 40 years. As a result, the proposed project would have a less-than-significant impact on the historic setting of the adjacent historic resource at 2355 Broadway.

The proposed project would appear as a new and visibly different edifice across 24th Street from or immediately adjacent to, three contributory buildings in the 25th Street Garage District: 442 and 450 24th Street and 2355 Broadway. While the proposed project would change the

¹⁶ Original listing was B/A3 under a different system.

immediate setting of the 25th Street Garage District by replacing lower-scale auto-oriented sales and repair uses with larger-scale mixed use retail and residential uses, these changes would not substantially alter the historic setting of the district such that it would no longer be eligible for listing as a local historic district. The overall integrity of the 25th Street Garage District would be maintained and would continue to convey its historic significance to the general public as a “concentrated, intact, and homogenous group of buildings of a distinct type, dating from a specific period of Oakland’s economic development” as described by OCHS. As a result, the proposed project would have a less than significant impact on the historic setting of the 25th Street Garage District.

Given the above, and the fact that the proposed project would provide up to 475 units of new housing in downtown Oakland, an affirmative finding could be made, under Policy 3.5 of the General Plan Historic Preservation Element, that “the design quality of the proposed project is at least equal to that of the original structure[s] and is compatible with the character of the neighborhood” (Finding 1) and that “the public benefits of the proposed project outweigh the benefit of retaining the original structure[s]” (Finding 2).

Mitigation: None required.

CUMULATIVE IMPACTS

Impact E.5: The proposed project, in combination with cumulative development including new construction and other alterations to historic resources in the project vicinity, would result in cumulative impacts to historic resources. (Significant and Unavoidable)

The demolition or substantial alteration of seven historic resources identified in Impact E.3, while incremental when considered alone, may result in a significant cumulative impact when considered with other nearby projects in the vicinity that would also demolish or substantially alter other historic resources. These projects include the Uptown Mixed-Use project, located less than one-half mile southwest of the proposed project, which would demolish three contributors to the 19th Street and San Pablo Avenue Commercial District; 1) 1958-60 San Pablo Avenue, 2) 1966-68 San Pablo Avenue, and 3) 1972 San Pablo Avenue. The Thomas L. Berkley Square Project, also less than one-half mile southwest of the project site, has demolished two contributors to the 19th Street and San Pablo Avenue Commercial District; 1) the Hotel Royal at 2000-08 San Pablo Avenue which is rated B and on the Preservation Study List, and 2) the California Peanut Company Building/Oakland Post Building at 630-42 Thomas L. Berkley Way (20th Street). In addition, the Great Western Power Plant at 518-520 Thomas L. Berkley Way (20th Street), which has a B rating and is on the Preservation Study List, was to be altered or demolished by the Uptown project as originally proposed; while this building is not part of the current Uptown project, it could be adversely affected by subsequent development in that area, and its demolition was analyzed in the EIR for the Uptown project. Finally, the proposed Bay Place project about

1,500 feet northeast of the project site has already demolished the Harrison Street shed at 2500-2542 Harrison Street, attached to the rear of the former Cox Cadillac Automobile Showroom (216-30 Bay Place), which is rated B+ and on the Preservation Study List. The proposed project, in combination with these other cumulative projects would eliminate a total of 15 historic resources in north downtown Oakland alone, resulting in a significant and unavoidable cumulative impact.

Mitigation: Implementation of Mitigation Measures E.3a through E.3f would also mitigate the significant, cumulative impact to the greatest extent feasible, but would not reduce the impact to a less-than-significant level.

Significance after Mitigation: Significant and Unavoidable.

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F. HAZARDS AND HAZARDOUS MATERIALS

INTRODUCTION

This section discusses the hazardous materials issues associated with the proposed project site and proposed project operations. The hazardous materials issues evaluated include: past hazardous materials use and potential build-up of associated toxic substances in site soil and groundwater; past onsite and offsite storage and release of fuels; hazardous waste contamination of the site during construction; and the potential of the project to handle hazardous materials, generate hazardous wastes, or produce discharges.

DEFINITIONS

Materials and waste may be considered hazardous if they are poisonous (toxicity), can be ignited by open flame (ignitability), corrode other materials (corrosivity), or react violently, explode or generate vapors when mixed with water (reactivity). The term “hazardous material” is defined in law as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment.¹ In some cases, past industrial or commercial uses on a site can result in spills or leaks of hazardous materials and petroleum to the ground, resulting in soil and groundwater contamination. Federal and state laws require that soils having concentrations of contaminants such as lead, gasoline, or industrial solvents that are higher than certain acceptable levels must be handled and disposed as hazardous waste during excavation, transportation, and disposal. The California Code of Regulations, Title 22, §66261.20-24 contains technical descriptions of characteristics that would cause a soil to be classified as a hazardous waste.

BACKGROUND AND CURRENT SITE CONDITIONS

The project site occupies nearly two full city blocks (approximately five acres), bounded by 24th Street to the north, West Grand Avenue to the south, Valley Street to the west and Broadway to the east. Parcel A, the smaller of the two blocks, is located between West Grand Avenue and 23rd Street, while Parcel B is located to the north, between 23rd and 24th Streets. The project site is paved mainly with asphalt with a few areas of concrete, and contains single- and two story buildings used for showrooms and garage bays, a building used for business offices (439 23rd Street), and a two story apartment building (the Casa Blanca Apartments) on Parcel B. Open areas in the project area are mainly used for vehicle storage. The most prevalent surrounding land uses are commercial with automotive services; however, there are multi-family residential buildings and a children’s day-care center across Valley Street from the project site. Other non-automotive commercial land uses are also present in the area.

¹ State of California, Health and Safety Code, Chapter 6.95, Section 25501(o).

Based on previous review of Sanborn Fire Insurance maps, the project area was first developed in the early 1920s for commercial use. Prior businesses on the project site included a construction company, metal work shop, hotel, bowling alley and car rental.

A preliminary site assessment, commonly referred to as a “Phase I” investigation, identifies whether petroleum and chemical contamination at a project site and surrounding area necessitates a detailed subsurface soil and groundwater sampling investigation, referred to as a “Phase II” investigation. During the Phase I investigation, environmental professionals research the site history, perform a regulatory database review and conduct a site reconnaissance for the site and surrounding area. Various methods to obtain historical information pertaining to the site are used including the review of historical aerial photographs and topographical maps and use of other historical information such as Sanborn maps. Each report lists offsite sources of contamination that may be of potential environmental concern due to proximity to the project site.

The following Phase I reports were completed:

- Environmental Assessment, Broadway – West Grand Avenue Property, 2551 Broadway, Oakland, California, prepared by Dames & Moore, April 1997
- Phase I Environmental Site Assessment Performed on: Negherbon Auto Center, 2345 Broadway, Oakland, California, prepared by Ninyo & Moore, March 2001.

In addition to the above Phase I reports, brief preliminary environmental reviews for specific parcels (439 23rd Street, 449 23rd Street, and 461 24th Street) were prepared. These reports are not as detailed as the Phase I reports and are not prepared to ASTM standards required of Phase I investigations.

Soil and Groundwater Investigations

Based on findings of the Phase I investigations, Treadwell & Rollo (2003) conducted a Phase II Soil and Groundwater investigation for the project site. Soil and groundwater samples were obtained from eight soil borings on Parcel A and 10 soil borings from Parcel B. The 2003 Phase II investigation did not include the 439 23rd Street and 449 23rd Street properties on Parcel A or the 461 24th Street Property on Parcel B. In 2004, Treadwell & Rollo conducted a limited soil analyses for the property located at 449 23rd Street.

Parcel A (2003 Soil and Groundwater Investigation)– Twenty-four soil samples and four groundwater samples were submitted for analysis. Elevated lead results in shallow soil samples indicate that localized areas of fill material may contain lead that may require disposal at a Class I landfill. Arsenic concentrations were above the Preliminary Remediation Goals (PRGs) for residential sites based on the human-health risk. However, arsenic is a naturally occurring background metal in San Francisco Bay soils, and the concentrations of arsenic detected in Parcel A soils are considered typical of background levels in the Bay Area. Minor concentrations of petroleum and volatile organic compounds (VOCs) were detected in the soil samples, all at very low concentrations that are below the established screening criteria for human health.

Analysis from groundwater samples from Parcel A detected several VOCs commonly associated with motor and parts degreasing solvents and with dry cleaning fluids. All concentrations were below the risk-based screening level² values established to protect indoor air quality for residential buildings overlying contaminated groundwater that could release volatile compounds into the air.³ One sample (6.2 micrograms per liter) slightly exceeded the Maximum Contaminant Level (MCL) for drinking water of 5.0 micrograms per liter; however, the shallow groundwater below the project site is not considered a drinking water source (Treadwell & Rollo, 2003).

Parcel A (2004 Soil Investigation) – The limited soil analyses at the 449 23rd Street parcel included two soil borings completed to approximately 16 feet below ground surface. A total of six soil samples were submitted to the laboratory for analyses. Minor concentrations, less than 2 milligrams per kilogram (mg/kg) of total petroleum hydrocarbon as diesel (TPH as diesel) were detected in two soil samples. Analysis of lead detected background levels only. Analytical tests detected 54 micrograms per kilogram ($\mu\text{g}/\text{kg}$) of methylene chloride (a common solvent) from one soil sample at 4 feet below ground surface. The reported concentration is low, and appears to be an isolated detection or laboratory contamination. The presence of this solvent at this concentration in soil will not affect handling or disposal options (Treadwell & Rollo, 2004b).

Parcel B – Twenty soil samples and three groundwater samples were submitted for analysis. One soil sample exceeded the threshold for lead that requires Class I disposal. Arsenic concentrations were above the Preliminary Remediation Goals (PRGs) for residential sites based on the human-health risk, but as noted for Parcel A, the concentrations of arsenic detected are considered typical of background levels in Bay Area soils. TPH as diesel fuel was detected in certain soil samples, at concentrations considered non-hazardous and below the levels that typically require remediation. Nevertheless, soil excavated may be restricted for offsite disposal and reuse. Similar to Parcel A, low levels of VOCs and one semi-volatile organic compound (SVOC) were detected in soil. The levels detected are less than established screening levels for human health risk.

Analysis from groundwater samples from Parcel B detected nine VOCs in groundwater samples from Parcel B. As with Parcel A, detected concentrations were all below the risk-based screening level values established to protect indoor air quality for residential buildings overlying contaminated groundwater.⁴ Also as with Parcel A, one sample (7.3 micrograms per liter) slightly exceeded the Maximum Contaminant Level (MCL) for drinking water of 5.0 micrograms per liter; as noted, groundwater at the site is not a drinking water source (Treadwell & Rollo, 2003).

² Risk-based screening levels are used to assess exposures of contaminants to buildings and occupants. Risk factors may be linked to an increase risk of an adverse health effect from an adverse building condition.

³ The highest VOC concentrations recorded in the site testing, relative to residential RSBL levels, were less than 0.5 $\mu\text{g}/\text{L}$ of 1,1-dichloroethene detected in grab groundwater samples, compared to the residential RSBL level of 9.6 $\mu\text{g}/\text{L}$, and 6.2 $\mu\text{g}/\text{L}$ of 1,1-dichloroethane detected in grab groundwater samples, compared to the residential RSBL level of 1,700 $\mu\text{g}/\text{L}$ for groundwater.

⁴ The highest VOC concentrations recorded in the site testing, relative to residential RSBL levels, was 1.4 $\mu\text{g}/\text{L}$ of 1,1-dichloroethene detected in a grab groundwater sample, compared to the residential RSBL level of 9.6 $\mu\text{g}/\text{L}$ for groundwater.

Structural and Building Components

Asbestos

Asbestos is a naturally-occurring fibrous material that was used as a fireproofing and insulating agent in building construction before such uses were banned by the federal Environmental Protection Agency (EPA) in the 1970s.

Parcel A – Based on limited visual observations of 2251 Broadway, the existing building contains potential asbestos containing materials (ACMs) in acoustical ceiling tiles in two garage areas. The roof was not accessible and therefore not inspected. Additionally potential ACMs were observed in the drywall and ceiling tiles in the garage and office areas (Dames & Moore, 1997). Although a formal evaluation of asbestos containing materials was not completed at 439 23rd Street or 449 23rd Street, based on the age of the building it is likely that ACMs may be present (Treadwell & Rollo, 2004b). No other results of ACM surveys for Parcel A were provided.

Parcel B – During renovation of 2315 – 2323 Broadway, suspected floor tiles and carpeting materials containing suspected ACMs were removed. A previous asbestos survey was conducted by MA Linquist. It is reported that four showrooms in these buildings were inspected and that no ACMs remained in the flooring. Suspected tile containing ACMs were observed in the former parts department of 421 24th Street. No other results of ACM surveys for Parcel B were provided. Although a formal evaluation of ACMs was not completed at 461 24th Street, based on the age of the building it is likely that ACMs may be present (Treadwell & Rollo, 2004b, 2004c)

Polychlorinated Biphenyls (PCBs)

PCBs are synthetic organic oils that were historically used in many types of electrical equipment, including transformers and capacitors, primarily as electrical insulators. No transformers or other potentially containing PCB equipment were observed during any of the Phase I investigations (Dames & Moore, 1997; Ninyo & Moore, 2000; Treadwell & Rollo, 2004b).

Lead and Lead-Based Paint

Soils beneath the surface of the site consist of a combination of artificial fill and native alluvial soils. The presence of lead in soils above natural background levels can be a common occurrence in areas that were created by fill and in former industrial areas. Lead concentrations can also be elevated in fill materials similar to those that underlie portions of the project site because fill can originate from building and industrial rubble containing or affected by sources of lead such as piping, coatings, and other construction materials. Because some of the buildings were constructed in the 1920s, there is a potential for lead based paint (LBP) to be present onsite (Ninyo & Moore, 2000; Treadwell & Rollo, 2004b) such as painted surfaces, such as drywall, ceilings, and exterior stucco. Treadwell & Rollo submitted three brick samples (two brick fragments from a retaining wall and one sample from a brick fragment recovered from the soil sample) and one exterior paint sample for analysis of total and soluble lead. The brick sample recovered from the soil sample contained soluble lead that exceeds the state's criteria for hazardous waste. Similar brick fragments were observed in soil samples throughout the project

site (Treadwell & Rollo, 2004b). Formal testing for lead and lead based paint were not conducted at 439 23rd Street, 449 23rd Street, or 461 24th Street.

Underground Storage Tanks

Parcel A – An undocumented UST was located in the sidewalk area along the west side of Broadway, approximately 75 feet south of 23rd Street. The UST port is covered by a cover labeled as “Oil Storage System.” The UST plan dimensions are approximately 11 feet by 13 feet. A thin layer of product was detected floating on the water in the UST port piping. Chemical analyses indicate that this material consists of ethylbenzene, xylenes, and trimethylbenzenes. The UST appears to be under the sidewalk only and does not extend onto Parcel A (Treadwell & Rollo, 2004a)

Three USTs consisting of one 500-gallon waste oil tank, one 5,000-gallon gasoline tank, and one 10,000-gallon gasoline tank were reportedly removed from the subject property in August 1989. According to the Alameda County Department of Environmental Health no further action is required relating to soil contamination associated with the former USTs (Dames & Moore, 1997). Treadwell & Rollo did not observe any indications of current or past USTs at the 449 23rd Street site (Treadwell & Rollo, 2004b).

Parcel B – Based on interviews with the owner and service personnel conducted during the Phase I investigation no USTs are on the property. However, an abandoned dispenser island for a former gasoline tank was observed. In addition, a possible vent pipe for a UST was observed along the west exterior wall of one building (Ninyo & Moore, 2000).

REGULATORY AGENCY-LISTED SITES

Results of a regulatory database search that included a list of sites adjacent to and in the subject property vicinity that are listed on agency files as having documented use, storage, or releases of hazardous materials or petroleum products, are discussed below.

Project Site

A government records search revealed that a portion of the project site (Negherbon Auto Center, 2345 Broadway) is listed on the State Water Resources Control Board’s Leaking Underground Storage Tank (LUST) list, a database of sites that have contamination as the result of a leaking tank, and therefore is listed on the Cortese List. The Cortese List is a compilation of information from various sources listing potential and confirmed hazardous waste and hazardous substance sites in California and is maintained by DTSC⁵. No other sites within the project area are listed in any other database searched including the HAZNET database which is a state list of generators appearing on hazardous waste manifests, the State of California Hazardous Waste and Substances

⁵ The Cortese List was last compiled and published by the California Environmental Protection Agency (Cal EPA) in 2001. The DTSC, State Water Resources Control Board, and the California Integrated Waste Management Board previously submitted information annually to Cal EPA for generation of the Cortese List; since 2001 these three agencies have largely maintained their respective data sections independently.

List (Cortese List), the Comprehensive Environmental Response, Compensation, and Liability System (CERCLIS), and the Spill, Leaks, Investigation and Cleanup List (SLIC). CERCLIS contains general information on contaminated sites, including location, status, contaminants, and actions taken. Information in the CERCLIS database can be found on sites being assessed under the Superfund Program, hazardous waste sites, and potential hazardous waste sites. SLIC is a list of groundwater contamination sites and is maintained by the State Water Resources Control Board.

Nearby Sites

Nearby sites (within 1/8 mile of the project site) were identified in the previously conducted environmental site investigations in the following regulatory databases: LUST; HAZNET; UST; RCRIS, SWF/LS; CERCLIS; Cal-Sites; and CHMIRS. Table IV.F-1 provides a detailed list of project sites and nearby regulatory listed sites.

REGULATORY CONTEXT

The use of hazardous materials is subject to numerous laws and regulations at all levels of government. These controls are summarized in Appendix B.

IMPACTS AND MITIGATION MEASURES

INTRODUCTION

Hazardous wastes and hazardous materials, if mishandled, could pose risks to the public. Potential health and safety impacts typically can stem from interactions of construction workers, the public or future occupants with hazardous materials and wastes encountered during project construction activities or project operations.

SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* provides that a project would result in a significant hazardous materials impact if it would:

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

**TABLE IV.F-1
NEARBY REGULATORY LISTED SITES^a**

Site Name	Site Location	Regulatory List
Negherbon Lincoln Mercury	2345 Broadway	LUST, SQG
Former Chrysler	2417 Broadway	LUST, UST
Catering by Andre	434 25 th Street	LUST, UST
1 X United Glass	477 25 th Street	LUST
Foreign Body Shop	2350 Webster Street	LUST
RMC Lonestar	333 23 rd Ave.	ERNS, UST
Quaker State Refinery	2507 Broadway	ERNS
Broadway Ford	2560 Webster	UST, LUST
All Pro Transmissions	2424 Broadway	SQG
Atlantic garage	2500 Webster St	SQG,
Broadway Motors	2560 Webster Street	LUST
Western Pioneer Insurance Company	2770 Broadway	UST
Hertz Corporation	2251 Broadway	UST
Lake Merritt Towers I	155 Grand Ave	LUST
Lake Merritt Towers II	155 Grand	CORTESE, LUST
Heyman Properties	2341 Valley St	UST
Broadway Motors Ford	437 25 th St	SQG, LQG
Val Strough Lexus	447 25 th St	SQG
Oakland Tribune Old	2302 Valdez	CORTESE, LUST
Oakland Tribune	2300 Valdez	UST
Wagner Pigozzi, Inc.	465 25 th St	UST
United Glass Company	477 25 th St	UST
Residential Apartment Complex	498 25 th St	UST
Johnson Plating	2526 Telegraph	RCRA, SQG
Gulf	460 Grand Ave	CORTESE, UST
Texaco	500 Grand Ave	UST, CORTESE
Dave's Complete Auto Service	2250 Telegraph	CORTESE, UST, LUST
Tony's Beacon Station	2250 Telegraph	UST
Exxon Service Station	2225 Telegraph	UST, LUST, CORTESE
Caltrans District 4	111 Grand Ave	UST, SQG
Custom Care Cleaners	2430 Telegraph	SQG
Unknown	24 th St and Telegraph	ERNS
Bauer Porsche Repair	375 26 th St	UST
The Benz Shop	381 26 th St	UST
HR Auto Finishing	381 26 th St	UST
Pacific Bell	2150 Webster St	SQG
Webster Street Partner	2101 Webster and 2 nd St	ERNS, UST

^a As reported in previous Phase I Environmental Site Assessments

^b CORTESE: Hazardous Waste and Substances Sites.

^b LUST: Leaking Underground Storage Tank – contains an inventory of reported leaking underground storage tank incidents. The data comes from the State Water Resources Control Board.

^c HAZNET: Hazardous Waste Information System. DTSC database that records annual hazardous waste shipments, as required by RCRA. All businesses that use and dispose of hazardous materials are entered into the HAZNET database, and each occurrence of a disposal and/or transfer of a hazardous waste is entered into the database as a record.

^d UST: Registered Underground Storage Tanks maintained by either State Water Resources Control Board or the County.

^e SQG: Resource Conservation and Recovery Information System (RCRIS)– Small Quantity Generator (RCRIS includes selected information on sites that generate, store, treat, or dispose of hazardous waste as defined by the Act).

^f LQG: Resource Conservation and Recovery Information System (RCRIS)– Large Quantity Generator (RCRIS includes selected information on sites that generate, store, treat, or dispose of hazardous waste as defined by the Act).

SOURCES: Dames & Moore, 1997; Ninyo and Moore, 2001

- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- 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, create a significant hazard to the public or the environment.

APPROACH TO THE ANALYSIS

This impact analysis focused on potential effects of hazardous materials or waste associated with the project site. The evaluation was made in light of project plans, current conditions at the project site, applicable regulations and guidelines, and previous environmental site assessments and investigations.

PROJECT CONSTRUCTION

Impact F.1: Disturbance and release of contaminated soil, groundwater, or building materials during demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling. (Significant)

Excavation for installation of project-related utilities, building footings, and regrading would occur at the project site. If any hazardous contaminants in excavated soils or in groundwater should go undetected, health and safety risks to workers and the public could occur. Exposure to hazardous wastes could cause various short-term and/or long-term health effects. Possible health effects could be acute (immediate, or of short-term severity), chronic (long-term, recurring, or resulting from repeated exposure), or both. Acute effects, often resulting from a single exposure, could result in a range of effects from minor to major, such as nausea, vomiting, headache, dizziness, or burns. Chronic exposure could result in systemic damage or damage to organs, such as the lungs, liver, or kidneys. Health effects would be specific to each hazardous substance.

In general, the results of the soil and groundwater investigation indicate that the shallow soil and groundwater quality would not be expected to cause excess risks to human health. Concentrations of these constituents in general were below the risk-based screening levels⁶ developed and assembled by the San Francisco Regional Water Quality Control Board as well as

⁶ As stated in footnote 2, p. IV.F-2, risk-based screening levels are used to assess exposures of contaminants to buildings and occupants.

City of Oakland-specific risk-based screening levels developed by the City of Oakland, U.S. EPA Preliminary Remediation Goals (PRGs)⁷.

Asbestos

Asbestos could be encountered during structural demolition of the existing buildings and would require disposal. Buildings to be demolished would need appropriate abatement of identified asbestos prior to demolition or renovation. Asbestos-containing material is regulated both as a hazardous air pollutant under the federal Clean Air Act and as a potential worker safety hazard under the authority of Cal-OSHA. The renovation or demolition of buildings containing asbestos would require the use of contractors who are licensed to conduct asbestos abatement work and notification of the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities.

Potential exposure to asbestos, and its related chronic adverse health effects, is possible throughout demolition if materials that contain hazardous substances are present during operations. Suspected asbestos-containing materials (ACMs) have been previously identified in 2251 Broadway and 2315 – 2323 Broadway. Although testing of ACMs was not conducted in other buildings in the project, based on the age of the building and construction materials used, asbestos containing materials are likely present.

Lead and Lead-based Paint

Lead-based paint could become separated from building materials during the demolition process. Separated paint can be classified as a hazardous waste if the lead content exceeds 1,000 parts per million and would need to be disposed of accordingly. Additionally, lead-based paint chips can pose a hazard to workers and adjacent sensitive land uses. Both the federal and California OSHA regulate all worker exposure during construction activities that impact lead-based paint. Interim Final Rule found in 29 CFR Part 1926.62 covers construction work where employees may be exposed to lead during such activities as demolitions, removal, surface preparation for re-painting, renovation, clean up and routine maintenance. The OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, training etc.

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

⁷ The United States EPA Region 9 Preliminary Remediation Goals (PRGs) are tools for evaluating and cleaning up contaminated sites. Chemical concentrations above PRG levels suggest that further evaluation of the potential risks that may be posed by site contaminants is appropriate.

Demolition could create exposure to lead-based paint present in building structures. Dust generating activities that include removal of walls, sanding, welding, and material disposal could produce airborne quantities of lead-laden material. These materials could expose workers and persons in close proximity, including occupants of off-site locations. The project site contains buildings with painted surfaces, such as drywall, ceilings, and exterior stucco, which could contain lead-based paint. The project site is also underlain by artificial fill, which could contain lead.

PCB-containing Materials

The presence of PCB-containing materials was not observed during the Phase I investigations or other site reconnaissances. However, it is possible that PCB-containing materials may exist in the buildings to be demolished. If present, demolition of these structures could disturb these materials.

Underground Storage Tanks

One UST is present in the sidewalk along the west side of Broadway, approximately 75 feet south of 23rd Street (Treadwell & Rollo, 2004a). The UST will need to be removed prior to construction activities in the immediate area. Additional USTs may also be present at the project site. Prior to UST regulations in the 1980s, USTs were commonly installed without being recorded. Therefore, additional unknown USTs, such as the one encountered, that were installed prior to UST regulations could be encountered during project construction.

Soil

Previously unknown contamination may also be encountered during project development. Environmental investigations conducted at the project site were based on available historical land use information, such as aerial photographs, fire insurance maps, and evidence of historical hazardous material use apparent during site inspections. Because hazardous material records were not required to be maintained until relatively recently, hazardous materials that may have been used, stored, or disposed of in areas outside of the areas of concern identified during previous environmental investigations may be encountered. If significant releases of hazardous materials are discovered during construction activities, additional investigation, remediation, and/or coordination with regulatory agencies may be required.

Mitigation Measure F.1a: A pre-demolition ACM survey shall be performed prior to demolition of the structures. The survey shall include sampling and analysis of suspected ACMs identified in the 1997 and 2000 Phase I investigations and areas that were previously not surveyed (439 23rd Street, 449 23rd Street, and 461 24th Street).

Mitigation Measure F.1b: An asbestos abatement plan developed by a state-certified asbestos consultant shall be prepared. All asbestos-containing materials (ACMs) shall be removed and appropriately disposed of in accordance with the asbestos abatement plan prior to demolition of the existing buildings in accordance with federal and State

construction worker health and safety regulations, the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD).

Mitigation Measure F.1c: Prior to the issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the Planning and Zoning Division written documentation that any asbestos-containing materials (ACMs) have been removed from the project site prior to the start of any demolition activities. A licensed asbestos firm shall conduct the removal of ACMs in accordance with BAAQMD's Regulation 11 Rule 2.

Mitigation Measure F.1d: The project sponsor shall implement a lead-based paint abatement plan, which shall include the following components:

- Development of an abatement specification approved by an Certified Project Designer.
- A site Health and Safety Plan, as needed.
- Containment of all work areas to prohibit off-site migration of paint chip debris.
- Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.
- Appropriately remove paint chips by vacuum or other approved method.
- Collection, segregation, and profiling waste for disposal determination.
- Appropriate disposal of all hazardous and non-hazardous waste.

Mitigation Measure F.1e: Prior to the issuance of any demolition, grading, or building permit, the applicant shall demonstrate to the satisfaction of the Fire Department, Office of Emergency Services, that the site has been investigated for the presence of lead and does not contain hazardous levels of lead.

Mitigation Measure F.1f: In the event that electrical equipment or other PCB-containing materials are identified prior to demolition activities they shall be removed and disposed of by a licensed transportation and disposal facility in a Class I hazardous waste landfill.

Mitigation Measure F.1g: The underground storage tank present along the west side of Broadway shall be removed prior to construction activities in the immediate area. The Alameda County Local Oversight Program (LOP) shall be contacted to oversee removal and determine appropriate remediation measures. Removal of the UST shall require, as deemed necessary by the LOP, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency. In the event that additional USTs are encountered the same procedures described above shall apply.

Mitigation Measure F.1.h: The project applicant shall develop and implement a project-specific worker Health and Safety Plan (HSP). The HSP shall identify the following, but not be limited to:

- Description of contamination,
- Decontamination procedures,
- Nearest hospital with directions, and
- Emergency notification procedures.

Mitigation Measure F.1i: Prior to the issuance of any demolition, grading, or building permit, the applicant shall provide to the Planning and Zoning Division written verification that the appropriate State, Federal, or County authorities have granted all required clearances and confirmed compliance with all applicable conditions imposed by said authorities, for all previous contamination at the site, if applicable.

Significance after Mitigation: Less than Significant.

Impact F.2: Improper disposal of contaminated soil components from the demolition and excavation phases of the project could expose construction workers, the public, or the environment to adverse conditions. (Significant)

Based on the results of the soil and groundwater investigation (Treadwell & Rollo, 2003) some of the soil on site may contain soluble lead that may require Class I or Class II disposal. Other soils generated by construction activities on the project site may be reused on-site without constituting an excess health risk to construction workers or future residents or workers.

Mitigation Measure F.2a: The sponsor shall perform additional soluble lead analyses of soil prior to on-site reuse or off-site disposal to confirm the acceptability for reuse and/or classification of the soils as a California hazardous waste material. If the soils are classified as a California hazardous waste, the project sponsor shall dispose of the soils at a Class I disposal facility in California or an out of state non-RCRA facility permitted to accept wastes at concentrations of the excavated soils.

Mitigation Measure F.2b: Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner, and sampled prior to reuse or disposal at an appropriate facility. Specific sample procedures (i.e. frequency, etc.) for reuse and disposal shall be determined within a Soil Management Plan.

Mitigation Measure F.2c: Per the regulatory standards of the City Environmental Services Division of the Public Works Agency, the project sponsor shall sample the soil on the site to determine whether any further remediation is required. Based on the test results, the project sponsor shall submit any and all applicable documentation and plans required by the Regional Water Quality Control Board, the Alameda County Public Health Department, and the City's Fire Department, Office of Emergency Services, regarding

remediation of any remaining contaminated soil and/or groundwater that may be identified on the site. These documents and plans shall be submitted to the Environmental Services Division, and shall demonstrate to the satisfaction of each agency with jurisdiction that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit. If warranted, the project sponsor must develop and submit for review by the Environmental Services Division a Soil and Groundwater Management Plan for construction and development activities at the site. The plan shall include, as required, any special health and safety precautions to mitigate worker exposure to contaminated soils, dust control measures to prevent the generation of dust that could migrate off-site, stormwater runoff controls to minimize migration of soils to storm drains, measures to ensure the proper treatment and disposal of groundwater during dewatering activities, steps for ensuring compliance with applicable state and federal regulations governing the transportation and disposal of hazardous wastes, and general protocol for addressing any unexpected hazardous materials conditions in the subsurface encountered during construction.

Significance after Mitigation: Less than Significant.

Impact F.3: Hazardous materials used on-site during construction activities (i.e., solvents) could be released to the environment through improper handling or storage. (Significant)

Construction activities would require the use of certain hazardous materials such as fuels, oils, solvents, and glues. Inadvertent release of large quantities of these materials into the environment could adversely impact soil, surface waters, or groundwater quality. However, the onsite storage and/or use of large quantities of materials capable of impacting soil and groundwater are not typically required for a project of the proposed size and type.

Mitigation Measure F.3: The use of construction best management practices shall be implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils.
- Properly dispose of discarded containers of fuels and other chemicals.

Significance after Mitigation: Less than Significant

PROJECT OPERATION

Impact F.4: Project operations would generate general commercial, household, and maintenance hazardous waste. (Less than Significant)

The project proposes to develop approximately two city blocks, and would contain up to 475 residential units and 40,000 square feet of ground-floor commercial space. Commercial activities would use hazardous chemicals common in commercial and office settings. These chemicals would include familiar materials such as toners, correction fluid, paints, lubricants, kitchen and restroom cleaners, and other maintenance materials. Hazardous wastes used in the residential or maintenance areas may include small quantities of lubricants or fuels used in maintaining personal resident's vehicles, pesticides or herbicides, solvents, paints, and lubricants. These common consumer products would be used for the same purposes as in any commercial or residential setting. Because these types of hazardous materials are generally handled in small quantities the health effects associated with them are generally not as serious as industrial uses. Implementation of the proposed project would not cause an adverse effect on the environment with respect to the use, storage, or disposal of general commercial and household hazardous substances generated from proposed building uses, and therefore the impact would be considered less than significant.

Mitigation: None required.

CUMULATIVE IMPACTS

Impact F.5: Development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative hazardous materials impacts. (Less than Significant)

The proposed project development, with implementation of the identified mitigation measures above, would have a less than significant hazardous materials impact to the public or the environment within the vicinity of the project area. Other foreseeable development within the area, although likely increasing the potential to disturb existing contamination and the handling of hazardous materials, would be required to be in compliance with the same regulatory framework as the proposed project. Therefore, cumulative development would not create a cumulative impact to which the project would contribute.

Mitigation: None required.

REFERENCES – Hazardous Materials

Dames & Moore, *Environmental Assessment, Broadway-West Grand Avenue Property, 2551 Broadway, Oakland, California*, April 1997.

Ninyo & Moore, *Phase I Environmental Site Assessment Performed on: Negherbon Auto Center, 2345 Broadway, Oakland, California, March 2001.*

Treadwell & Rollo, *Preliminary Environmental Review, Proposed Negherbon Mix-Use Development, 439 23rd Street (a.k.a. Breen Out Parcel), Oakland, California, November 2003.*

Treadwell & Rollo, *Phase II Environmental Site Assessment Negherbon Mixed-Use Project, 24th Street and West Grand Avenue, Oakland, California, December 2003.*

Treadwell & Rollo, *Addendum to Phase II Environmental Site Assessment, Negherbon Mixed-Use Project, 24th Street and West Grand Avenue, Oakland, California, July 2004a.*

Treadwell & Rollo, *Preliminary Environmental Review and Soil Analyses, Proposed Negherbon Mixed-Use Development (Parcel A) 449 23rd Street, Oakland, California, January 2004b.*

Treadwell & Rollo, *Preliminary Environmental Review, Proposed Negherbon Mix-Use Development, 461 24th Street (a.k.a. Casa Blanca Apartments), Oakland, California, April 2004c.*

G. SHADOW

SETTING

Shadow cast by the existing buildings on the project blocks (including the five-story, approximately 70-foot tall Saturn dealership building, adjacent to the project site on the corner of 24th Street and Broadway) is limited because most of the two-block site is not occupied by structures, and the buildings that do exist are primarily one and two stories in height. Exceptions include the Saturn building, noted above, and the building at 24th and Valley Streets, which has two stories plus a mezzanine and is about 35 feet tall. Existing shadow cast by the buildings on the project site and by nearby buildings is depicted in Figures IV.G-1 through IV.G-6 at the end of this section.

GENERAL PLAN POLICIES

The following General Plan policies address the provision of adequate sunlight as it relates to impacts of new 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 (LUTE Policy N3.9, *Orienting Residential Development*).
- Continue to require new multi-family development to provide usable outdoor open space for its residents. These spaces should be relatively flat, located close to the units that are served, and screened from abutting property where appropriate. Wherever possible, the spaces should receive sunlight and be open to the sky. In high density areas, the use of rooftop terraces and gardens should be encouraged, both to create new open space and to provide points of visual interest. (OSCAR Policy OS-4.1, *Provision of Useable Open Space*).

As discussed below, the City of Oakland has established that a project's consistency with General Plan policies that address the provision of adequate light to appropriate uses is a significance criteria used to determine whether or not a project would result in a significant effect related to shadow. Therefore, the project's consistency with LUTE Policy N3.9 and OSCAR Policy OS-4.1, specifically, is discussed below under Impact I.2.

IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

A project would have a significant shadow impact if it would unreasonably block sunlight for neighboring buildings or open space, pursuant to General Plan policies discussed above. Specifically, a project would unreasonably block sunlight for neighboring buildings if it would:

- introduce landscape that would now or in the future cast substantial shadow on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986);
- 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;
- cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space;
- cast shadow on a historic resource, as defined by CEQA Section 15064.5(a), such that it would substantially diminish/impair its eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, or in a local register of historical resources or a historical resource survey as defined by the Public Resource Code; or
- if the project requires 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.

Impact G.1: The project would create additional shadow on adjacent blocks to the west,¹ north, and east, including casting shadow on contributing buildings in an Area of Primary Importance, but would not introduce landscaping conflicting with the California Public Resource Code; not cast shadow that impairs the use of any public or quasi-public park, lawn, garden, or open space; and not cast substantial shadow on buildings using passive solar heat, solar collectors for hot water heating, or photovoltaic solar collectors. (Less than Significant)

Because the project would not introduce landscaping conflicting with the California Public Resource Code; and not cast shadow that impairs the use of any public or quasi-public park, lawn, garden, or open space, this discussion will focus on the localized shadow effects on existing residential and commercial uses, the potential localized shadow effects on historic resources defined by CEQA Section 15064.5(a), as well as potential shadow effects on buildings using the specified types of solar energy.

Existing Nearby Uses

Shadow effects attributable to the project were analyzed for representative times of day (9:00 a.m., 12:00 noon, and 3:00 p.m.) during the four seasons of the year: in December on the winter solstice, when the sun is at its lowest and shadows are at their longest; in June on the summer solstice, when the sun is at its highest and shadows are at their shortest; in March during the spring equinox, when shadows are midway through a period of shortening; and in September at the fall equinox, when shadows are midway through a period of lengthening. Shadows on any other day of the year would be within the range of shadows presented during the seasons and times of day described above.

¹ For purposes of this shadow analysis, true compass directions (north, south, east, and west) were used – the rest of the DEIR followed the Oakland convention. Following Oakland convention, the hills are to the north; therefore, Broadway and streets parallel to it run north-south, and numbered streets run east-west.

In general, new shadow from the project would fall in a westerly to northwesterly direction during the morning hours, depending on the season, meaning the project would newly shade residential and commercial buildings across Valley Street. In June, when shadows are shortest, shadows would be cast nearly due west (almost straight across Valley Street) at 9:00 a.m. (see Figure IV.G-1, Diagram A). Project shadow would leave the west side of Valley Street by about 11:00 a.m., and by noon, project shadow would be oriented northwesterly; shortly after noon, project shadow would begin to extend towards the south side of 24th Street (see Figure IV.G-2, Diagram A). (At this time, project buildings on Parcel A, south of 23rd Street, would cast minimal shadow on the south side of 23rd Street.) The project would continue to cast shadow towards 24th Street as the afternoon progresses, and by 3:00 p.m., project shadow would trend northeasterly (see Figure IV.G-3, Diagram A). By late afternoon, project shadow would fall in a northeasterly, and then an easterly direction, onto and, ultimately, across, Broadway.

In March and September, morning shadow would fall in a northwesterly direction, newly shading residential and commercial buildings across Valley Street (see Figure IV.G-4, Diagrams A and B).² Because the sun is lower in the sky than in June, project shadows would reach the west side of Valley Street for a longer period of time than in June; at noon, however, the shadow would not cross Valley Street. Also at noon, shadow would extend across 24th Street (see Figure IV.G-5, Diagrams A and B). By 3:00 p.m., project shadow would extend in a northeasterly direction and result in shade along the commercial frontages on 24th Street, west of Valley Street, and along the project frontage on Broadway (see Figure IV.G-6, Diagrams A and B). Later in the afternoon, as in June, project shadow would continue in a northeasterly direction, and then an easterly direction, onto and, ultimately, across, Broadway.

In December, when shadows are longest, buildings on the west side of Valley Street are currently largely in shadow (at ground level) at 9:00 a.m. (see Figure IV.G-1, Diagram A). At 9:00 a.m. on December 21, existing shadow is cast on Valley Street not only by existing buildings on the project site, but also by taller buildings to the east, on Broadway. The project would add new shadow to residential buildings on the west side of Valley Street near 24th Street that are not currently shaded. At noon in December, when shadows would fall almost directly north, the orientation of Valley Street (about 10 degrees east of due north) would preclude project shadow from reaching the west side of Valley Street (see Figure IV.G-2, Diagram B). At 3:00 p.m. on December 21, existing commercial buildings on the north side of 24th Street are partially shaded by existing buildings; the project would add new shadow to buildings not currently shaded (see Figure IV.G-3, Diagram B). Shadow would also extend on to the west side of Broadway along the project frontage.

Overall, new shadows cast by the project would affect existing uses to the west and north of the project site, along Valley Street and 24th Street, respectively. Existing development on the project site and across Broadway currently casts shadows on properties west (across Valley Street) of the project site, and the newly cast shadows generated by the project would be

² March and September shadows are similar in length and direction, although they are offset by one hour from one another because March is during standard time, while September is during daylight saving time.

Diagram A: June 21, 9:00 am PDT

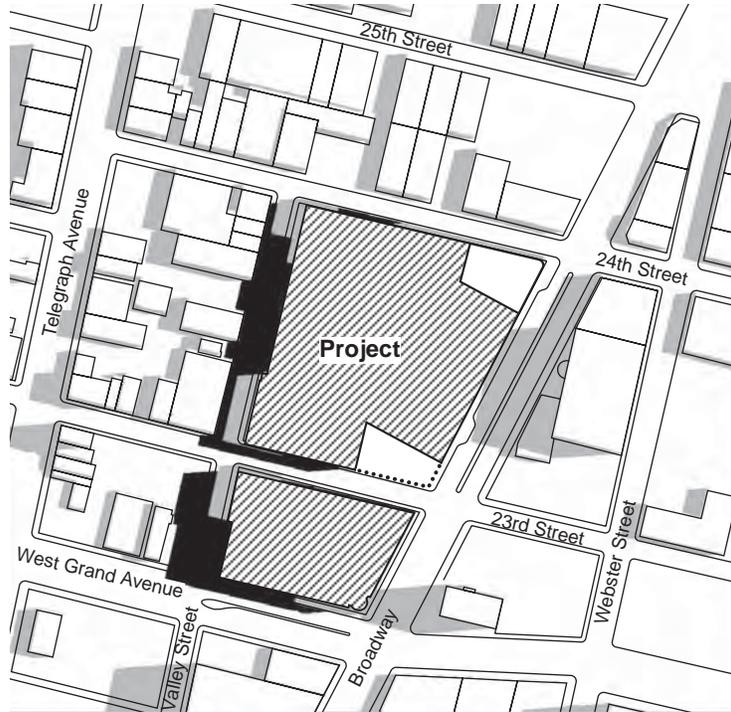
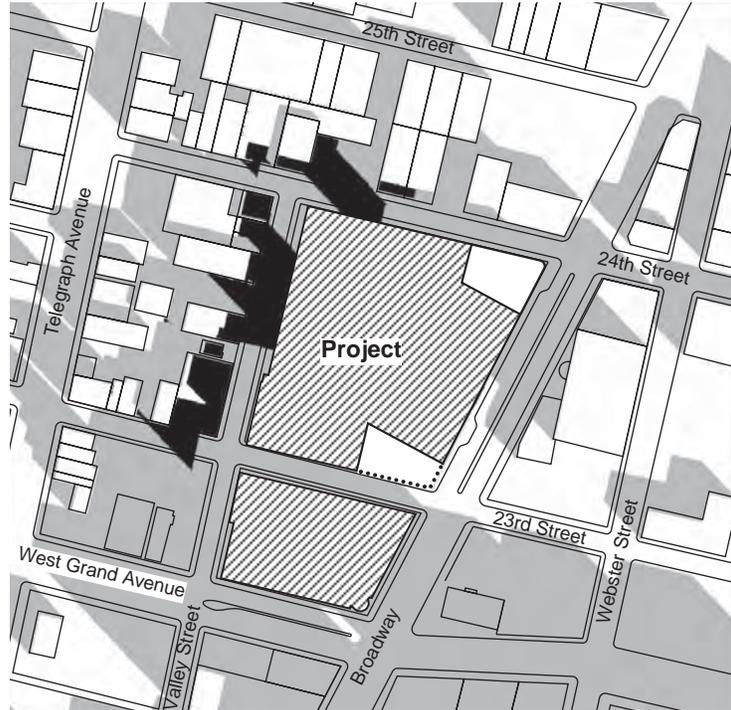


Diagram B: December 21, 9:00 am PST



0 100 200
Feet

 Project Site

 Existing Shadow

 New Project Shadow

 Maximum Potential Site

SOURCE: Environmental Vision, 2004

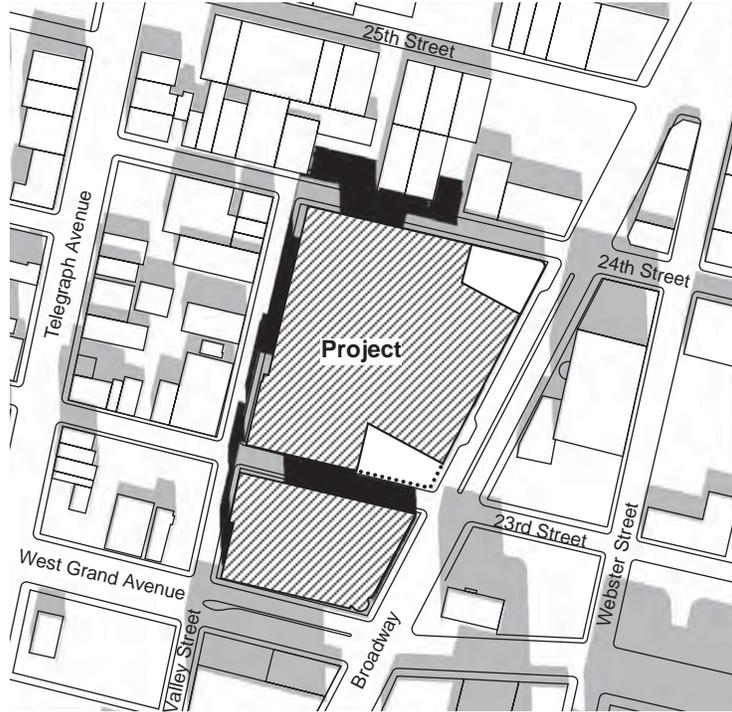
Broadway & West Grand / 203468 ■

Figure IV.G-1
June and December
Project Shadow Patterns
at 9:00 am

Diagram A: June 21, 12:00 pm PDT



Diagram B: December 21, 12:00 pm PST



0 100 200
Feet

 Project Site

 Existing Shadow

 New Project Shadow

 Maximum Potential Site

SOURCE: Environmental Vision, 2004

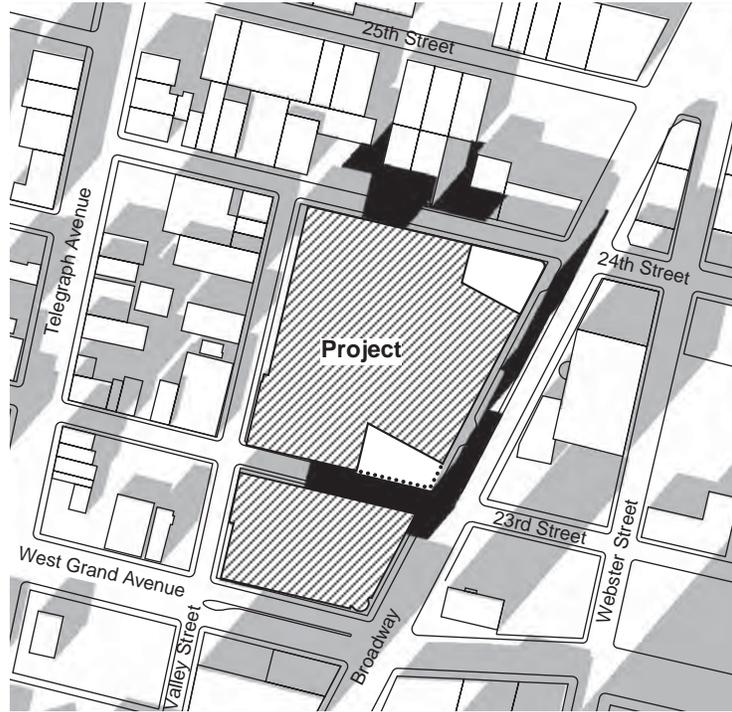
Broadway & West Grand / 203468 ■

Figure IV.G-2
June and December
Project Shadow Patterns
at 12:00 pm

Diagram A: June 21, 3:00 pm PDT



Diagram B: December 21, 3:00 pm PST



0 100 200
Feet

 Project Site

 Existing Shadow

 New Project Shadow

 Maximum Potential Site

SOURCE: Environmental Vision, 2004

Broadway & West Grand / 203468 ■

Figure IV.G-3
June and December
Project Shadow Patterns
at 3:00 pm

Diagram A: March 21, 9:00 am PST

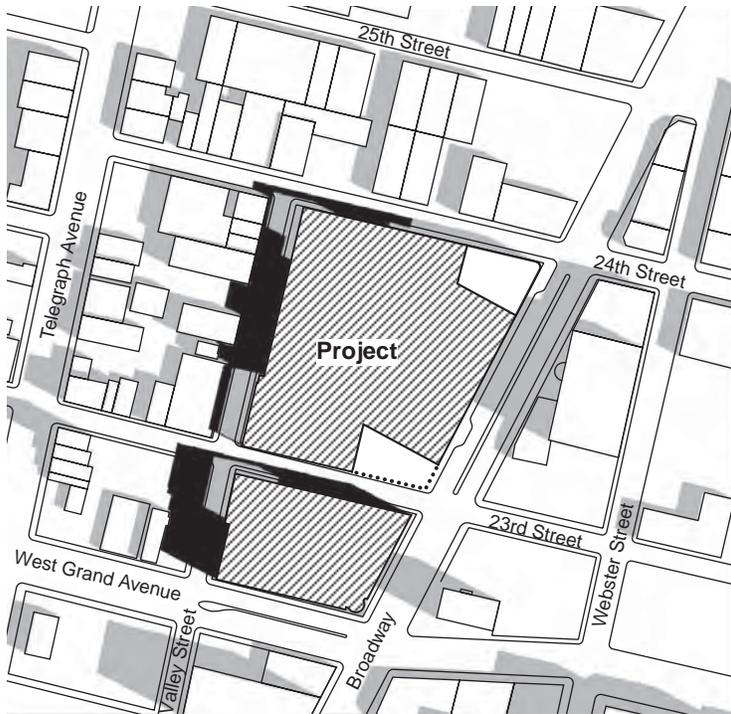
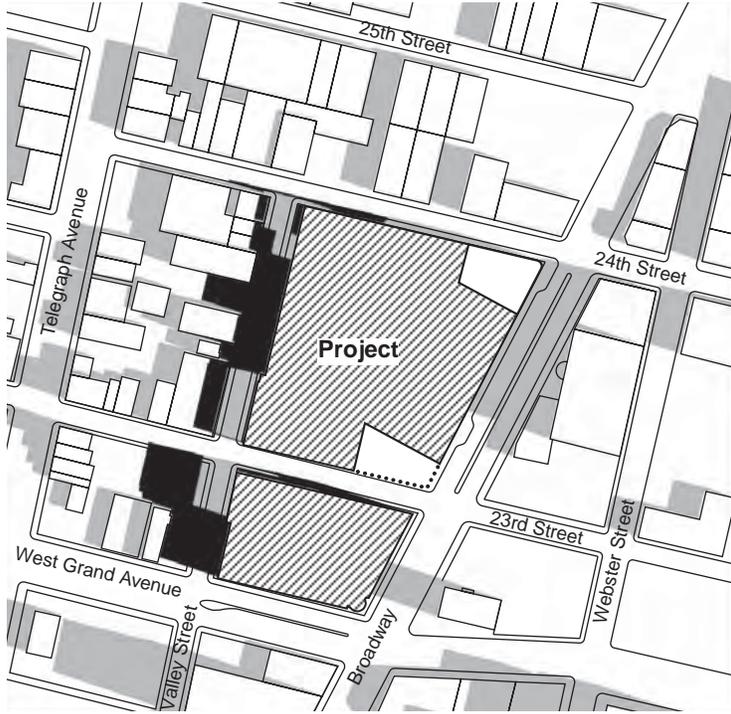


Diagram B: September 21, 9:00 am PDT



0 100 200
Feet

 Project Site

 Existing Shadow

 New Project Shadow

 Maximum Potential Site

SOURCE: Environmental Vision, 2004

Broadway & West Grand / 203468 ■

Figure IV.G-4
March and September
Project Shadow Patterns
at 9:00 am

Diagram A: March 21, 12:00 pm PST

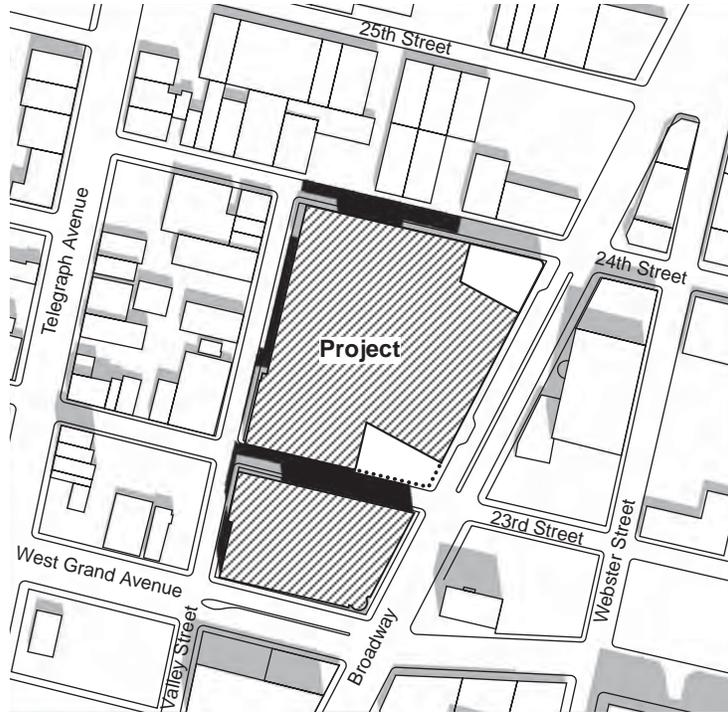
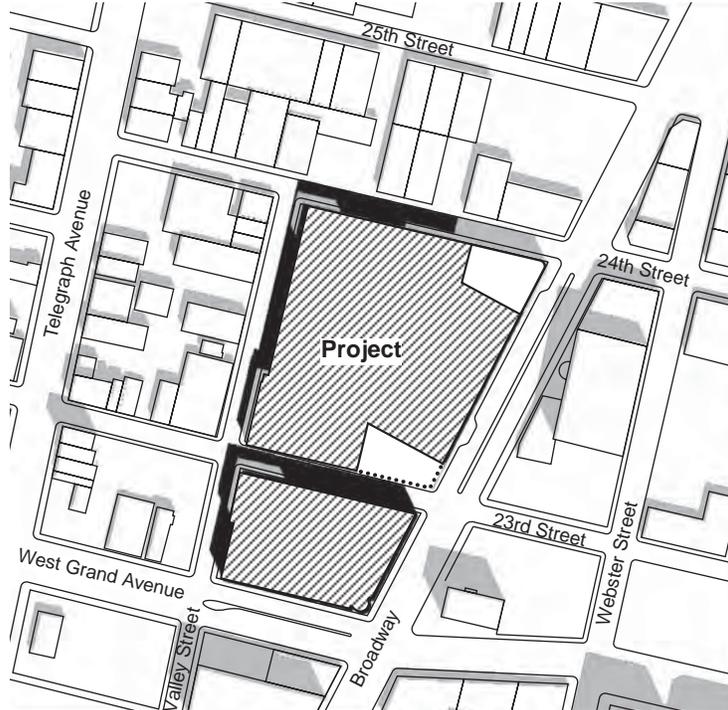


Diagram B: September 21, 12:00 pm



0 100 200
Feet

 Project Site

 Existing Shadow

 New Project Shadow

 Maximum Potential Site

SOURCE: Environmental Vision, 2004

Broadway & West Grand / 203468 ■

Figure IV.G-5
March and September
Project Shadow Patterns
at 12:00 pm

Diagram A: March 21, 3:00 pm PST

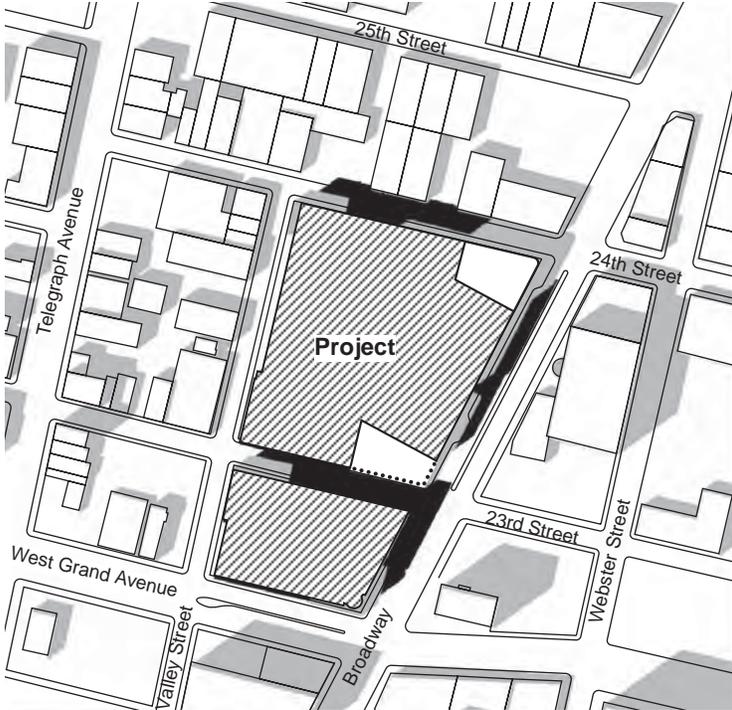
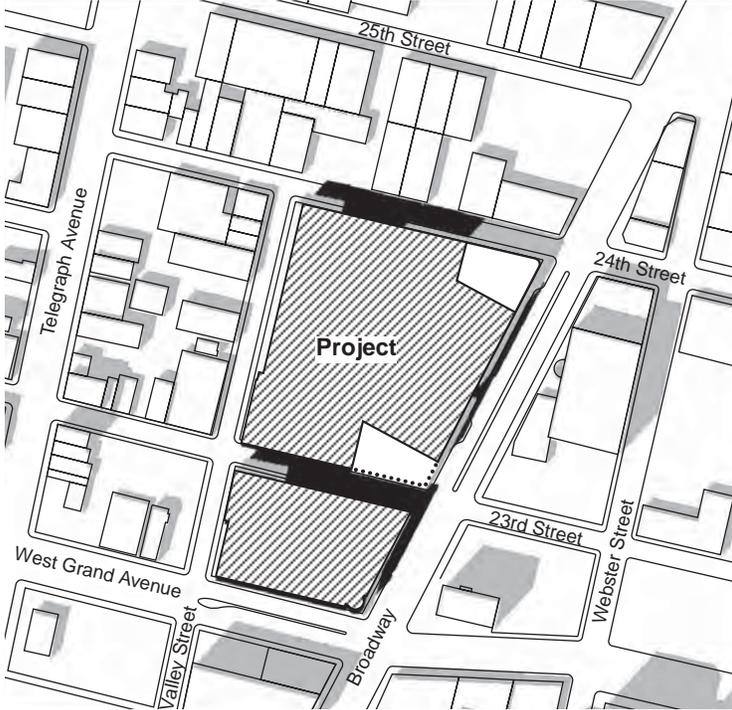


Diagram B: September 21, 3:00 pm PDT



SOURCE: Environmental Vision, 2004

Broadway & West Grand / 203468 ■

Figure IV.G-6
 March and September
 Project Shadow Patterns
 at 3:00 pm

extended during most times of the year during the morning hours (before 11:00 a.m.) only. Alternatively, new shadows cast on commercial uses to the north of the project site (across 24th Street) primarily would occur in the mid-day hours (noon to 3:00 p.m.) in the late fall and winter only (discussed further below). Therefore, the extent of new shadowing is limited to a few hours of the day during distinct times of year and would not result in a significant physical effect as defined by CEQA.

Historic Resources

The three buildings on the north side of 24th Street nearest Broadway are contributing buildings to the 25th Street Garage District, an Area of Primary Importance (API) identified by the Oakland Cultural Heritage Survey. Shadow from the proposed project would reduce the amount of sunlight reaching these three buildings, particularly in late fall and early winter, when project shadow would obscure sunlight for much of the afternoon. (The existing Saturn dealership building at the southwest corner of 24th Street and Broadway, also a contributing building in the API, currently casts shadow on the three contributing buildings across 24th Street throughout most of the day in early winter, and in the afternoon in late fall.) These shadows would somewhat lessen the visual clarity of architectural detail on the contributing buildings on the north side of 24th Street; in particular, the contributing building at 442 24th Street is characterized by an arched garage doorway that is deeply recessed with several courses of brick, similarly recessed windows flanking the garage door, glazed tiles above the windows, and an elaborate parapet. Many of these features would be somewhat muted without direct sunlight. However, the project would not shade this or other buildings throughout the entire day, nor throughout the entire year, and therefore would not significantly obscure architectural features of contributing resources in the 25th Street Garage District.

Based on scoping comments received from the operator of an auto body shop on Valley Street (outside the API), shadow could adversely affect the operations of certain commercial uses, such as auto body and paint shops. According to the commenter:

Without natural sunlight and with shadows and shade, the process of color matching has a much greater margin for error. The paint color matching process would take a longer period of time and be less precise. This will cost me increased labor, equipment and energy costs. (Scoping Letter from Henry S. Hanzel, Owner, Hanzel Auto Body Works, April 5, 2004; full letter included in Appendix A)

Although the commenter's establishment is not within the API, it is possible that similar effects could be felt by similar establishments within the API. However, as noted above, the project would not shade this or other buildings throughout the entire day, nor throughout the entire year, and therefore, while it could result in some inconvenience to business owners and operators, it would not be anticipated to result in a significant physical effect within the meaning of CEQA, in that it appears unlikely that project shadow would result in adverse physical changes, such as deterioration of the neighborhood, due to potential unknown socioeconomic effects. Arguably, it would be as speculative to conclude that socioeconomic impacts on existing businesses due to

project shadow would adversely affect the physical environment of the neighborhood as it would be to conclude the increased population fostered by the project would result in positive socioeconomic changes in the form of increased demand for certain types of businesses in the neighborhood.

Solar Energy

An apartment building at 2341 Valley Street, across Valley Street from the project site, appears to have solar collectors on its rooftop that would be affected by project shadow. The building is three and one-half stories (approximately 35 feet) in height, and the collectors are located along the northern portion of the building's flat roof. As discussed above and as depicted in each of the shadow diagrams, Figures, IV.G-1 through IV.G-6,³ the proposed project would cast the longest shadow in the direction of 2341 Valley in the early morning. However, as shown in the figures, the building at 2341 Valley Street is sufficiently tall that by 9:00 a.m., even on December 21 (the winter solstice), when shadows are longest, no shadow from the proposed project would reach the rooftop of the building or otherwise affect the solar collectors, meaning that the project would have no effect on peak midday periods of solar energy. Given the relative heights of the 2341 Valley and the proposed project, at no time depicted in Figure IV.G-1 through IV.G-6 would the roof of 2341 Valley be in shadow. No other apparent solar systems were observed in the project vicinity. Therefore, the project would not substantially impair the function of a building that may be using a solar heating system.

Open Spaces

There are no public or quasi-public parks, lawns, gardens, or other open spaces in the project vicinity that would be affected by project shadow.

Mitigation: None required.

Impact G.2: The project may require approval of a discretionary “exception” or variance by the City, but would be consistent with City polices and regulations addressing the provision of adequate light. (Less than Significant)

The proposed project may require approval of a variance, which, pursuant to Chapter 17.148 of the Oakland Planning Code, includes an assessment of whether or not the proposed project is consistent with policies and regulations regarding the provision of adequate light and ventilation. However, although it is not yet known whether or not the project will require a variance that may affect the provision of adequate light and ventilation, the proposed project does not appear inconsistent with the General Plan policies regarding the overall orientation of residential development (LUTE N3.9) and provision of useable open space (OSCAR OS4.1). The project

³ The building at 2341 Valley is the fourth building south of the corner of 24th and Valley Streets, across from the project site.

orients the townhouse-style condominium units on the ground floor toward the street, each with separate entrances, and orients the living spaces of the residential units on all floors toward the building's exterior to maximize sunlight access. Although the proposed project would cast shadow on nearby buildings, particularly during the winter and fall seasons at certain times of the day, indirect sunlight would still be available to windows of nearby buildings. Furthermore, the intensity of residential development proposed is consistent with the General Plan and the level of sunlight, noise, and privacy is consistent with that typically found and anticipated for residential living within an urban, downtown setting. Furthermore, the project proposes usable, outdoor open space that would include landscaped courtyards and picnic areas located on the roof of the parking podium on each parcel. Thus, the project is consistent with relevant policies and regulations regarding the provision of light and usable open spaces and therefore would not have a significant impact.

Mitigation: None required.

CUMULATIVE IMPACTS

Impact G.3: The project, along with other foreseeable development in the vicinity, could result in cumulative shadow impacts. (Less than Significant)

Shadows are longer in the early morning and late afternoon, particularly in late fall and early winter, when the sun is lowest on the horizon. At such times, shadow from buildings a relatively longer distance from the project site could combine with project shadow to increase the impact. For example, shadow from a residential tower proposed at 21st Street and Telegraph Avenue as part of the proposed Uptown Mixed-Use Project could reach the vicinity of the Broadway-West Grand Avenue project in mid-afternoon in late fall and early winter, creating additional shadow on 23rd and Valley Streets when the Broadway-West Grand project would cast new shadow on 23rd and 24th Streets and Broadway. However, at the times of day and year when shadows from relatively distant developments would be long enough to reach the project area, shadows from even existing low-rise buildings would also be at their longest and would already shade much of the project area, meaning any change would be relatively incidental. Additionally, shading patterns change rapidly when shadows are very long because the angle of the sun relative to the earth produces rapid shortening (in the morning) or lengthening (in the afternoon) of shadows. Therefore, extensive shading is commonplace and an accepted part of the normal pattern of light during early morning and late afternoon in late fall and early winter, especially in a built-up urban area. Therefore, cumulative shadow impacts would not interfere with any beneficial uses of parks or open space and would not be considered significant.

Mitigation: None required.

CHAPTER V

ALTERNATIVES

The California Environmental Quality Act (CEQA) requires an evaluation of the comparative effects of a range of feasible alternatives to the project that would attain the basic objectives of the project and avoid or substantially lessen one or more significant effects of the project (CEQA Guidelines Section 15126.6). The range of alternatives is governed by the “rule of reason” that requires the environmental impact report (EIR) to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]). Evaluation of a No Project Alternative and identification of an environmentally superior alternative are required. The significant effects of the alternatives may be discussed in less detail than the significant effects of the project (CEQA Guidelines Section 15126.6[d]). Significant effects of the alternatives, studied in this EIR, are addressed in the text and summarized in Table V-1. It should be noted that the alternatives’ significance levels reflect levels of significance after implementation of mitigation measures, as appropriate, and as identified for the project in Chapter IV. Mitigation requirements are also noted to lessen impacts of alternatives to less than significant levels.

This section evaluates three alternatives to the proposed project: 1) a No Project Alternative, in which the project would not be undertaken, 2) a Full Preservation Alternative, in which the seven buildings identified as historic resources pursuant to CEQA would be retained, and 3) a Partial Preservation Alternative, which would retain three existing buildings located at the northeast and southeast corners of 23rd and Valley Streets that are deemed historic resources pursuant to CEQA. These alternatives are described below, followed by a discussion of their impacts and how they would differ from those of the proposed project and each other.

ALTERNATIVE 1: NO PROJECT ALTERNATIVE

DESCRIPTION

Under the No Project Alternative, the project would not be undertaken. None of the buildings on the project site would be demolished, and there would be no new construction of residential or commercial uses on the site. Existing uses, mostly related to automobile sales and service, are presumed to remain for the foreseeable future. Because some of the buildings on the project site are vacant, those buildings could be reoccupied with new uses under this alternative. This alternative would not preclude the project sponsor or another developer from proposing another project in the future: given that the project site is relatively underutilized, compared to other large properties in greater downtown Oakland, and given the proposed Uptown Mixed-Use Project, about two blocks south of the site, the likelihood that the project site would be redeveloped at some time in the near future probably can be considered relatively strong.

It should be noted that many of the buildings on the project site are constructed of unreinforced masonry and would have to be strengthened in accordance with city ordinance, to the extent that such work has not already been undertaken, in order to be reused over a long-term period.

IMPACTS

Under this alternative, the project's significant unavoidable impacts related to demolition of historic resources would not occur, because development of the project would not move forward. The No Project Alternative would not result in significant, but mitigable, impacts resulting from increased traffic, air pollution, or noise impacts that would be generated by the proposed project, nor would the No Project Alternative result in significant, but mitigable, impacts related to potential disturbance of archaeological and paleontological resources, nor to hazardous materials exposure and/or use during construction. The site conditions would remain essentially as discussed in the setting sections of Chapter IV.

This alternative would not meet any of the project sponsor's objectives, or those of the City, relative to increasing residential opportunities in close proximity to job opportunities in the greater downtown, providing for a 24-hour population in the greater downtown, implementing of the City of Oakland's 10K Downtown Housing Initiative, provision of new housing to help meet regional housing needs and alleviate the regional jobs/housing imbalance, or improvement of the streetscape of an important gateway site to downtown.

Should another project be proposed for the project site, that project would be subject to CEQA review at the time. To the extent that a future project is similar in size and scale to the currently proposed project, effects could be similar to those described in this EIR.

ALTERNATIVE 2: FULL PRESERVATION ALTERNATIVE

DESCRIPTION

The Full Preservation Alternative would retain, rehabilitate, and reuse all seven buildings on the project site that are identified as historic resources, and would construct residential units, commercial space, and parking on the remainder of the site. No new construction would occur atop the retained structures. Most likely, the project sponsor would re-use the historic buildings for various types of commercial uses and accommodate the appropriate parking elsewhere on-site, in a reconfigured layout. According to the sponsor, some buildings are more viable conversions for retail than others, given the more visible location and construction type.

For purposes of analysis, it is assumed that this alternative would include essentially the same ground-floor commercial space as would the proposed project (40,000 square feet), but would have about 350 residential units, or 25 percent fewer than the 475 units proposed with the project. Of the 350 units, approximately 105 units (15 percent fewer than the project) would be on Parcel A and about 245 units (30 percent fewer than the project) would be on Parcel B. (The difference would be greater on Parcel B because more existing buildings would be retained

there.) It is assumed that the number of commercial parking spaces also would be the same as with the project, and that residential parking would be reduced proportionately (with a further reduction of 5 percent on Parcel A and 10 percent on Parcel B to account for the less efficient site layout). Thus, this alternative would have about 500 parking spaces in total (130 commercial and 370 residential), compared to 675 spaces with the proposed project. The residential parking ratio would be 1.05 spaces per unit, compared to 1.15 spaces per unit with the proposed project. In addition, this alternative would result in a less clear circulation pattern within the project's garages, particularly on Parcel B, in that there would be three separate areas on that parcel in which existing buildings would protrude into the layout of the garage.

The Full Preservation Alternative would construct buildings similar to those proposed with the project, except that the site plan for this alternative would include "cutouts" around the seven existing historic buildings to be preserved. The buildings that would be retained with this alternative are as follows (buildings numbered in accordance with Figure IV.E-1, p. IV.E-11):

- 1 – 441-449 23rd Street
- 2 – 439 23rd Street
- 4 – 440-448 23rd Street
- 5 – 2366-2398 Valley Street
- 9 – 2335 Broadway
- 10 – 2343 Broadway
- 11 – 2345 Broadway

Because it would develop approximately 75 percent of the residential units that would be built with the proposed project, the Preservation Alternative effectively would be a reduced-intensity alternative, as well.

IMPACTS

This alternative would avoid the significant, unmitigable impacts of the project with respect to demolition of historic resources. All seven historic buildings on the project site would be retained and rehabilitated; it is assumed that rehabilitation would be undertaken consistent with the Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards). The state CEQA Guidelines indicate that projects that are consistent with the Secretary's Standards generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)).

Other impacts of the Full Preservation Alternative would, in general, be similar to or less severe than those of the proposed project. In the case of impacts related to construction activities, such as noise and dust emissions during construction, use of or potential exposure to hazardous materials, or the potential to disturb unknown archaeological and paleontological resources, impacts of this alternative generally would be similar to those of the project because, while fewer residential units would be developed, the project site would be the same size and the duration of construction would not vary markedly.

In the case of impacts related to the intensity of development, including effects of traffic, traffic-generated air quality and noise, the Full Preservation Alternative would have lesser impacts because, with fewer residential units than the proposed project (and equal commercial use), this alternative would generate less traffic. With fewer parking spaces per residential unit, this alternative would have a residential parking shortfall of about 20 spaces. However, the demand could be met by nearby on- and off-street parking; furthermore, a parking shortfall, even if it occurred, would not normally be considered a significant impact under CEQA. This alternative would meet the zoning requirement for parking.

The Full Preservation Alternative would have similar visual effects to those of the proposed project because, while the overall mass of the development would be less substantial, this alternative still would include development of buildings of up to seven stories over the majority of the two project blocks. The visual relationships between the historic buildings and the new construction would be addressed through the City’s design review process.

Shadow impacts of this alternative would be somewhat less substantial than those of the proposed project, because the buildings, in total, would be less massive; in particular, effects on existing residential units on Valley Street would be incrementally lesser than with the project, because there would be no new construction at the location of the three historic buildings on Valley Street (at the intersections of 23rd and 24th Streets).

The Full Preservation Alternative would not result in any significant, unmitigable impacts, and thus would be considered the “environmentally superior” alternative. However, by developing one-fourth fewer residential units than the proposed project, this alternative would be less responsive to the Mayor’s and the City Council’s 10K Downtown Housing Initiative than would the project. It would not, however, be considered the alternative that would most advance the City’s housing goals for Downtown, revitalization within the redevelopment area, increased sales revenues, and opportunities for temporary (e.g., construction) or permanent employment opportunities in Oakland. Furthermore, the fewer number of units, compared to the project, could reduce the potential for the sponsor to provide a diversity of unit sizes and types by increasing the economic pressure to provide more, smaller units, compared to the proposed project.

ALTERNATIVE 3: PARTIAL PRESERVATION ALTERNATIVE

DESCRIPTION

The Partial Preservation Alternative would retain, rehabilitate, and reuse the three buildings that are identified as historic resources that are located at the east corners of the intersection of 23rd and Valley Streets. The three buildings are the following (buildings numbered in accordance with Figure IV.E-1, p. IV.E-11):

- 1 – 441-449 23rd Street
- 2 – 439 23rd Street
- 4 – 440-448 23rd Street

As with the Full Preservation Alternative, the retained historic buildings would likely be re-used for various types of commercial uses, with the parking reconfigured on the site. Residential units, commercial space, and parking would be developed on the remainder of the site. No new construction would occur atop the retained structures. For purposes of analysis, it is assumed that this alternative would include essentially the same ground-floor commercial space (40,000 square feet) as would both the proposed project and the Full Preservation Alternative (Alternative 2). However, the Partial Preservation Alternative would have approximately 425 residential units, or 10 percent fewer than the 475 units proposed with the project, and about 21 percent more than the 350 units in the Full Preservation Alternative. Of the 425 units, approximately 105 units (15 percent fewer than the project) would be on Parcel A and about 320 units (20 percent fewer than the project) would be on Parcel B. (The difference would be greater on Parcel B because the four other buildings on the project site that are identified as historic resources pursuant to CEQA, which would not be retained in this alternative, are on Parcel B.) The number of commercial parking spaces would be essentially the same as with the project and the Full Preservation Alternative, and residential parking would be reduced proportionately (with a further reduction of 5 percent on Parcel A and 10 percent on Parcel B to account for the less efficient site layout as was warranted for the Full Preservation Alternative). Thus, the Partial Preservation Alternative would have about 580 parking spaces in total (130 commercial and 450 residential), compared to 675 spaces with the proposed project and about 500 spaces in the Full Preservation Alternative. The residential parking ratio would be 1.05 spaces per unit (equal to the ratio in the Full Preservation Alternative), compared to 1.15 spaces per unit with the proposed project. As discussed for the Full Preservation Alternative, maintaining some of the existing buildings on the project site will likely result in less optimal parking garage circulation since the retained buildings would protrude into the layout of the garage. However, this effect would be less than in the Full Preservation Alternative since fewer buildings would be maintained and since the building(s) to be maintained are contiguous and located in the corner-most sections of each parcel.

The Partial Preservation Alternative would construct buildings similar to those proposed with the project, except that the site plan for this alternative would include “cutouts” around the three existing historic buildings to be preserved. Also, it would develop approximately 90 percent of the residential units that would be built with the proposed project and therefore effectively be a reduced-intensity alternative, as well (although to a lesser extent than the Full Preservation Alternative which would construct 75 percent of the residential units propose in the proposed project.)

The two buildings to be retained on Parcel A would likely be used for retail parking, in the same location as parking would be developed under the proposed project; that is, openings would be cut into rear and side walls of the buildings and their floor plates would be integrated as possible into the ground-floor parking garage. Because Building 2 (439 23rd Street) extends deeper into Parcel A than does Building 1 (441-449 23rd Street), it is likely that approximately 30 feet of Building 2 would be removed; however, this change would not be apparent to sidewalk observers. To create pedestrian interest along the sidewalk in front of the retained buildings, “shadow boxes” or similar features could be built inside the windows to allow the windows to be

used for display purposes, and to hide the cars behind. The building to be retained on Parcel B (Building 4 at 440-448 23rd Street) is located where residential units and residential parking would be developed under the proposed project. It is possible that residential units could be constructed within the existing building; should this prove infeasible, the building could be used, to the extent feasible, for parking.

IMPACTS

This alternative would minimize, but not fully avoid, the significant, unmitigable impacts of the project with respect to demolition of historic resources; adverse effects of this alternative would be less than those of the proposed project, but greater than those of the Full Preservation Alternative. An identifiable group of three historic buildings in close proximity to one another on the project site, including the two-building 23rd Street Group Area of Secondary Importance (Buildings 1 and 2), would be retained and rehabilitated; it is assumed that rehabilitation would be undertaken consistent with the Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards) and would thus be considered as mitigated to a level of less than a significant impact on the historic resource," according to the CEQA Guidelines (Section 15064.5(b)(3)).

Other impacts of the Partial Preservation Alternative would, in general, be similar to or less severe than those of the proposed project and, in several cases, somewhat more severe than those of the Full Preservation Alternative, in that the Partial Preservation Alternative would develop a quantity of housing units midway between those of the project and the Full Preservation Alternative. In the case of impacts related to construction activities, such as noise and dust emissions during construction, use of or potential exposure to hazardous materials, or the potential to disturb unknown archaeological and paleontological resources, impacts of this alternative generally would be similar to those of the project and the Full Preservation Alternative. Despite the variation in the number of residential units that would be developed, the project site would be the same size and the duration of construction would not vary markedly.

The effects of traffic, traffic-generated air quality and noise would be less, compared to the project, with the Partial Preservation Alternative, which would have fewer residential units (and equal commercial use) and would generate less traffic. With nearly 75 more units, the Partial Preservation Alternative would, however, generate more traffic than the Full Preservation Alternative. With fewer parking spaces per residential unit, this alternative would have a residential parking shortfall of about 25 spaces, compared to the 19-space surplus that would occur with the proposed project and the 20-space shortfall under the Full Preservation Alternative. However, the demand could be met by nearby on- and off-street parking; furthermore, a parking shortfall, even if it occurred, would not normally be considered a significant impact under CEQA. Like the Full Preservation Alternative, this alternative would meet the zoning requirement for parking.

Like the Full Preservation Alternative, the Partial Preservation Alternative would have similar visual effects to those of the proposed project. The overall mass of the development at the corner

of 23rd and Valley Streets would be less substantial, but this alternative still would include development of buildings of up to seven stories over the majority of the two project blocks, as would the Full Preservation Alternative.

Shadow impacts of this alternative would be somewhat less substantial than those of the proposed project, because there would be no new construction at the location of the three historic buildings on Valley Street at the intersections of 23rd Street. Conversely, shadow impacts would be somewhat greater than with the Full Preservation Alternative.

Although the Partial Preservation Alternative would retain a greater number of historic resources than the proposed project, it would still result in significant, unmitigable impacts related to the demolition of four other existing CEQA historic resources on the project site. Also, like the proposed project, it would result in a cumulative impact on historic resources when considered with other nearby projects in the vicinity that would demolish or substantially alter other historic resources. The Full Preservation Alternative is deemed the “environmentally superior” alternative because it would avoid the significant, unmitigable impacts on historic resources, however, the Partial Preservation Alternative would more fully address the Mayor’s and the City Council’s 10K Downtown Housing Initiative by developing more housing. The proposed project is most responsive to this City initiative. Also, the Partial Preservation Alternative would provide fewer units, compared to the project, and thus less opportunity to meet the city’s need for diverse housing unit types and unit sizes, particularly to attract new residential populations Downtown.

Table V-1 summarizes the impact comparison between the proposed project and the three alternatives described in this chapter.

ALTERNATIVES CONSIDERED BUT NOT FURTHER ANALYZED

The three project alternatives discussed above present a reasonable range of alternatives to the project in accordance with CEQA Guidelines (Section 15126.6(a)). Other project alternatives suggested in response to the Notice of Preparation (NOP) (response letters and NOP included in Appendix A) were considered and not analyzed further in this Draft EIR because they would not substantially lessen any significant impacts identified for the proposed project. Specifically, alternatives that propose various levels of underground parking would not alter the appearance or height of the proposed structures because, with the project, the proposed two-level parking garage would be concealed by the upper, residential building stories along the street facades. The entrance to the above-ground parking on Parcel A would be visible for approximately 20 feet along Valley Street and approximately 30 feet on 23rd Street, while the Parcel B garage driveways would be similarly visible on both 23rd and 24th Streets. However, even subsurface parking would necessitate ground-level entrances and exits.

Alternatives that shift massing from Valley Street to locations along Broadway would affect the design and in some cases (i.e., residential high-rise element) the construction type required.¹

¹ In general, building codes permit no more than four stories of “stick-frame” construction (wood or metal studs with drywall partitions) may be built atop a concrete base, and the project as proposed would be at this maximum.

While such an alternative might reduce aesthetic and shadow impacts of the project on Valley Street, no significant impacts have been identified with regard to either aesthetics or shading and, therefore, such an alternative is not required to lessen any identified significant impacts of the project.

Alternatives that would construct vertical additions atop one or more of the existing buildings were not evaluated because none of the existing buildings were designed to accommodate multi-story additions. Adding stories to one or more of the existing buildings would require construction of a completely new structural system within the existing buildings, which would essentially amount to preservation of the building facades only (which is proposed as part of the project for the two buildings on either side of 23rd Street at Valley Street), which would not be considered “preservation” of the structures and thus would not eliminate or substantially reduce the adverse effect of the project on historic architectural resources.

Retention and reuse of the existing buildings with no new construction was not evaluated; this would be essentially equivalent to the No Project Alternative, in that such reuse could be undertaken at present with no permits required other than perhaps building permits for remodeling or tenant improvements. As noted in connection with the No Project Alternative, seismic strengthening of the existing buildings would be required where this work has not already been completed.

Therefore, to increase the height along Broadway, the project would have to include concrete- or steel-frame construction above the parking podium.

**TABLE V-1
SUMMARY OF IMPACTS: PROPOSED PROJECT AND ALTERNATIVES**

<u>Description of Alternative</u>	<u>Proposed Project</u>	<u>No Project Alternative</u>	<u>Full Preservation Alternative</u>	<u>Partial Preservation Alternative</u>
Residential Units	475	0	350	425
Commercial Square Footage	40,000	0	40,000	40,000
Parking Spaces	675	0	500	580
Historic Buildings Demolished	7	0	0	4
Historic Buildings Remaining	0	7	7	3

Environmental Impact

SIGNIFICANT UNAVOIDABLE IMPACTS (WITH PROJECT)

E. Cultural Resources

E.3: The project would result in demolition or substantial alteration of seven buildings that qualify as historic resources, as defined in Section 15064.5. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway; 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street. *(For Partial Preservation Alternative: The project would result in demolition or substantial alteration of three buildings that qualify as historic resources, as defined in Section 15064.5. These buildings include: 1) 439 23rd Street, 2) 440-448 23rd Street, and 3) 441-449 23rd Street.)*

SU	N↓	LS↓	SU↓
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E.5: The proposed project, in combination with cumulative development including new construction and other alterations to historic resources in the project vicinity, could result in cumulative impacts to historic resources.

SU	N↓	N↓	SU↓
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SU – Significant, Unmitigable Impact, even with mitigation; SM – Significant Impact; less than significant with mitigation; LS – Less than Significant Impact; N – No Impact
 ↑ Impact of alternative *more* severe than that of project
 ↓ Impact of alternative *less* severe than that of project

TABLE V-1 (continued)
SUMMARY OF IMPACTS: PROPOSED PROJECT AND ALTERNATIVES

Environmental Impact	Proposed Project	No Project Alternative	Full Preservation Alternative	Partial Preservation Alternative
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (WITH PROJECT)</u>				
B. Transportation, Circulation, and Parking				
B.2: Traffic generated by the project would affect traffic levels of service at local intersections under future (2010) conditions.	SM	N↓	SM↓	SM↓
B.3: Traffic generated by the project would affect traffic levels of service at local intersections under cumulative (2025) conditions.	SM	N↓	SM↓	SM↓
B.11: Project construction would affect traffic flow and circulation, parking, and pedestrian safety.	SM	N↓	SM	SM
C. Air Quality				
C.1: Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.	SM	N↓	SM	SM
D. Noise				
D.1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity.	SM	N↓	SM	SM
E Cultural Resources				
E.1: Construction of the proposed project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries.	SM	N↓	SM	SM
E.2: The proposed project may damage or degrade unidentified paleontological remains.	SM	N↓	SM	SM

SU – Significant, Unmitigable Impact, even with mitigation; SM – Significant Impact; less than significant with mitigation; LS – Less than Significant Impact; N – No Impact

↑ Impact of alternative *more* severe than that of project

↓ Impact of alternative *less* severe than that of project

TABLE V-1 (continued)
SUMMARY OF IMPACTS: PROPOSED PROJECT AND ALTERNATIVES

Environmental Impact	Proposed Project	No Project Alternative	Full Preservation Alternative	Partial Preservation Alternative
<u>SIGNIFICANT BUT MITIGABLE IMPACTS (CONT'D.)</u>				
E.2: The proposed project may adversely affect unidentified paleontological resources at the site.	SM	N↓	SM	SM
F. Hazardous Materials				
F.1: Disturbance and release of contaminated soil or building materials during demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.	SM	N↓	SM	SM
F.2: Improper disposal of contaminated soil components from the demolition and excavation phases of the project could expose construction workers, the public, or the environment to adverse conditions.	SM	N↓	SM	SM
F.3: Hazardous materials used on-site during construction activities (i.e. solvents) could be released to the environment through improper handling or storage.	SM	N↓	SM	SM
<u>LESS THAN SIGNIFICANT IMPACTS (WITH PROJECT)</u>				
A. Aesthetics				
A.1: The proposed project would not have a substantial adverse effect on a scenic vista, nor would the project substantially damage scenic resources.	LS	N↓	LS	LS
A.2: Implementation of the proposed project would alter, but would not substantially degrade the existing visual character or quality of the site and its surroundings.	LS	N↓	LS	LS
A.3: Implementation of the proposed project would result in an increase in light and glare at the project site.	LS	N↓	LS	LS

SU – Significant, Unmitigable Impact, even with mitigation; SM – Significant Impact; less than significant with mitigation; LS – Less than Significant Impact; N – No Impact

↑ Impact of alternative *more* severe than that of project

↓ Impact of alternative *less* severe than that of project

TABLE V-1 (continued)
SUMMARY OF IMPACTS: PROPOSED PROJECT AND ALTERNATIVES

Environmental Impact	Proposed Project	No Project Alternative	Full Preservation Alternative	Partial Preservation Alternative
<u>LESS THAN SIGNIFICANT IMPACTS (CONT'D.)</u>				
A.4: The proposed project, in conjunction with cumulative development, would alter the visual character in the project vicinity.	LS	N↓	LS	LS
B. Transportation, Circulation, and Parking				
B.1: Traffic generated by the project would affect existing traffic levels of service at local intersections.	LS	N↓	LS↓	LS↓
B.4: Traffic generated by the project would affect existing traffic levels of service on freeway segments in the project area.	LS	N↓	LS↓	LS↓
B.5: Traffic generated by the project would affect traffic levels of service on freeway segments in the project area under future (2010) conditions.	LS	N↓	LS↓	LS↓
B.6: Traffic generated by the project would affect traffic levels of service on freeway segments in the project area under cumulative (2025) conditions.	LS	N↓	LS↓	LS↓
B.7: (<i>Non-CEQA Impact</i>) The proposed project would increase the demand for parking in the project area.	LS	N↓	LS↑	LS↑
B.8: (<i>Non-CEQA Impact</i>) The proposed project would contribute to the cumulative increase in parking demand in the project area.	LS	N↓	LS↑	LS↑
B.9: The project would increase ridership on public transit providers serving the area.	LS	N↓	LS↓	LS↓
B.10: Development of the proposed project would not conflict with existing pedestrian and/or bicycle facilities.	LS	N↓	LS	LS
C. Air Quality				
C.2: The project would result in an increase in ROG, NOx and PM emissions due to project-related traffic and on-site area sources.	LS	N↓	LS↓	LS↓

SU – Significant, Unmitigable Impact, even with mitigation; SM – Significant Impact; less than significant with mitigation; LS – Less than Significant Impact; N – No Impact

↑ Impact of alternative *more* severe than that of project

↓ Impact of alternative *less* severe than that of project

TABLE V-1 (continued)
SUMMARY OF IMPACTS: PROPOSED PROJECT AND ALTERNATIVES

Environmental Impact	Proposed Project	No Project Alternative	Full Preservation Alternative	Partial Preservation Alternative
<u>LESS THAN SIGNIFICANT IMPACTS (CONT'D.)</u>				
C.3: Project traffic would increase localized carbon monoxide concentrations at intersections in the project vicinity.	LS	N↓	LS↓	LS↓
C.4: Emissions generated by vehicular activity within the parking structures could result in a localized increase in carbon monoxide concentrations within the garage and adjacent areas and affect employees of the garage.	LS	N↓	LS	LS
C.5: The project, together with anticipated future cumulative development in Oakland and the Bay Area in general, would contribute to regional air pollution.	LS	N↓	LS↓	LS↓
D. Noise				
D.2: Noise from project-generated traffic and other operational noise sources such as mechanical equipment, truck loading/unloading, etc., could exceed the Oakland Noise Ordinance standards and affect nearby residential receptors.	LS	N↓	LS↓	LS↓
D.3: The project would locate noise sensitive multifamily residential uses in a noise environment characterized as “conditionally unacceptable” for such uses by the City of Oakland.	LS	N↓	LS	LS
D.4: The proposed project, together with anticipated future development in the Northgate commercial district area as well as Oakland in general, could result in long-term traffic increases that could cumulatively increase noise levels.	LS	N↓	LS↓	LS↓
<u>LESS THAN SIGNIFICANT IMPACTS (CONT.)</u>				
E. Cultural Resources				
E.4: The proposed project would construct a new mixed-use, multi-story development adjacent to historic resources including the building at 2355 Broadway and the 25th Street Garage District.	LS	N↓	LS↓	LS↓

SU – Significant, Unmitigable Impact, even with mitigation; SM – Significant Impact; less than significant with mitigation; LS – Less than Significant Impact; N – No Impact

↑ Impact of alternative *more* severe than that of project

↓ Impact of alternative *less* severe than that of project

TABLE V-1 (continued)
SUMMARY OF IMPACTS: PROPOSED PROJECT AND ALTERNATIVES

Environmental Impact	Proposed Project	No Project Alternative	Full Preservation Alternative	Partial Preservation Alternative
F. Hazardous Materials				
F.4: Project operations would generate general commercial, household, and maintenance hazardous waste.	LS	N↓	LS	LS
F.5: Development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative hazardous materials impacts.	LS	N↓	LS	LS
G. Shadow				
G.1: The project would create additional shadow on adjacent blocks to the west, north, and east, including casting shadow on contributing buildings in an Area of Primary Importance, but would not introduce landscaping conflicting with the California Public Resource Code; not cast shadow on buildings using passive solar heat, solar collectors for hot water heating, or photovoltaic solar collectors; and not cast shadow that impairs the use of any public or quasi-public park, lawn, garden, or open space.	LS	N↓	LS↓	LS↓

SU – Significant, Unmitigable Impact, even with mitigation; SM – Significant Impact; less than significant with mitigation; LS – Less than Significant Impact; N – No Impact

↑ Impact of alternative *more* severe than that of project

↓ Impact of alternative *less* severe than that of project

CHAPTER VI

IMPACT OVERVIEW

INTRODUCTION

This section summarizes the findings with respect to significant, unavoidable environmental impacts, cumulative impacts, and growth-inducing impacts of the proposed project.

A. SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

Impact E.3: The project would result in demolition or substantial alteration of seven buildings that qualify as historic resources, as defined in Section 15064.5. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway; 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street.

Impact E.5: The proposed project, in combination with cumulative development including new construction and other alterations to historic resources in the project vicinity, would result in cumulative impacts to historic resources.

B. CUMULATIVE IMPACTS

The California Environmental Quality Act (CEQA) defines cumulative impacts as two or more individual impacts which, when considered together, are substantial or which compound or increase other environmental impacts. The cumulative analysis is intended to describe the “incremental impact of the project when added to other, closely related past, present, or reasonably foreseeable future projects” that can result from “individually minor but collectively significant projects taking place over a period of time (CEQA Guidelines Section 15355). The analysis of cumulative impacts is a two-phase process that first involves the determination of whether the project, together with reasonably foreseeable projects, would result in a significant impact. If there would be a significant cumulative impact of all such projects, the EIR must determine whether the project’s incremental effect is cumulatively considerable, in which case, the project itself is deemed to have a significant cumulative effect (CEQA Guidelines Section 15130).

Cumulative impacts that could occur as a result of the project are discussed in the applicable sections of Chapter IV of this report. In summary, significant cumulative effects to which the project’s contribution would be cumulatively considerable include: cumulative effects on historic resources (Impact E.5; unavoidable), as well as traffic impacts at local intersections (Impact B.3).

C. GROWTH-INDUCING IMPACTS

The project would develop up to 475 housing units in greater downtown Oakland. Assuming 1.8 persons per unit,² the project could result in an increase in population of about 875 persons. This increase would be a small part of population growth of about 44,000 already anticipated in Oakland between 2000 and 2025, as projected in the General Plan Land Use and Transportation Element and accompanying EIR (City of Oakland, 2003). This housing and population growth would occur in an area where existing demand for housing is strong. In terms of the overall Bay Area, the project would incrementally reduce demand for housing and the growth of population in more outlying locations of the region. However, the project's 475 units would not be anticipated to have a measurable impact on housing demand.

The project's location near downtown is anticipated to attract households with a high proportion of working adults who value the site's close-in regional location with good accessibility to workplaces in Oakland, elsewhere in the inner East Bay, and San Francisco. Thus, from the regional perspective, the project would add housing in an urban, infill location, adding to the housing supply in the Oakland area, and marginally affecting the distribution of household and population growth within the region. Along with other higher-density housing development such as the nearby proposed Uptown Mixed-Use Project, the project could result in a larger total regional housing supply than would a more dispersed, lower-density pattern of regional development, assuming that there is continued development of such urban residential projects.

The project's 40,000 square feet of commercial space would not have much, if any, growth-inducing impact because it would represent a relatively small amount of retail and/or other commercial uses, and because the configuration of the space primarily would be geared towards smaller, neighborhood-serving retail shops. The size and configuration of the ground-floor commercial space, therefore, would be such that it would not be likely to accommodate major regional retailers and would most likely attract local customers. Thus, it is not expected that the project's commercial space would attract other large retail activity. The project's small-scale commercial space would generate some "multiplier" effect related to the purchase of goods and services from other businesses, but likely not such an effect that would trigger major employment or business growth in Oakland or elsewhere.

The project would intensify development at the project site, on the edge of downtown Oakland. Together with the nearby Uptown Mixed-Use Project, the proposed project would further ongoing intensification in the greater downtown. This increase in development activity and population in downtown Oakland, as well as in nearby cities and elsewhere in the region, is included in the overall growth scenario assumed for the analyses of cumulative impacts and, therefore, this EIR accounts for the induced growth that the project would generate.

Projects that are characterized as having significant impacts associated with the inducement of growth are frequently those that would remove obstacles to additional growth, such as the expansion of sewer or water facilities that would permit construction of more development in the

² Based on City of Oakland, *Uptown Mixed Use Project Draft EIR*, 2003, p. 75.

service area covered by the new facilities. Clearly, the proposed project would not remove obstacles to additional growth in this manner, as it would be undertaken in a developed urban area that currently is served by all utilities and services. Similarly, if a project would overburden existing infrastructure so as to require construction of new facilities that could result in significant impacts, then the project may be deemed to have a significant growth inducing impact. As discussed in the Initial Study (see Appendix A), the project would not require such additional public service facilities. Although the project may encourage (or induce) other development in the surrounding area, the collective impacts of any such growth have been previously considered in the EIR for the Oakland General Plan Land Use and Transportation Element and/or have been assessed in this EIR's consideration of cumulative impacts. Thus, the fact that the proposed project might induce some growth in the area is not considered a significant adverse physical impact associated with the project.

REFERENCES

City of Oakland, 2003, *Uptown Mixed Use Project Draft EIR*. Prepared by LSA Associates for the City of Oakland Community and Economic Development Agency, September 2003.

CHAPTER VII

REPORT PREPARATION

A. EIR PREPARERS

REPORT AUTHORS

City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612
Director of Development: Claudia Cappio
Planner IV: Lynn Warner

EIR CONSULTANTS

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436-14th Street – Suite 600
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Project Manager:	Crescentia Brown	
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	Asavari Devadiga	Jamie Schmidt
	Bryan Diger	Emily Silverman
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F. Clay Fry, Principal

PROJECT SPONSOR

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Mike Ghielmetti, President
Doug Park, Project Manager
Patrick Van Ness, Project Manager

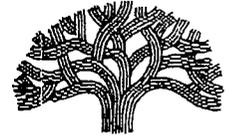
CHAPTER VIII

APPENDICES

APPENDIX A

NOTICE OF PREPARATION / INITIAL STUDY AND RESPONSES

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 3330 - OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 839-6451

NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT

The Oakland Community and Economic Development Agency, Planning Division, is preparing a Draft Environmental Impact Report (EIR) for the project identified below, and we are requesting your comments on the scope and content of the EIR. We have prepared an Initial Study (IS) that identifies areas of probable environmental effects. These probable environmental effects are summarized below. The IS is available at the Planning Division office. The City of Oakland is the Lead Agency for this project and is the public agency with the greatest responsibility for either approving it or carrying it out. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that also have a role in approving or carrying out the project. Responsible Agencies will need to use the EIR that we prepare when considering approvals related to the project. When the Draft EIR is published, it will be sent to all Responsible Agencies and to others who respond to this Notice of Preparation or who otherwise indicate that they would like to receive a copy. Please send us any response you may have by Monday, April 5, 2004 at 4:00 p.m. Your response and any questions or comments should be directed to Lynn Warner, City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3330, Oakland, CA 94612, (510) 238-6168. Please reference case number ER 030022 in your response.

PROJECT TITLE: Broadway and West Grand Mixed-Use (Residential/Commercial) Project

PROJECT LOCATION: Two blocks bounded by Broadway, West Grand Avenue, 24th and Valley Streets in downtown Oakland, California (see attached location map).

PROJECT SPONSOR: Signature Properties, Inc.

PROJECT DESCRIPTION: The entire project site is approximately 5 acres in size. The proposed project entails the phased redevelopment of the site with up to 475 for-sale residential units, 40,000 square feet of ground-floor commercial space, and 675 structured parking spaces. The site is currently occupied by a combination of auto-related, retail, commercial services, and residential uses. Up to 13 existing buildings on the entire site may be demolished, but the facades of the two buildings at the corners of 23rd/Valley Streets would be retained and incorporated into the project development. The zoning classifications for the project site include the C-40 Community Thoroughfare Commercial Zone, C-55 Central Core Commercial Zone, C-60 City Service Commercial Zone, S-4 Design Review Combining Zone, S-17 Downtown Residential Open Space Combining Zone, and S-19 Broadway Auto Row Interim Study Combining Zone. The General Plan land use designations for the site are Central Business District and Community Commercial. Construction of the proposed project may require obtaining of various zoning permits including without limitation: a Planned Unit Development, Major Conditional Use Permit, Design Review, and a Subdivision Map. The site is included on the last version of the Cortese List that was issued, but the site has since received clearance from the Regional Water Quality Control Board in 1994.

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the proposed project may result in the following potentially significant environmental impacts which will be analyzed in the EIR: aesthetic, air quality, cultural resources, hazards/hazardous materials, noise, and transportation/traffic. The following environmental effects were analyzed in the IS and determined to result in less-than-significant impacts: agricultural resources, biological resources, geology/soils, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, and utilities/service systems.

March 5, 2004
File No. ER 030022

CLAUDIA CAPPIO
Environmental Review Officer

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. **Project Title:** Broadway & Grand Mixed-Use Project
2. **Lead Agency Name and Address:** City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612
3. **Contact Person and Phone Number:** Lynn Warner, Planner IV (510) 238-6168
e-mail: lwarner@oaklandnet.com
4. **Project Location:** Generally the northwest corner of Broadway and West Grand Avenue. Parcel A – West Grand, north to 23rd Street, and Broadway, west to Valley Street. Parcel B – 23rd Street, north to 24th Street, and Broadway, west to Valley Street.
5. **Project Sponsor's Name and Address:** Signature Properties, Inc.
4670 Willow Road, Suite 200
Pleasanton, California 94588
6. **General Plan Designation:** Parcel A - Central Business District
Parcel B - Community Commercial
7. **Zoning:** Parcel A - C-55 Central Core Commercial Zone, S-4 Design Review Combining Zone, and S-17 Downtown Residential Open Space Combining Zone
Parcel B - C-40 Community Thoroughfare Commercial Zone, C-60 City Service Commercial Zone, and S-19 Broadway Auto Row Interim Study Combining Zone

8. **Description of Project:**

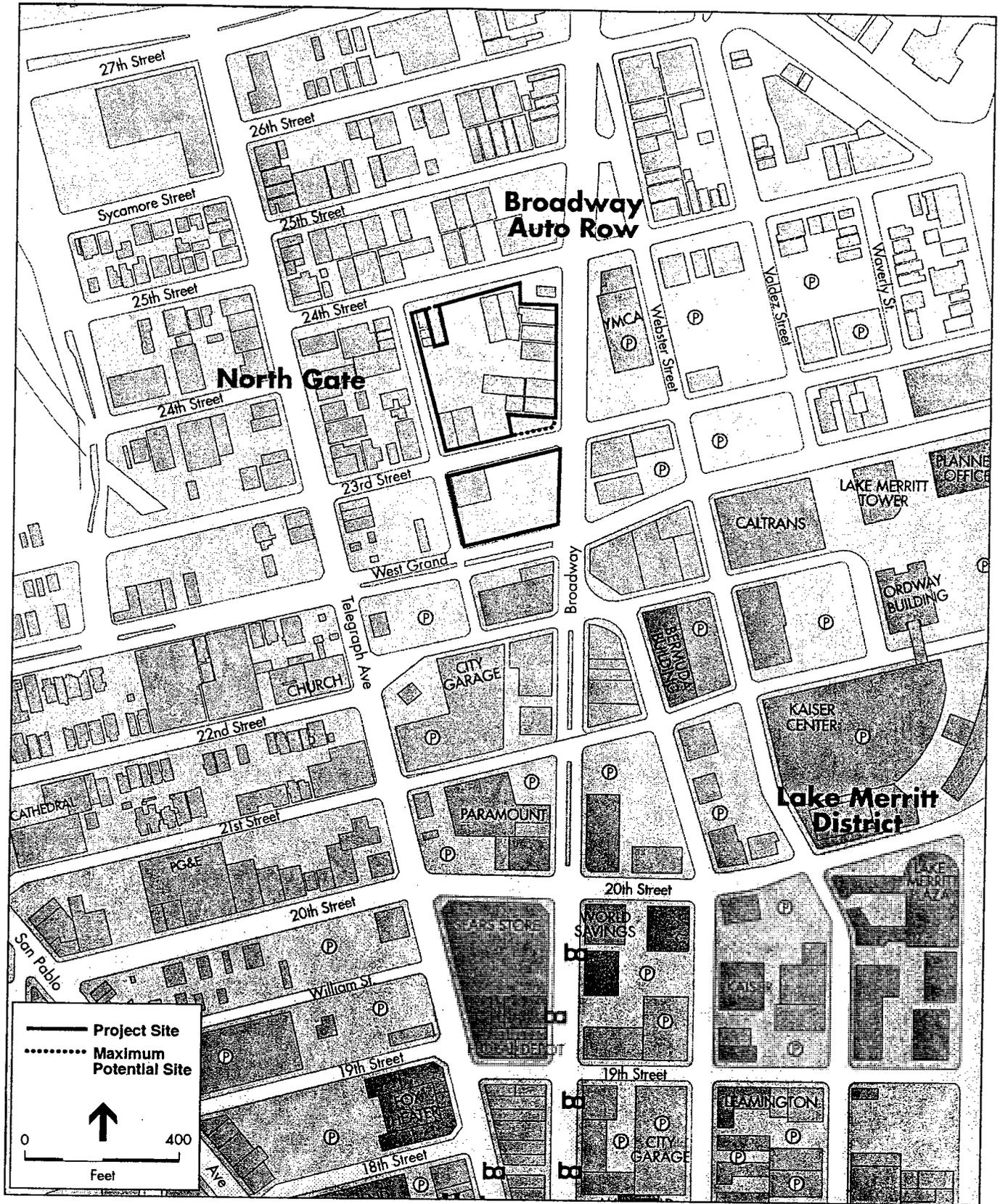
Project Site. The project site is located immediately north of downtown Oakland at the south end of the Broadway Auto Row. The project site is two square blocks, approximately five acres, bounded by 24th Street to the north, West Grand Avenue to the south, Valley Street to the west and Broadway to the east (see Figure 1). Parcel A is the smaller of the two blocks that generally comprise the project site and is located between West Grand Avenue and 23rd Street. Parcel B is located immediately to the north of Parcel A, between 23rd and 24th Streets. For purposes of this analysis, the project site includes the most of both blocks,¹ however, there are two parcels located on Parcel B that are not currently under control of the project sponsor, but may be acquired. These parcels include (a) Casa Blanca Apartments – 461-24th Street; and (b) Lucky Goldfish Pet Shop - 2301 Broadway.

Project Description: The proposed project would demolish most of the existing structures on the project site and construct a mix of residential and commercial uses. The exterior façades of the two existing structures at the corner of 23rd & Valley, one in Parcel A and one in Parcel B would remain and be incorporated into the project development. Figure 2, p. 4, shows the buildings on the project site that are proposed for demolition.

The buildings located on the out-parcels not currently under the sponsor's control (Casa Blanca Apartments and Lucky Goldfish Pet Shop) would be demolished as part of the project, if acquired by the sponsor.

The project would include up to 475 one-and two-bedroom condominium flats, and one-, two-, and three-bedroom "townhome-style" condominiums that would be two-story units with individual, ground-floor entrances from the street. The residential uses would be distributed on both project blocks. The commercial portion of the project would include up to 40,000 square feet along West Grand and Broadway, also extending over both parcels. The project would construct a three-level parking structure at the center of Parcel A and a two-level structure within Parcel B. On both sites, the residential and commercial uses would wrap around most of the parking garages. Residential open space would be provided on top of the two parking garages. The site plan is shown in Figure 3, p. 5. As indicated in the figure, the two parcels not currently under the control of the project sponsor have not been fully programmed, pending acquisition, should that occur. Therefore, these parcels are depicted simply as "existing building" in the site plan. Should one or more of these parcels be acquired by the sponsor, the project design would be revised to incorporate the parcel(s). However, the maximum development intensity would remain at 475 residential units and 40,000 square feet of commercial space, even with the addition of both "out-parcels."

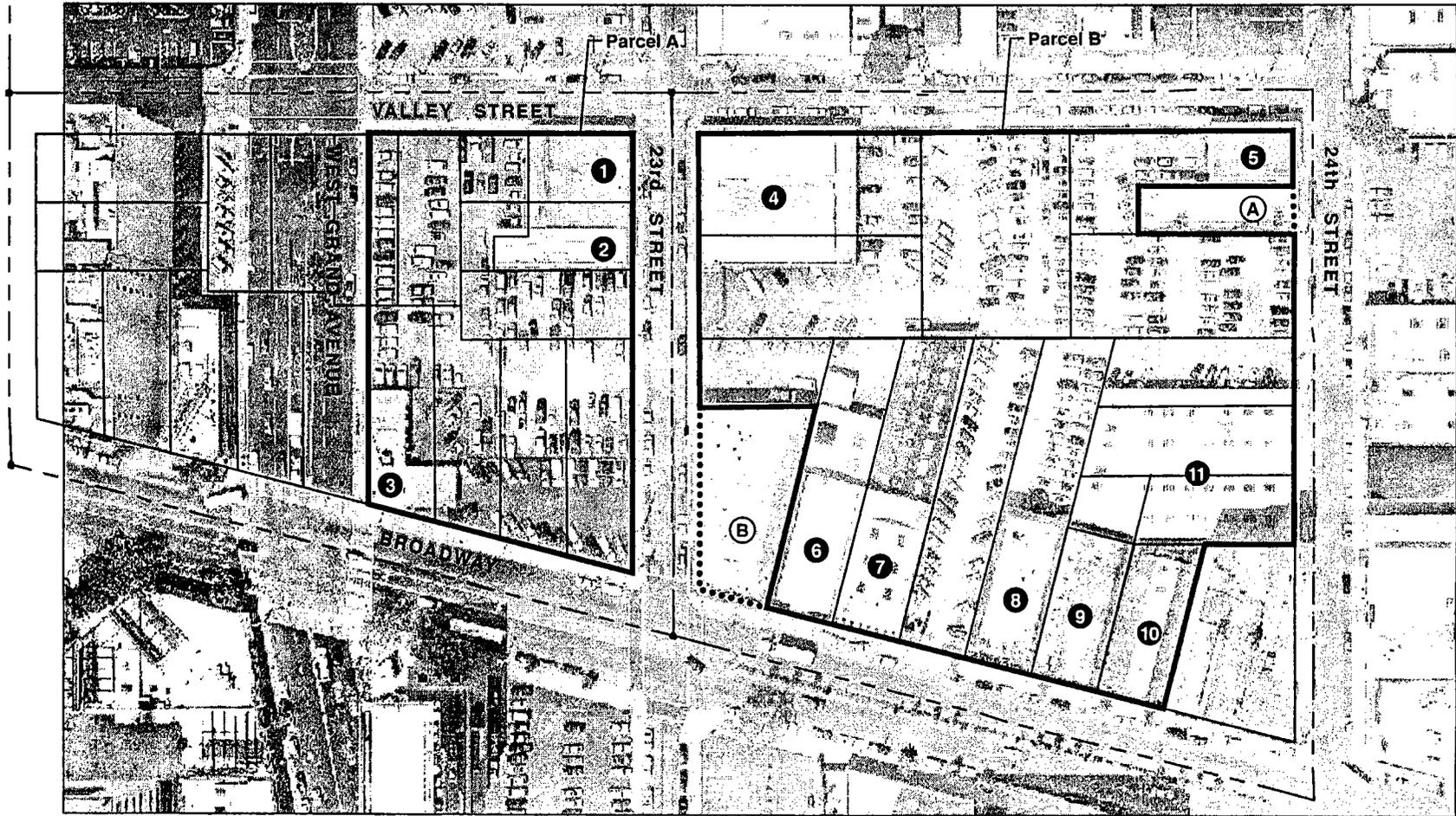
¹ One lot, at the southwest corner of Broadway and 24th Street – the location of a Saturn automobile dealership – is not included in the project site.



SOURCE: City of Oakland

Broadway & West Grand / 203468 ■

Figure 1
Project Location



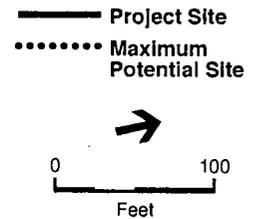
4

Buildings To Be Demolished

- | | | | | |
|---|-------------------------------------|--------------------|-----------------|-------------------|
| ① 449 23rd St.* | ⑤ 2366-98 Valley St. / 467 24th St. | ⑧ 2335-37 Broadway | } Shared Facade | Ⓐ 461 24th St.** |
| ② 439 23rd St. | ⑥ 2315 Broadway | ⑨ 2343 Broadway | | Ⓑ 2301 Broadway** |
| ③ 2251 Broadway | ⑦ 2323 Broadway | ⑩ 2345 Broadway | | |
| ④ 440-48 23rd St. / 2300-14 Valley St.* | | ⑪ 421 24th St. | | |

* Facade to be retained

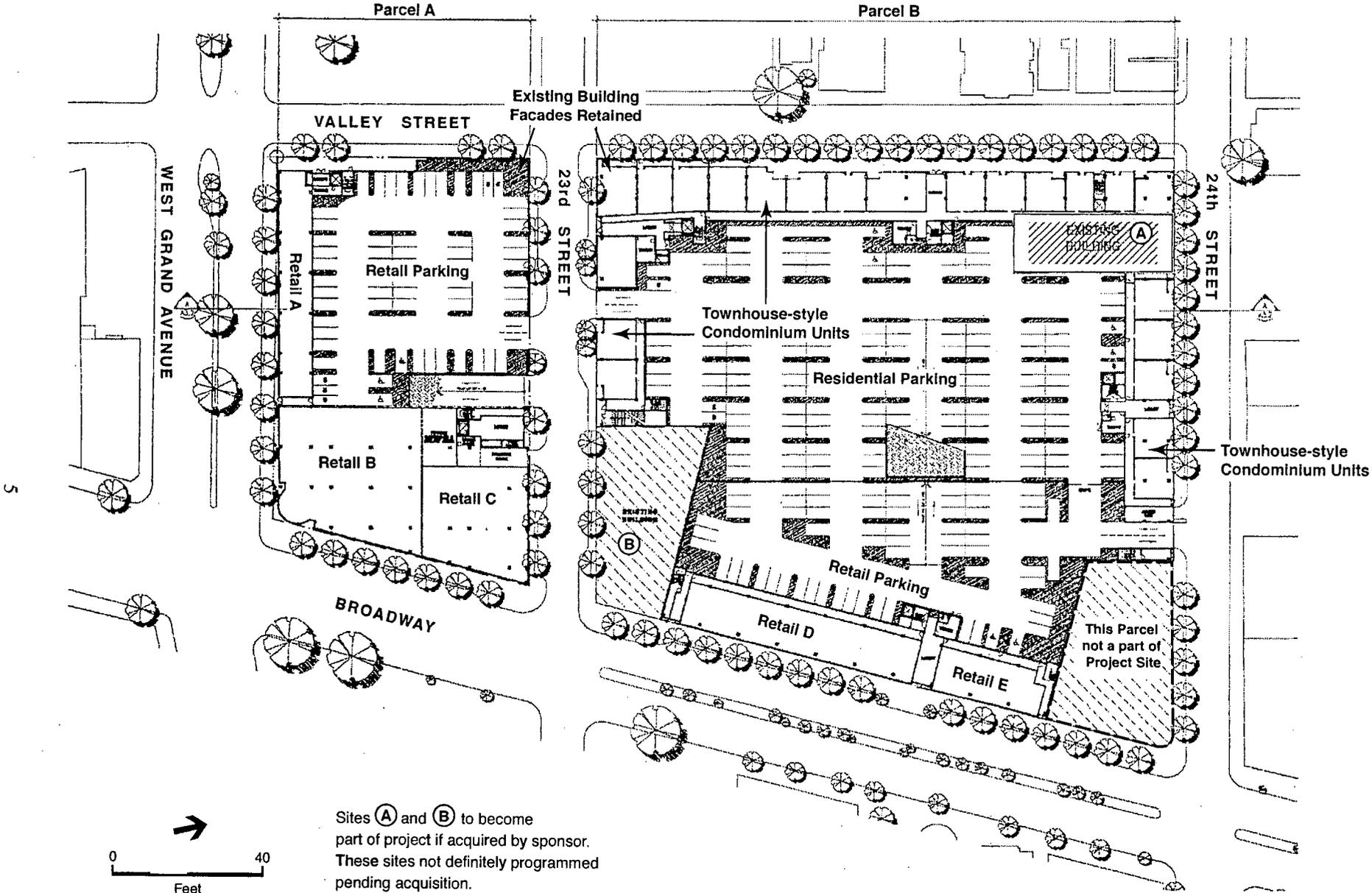
** To be demolished if acquired by sponsor



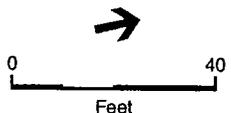
SOURCE: Brian Kangas Foulk; Signature Properties

Broadway & West Grand / 203468 ■

Figure 2
Buildings to be Demolished



Sites (A) and (B) to become part of project if acquired by sponsor. These sites not definitively programmed pending acquisition.



SOURCE: MBH Architects

Broadway & West Grand / 203468 ■

Figure 3
Site Plan

9. Surrounding Land Uses and Setting:

Existing uses on the project site include automobile-related sales and services, smaller-scale retail and commercial services, and 16 multi-family residential units on Parcel B. Uses primarily include surface vehicular storage areas associated with the Negherbon automobile businesses, the Negherbon automobile showrooms along Broadway, and repair shops on 24th and 23rd Streets. Assuming the project sponsor acquires the two out-parcels located on Parcel B, the project would replace all of the existing structures on the site.

In the immediate project vicinity, there are a number of structures, varying from one to ten stories in height. Adjacent uses include a children's day care center, multifamily residential uses, surface parking lots, and commercial uses, particularly automobile-related commercial uses. Directly across Broadway from the site is a building eight stories tall that is occupied by the Oakland YMCA and a public parking garage operation. Also located across Broadway are surface parking lots along 23rd Street and the 10-story Nara Bank at the northeast corner of Grand Avenue at Broadway. Directly across West Grand Avenue to the south are commercial uses, including the Hof-Brau restaurant and a travel office, located in a 2-story building, and a surface parking lot.

The project site is adjacent to the 25th Street Garage District, a City-designated Area of Primary Importance (API) as a historic district. The district contains 29 properties, 24 of which are identified as being contributory to the district's historic character. One of the contributory buildings is the building on the southwest corner of Broadway and 24th Street, currently in use as a Saturn automobile dealership. This building is the only building in the API that is on the northern block of the two blocks that compose the project site (the remainder of the district is north of 24th Street), and it also is the only parcel on the two blocks not included in the project site.

10. Other Public Agencies Whose Approval May Be Required: n/a

11. Actions for Which This Initial Study May Be Applied without Limitation:

- Design Review pursuant to the S-4 zone (17.80.030), the C-40 zone (17.54.030), the C-55 zone (17.62.020), and the S-19 zone;
- An Interim Conditional Use Permit pursuant to the Guidelines for General Plan Conformity (17.01.030);
- A Planned Unit Development for large scaled, phased projects (17.122.030);
- A Subdivision Map (Title 16); and
- potentially, Variance approvals pursuant to (17.148.)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages and will be further studied in an Environmental Impact Report (EIR). The environmental factors that are not checked will not be studied in the EIR.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

On the basis of this initial evaluation:

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

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required for selected environmental factors.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Lynn Warner, Planner IV

For: Claudia Cappio
Director of Development

3/4/04
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers except “No Impact” answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: The proposed project would not be located within or near a state scenic highway, therefore it would not damage scenic resources within a state scenic highway. The project EIR will analyze the impacts of the proposed project on visual quality, light, and glare, including shadow impacts.

Source:

Project Description and Plans.
Field Survey.

List of Officially Designated State Scenic Highways, Caltrans website, accessed February 11, 2004, at <http://www.dot.ca.gov/hq/LandArch/scenic/schwy1.html>.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
II. AGRICULTURAL RESOURCES -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The proposed project would be located in a built-out urban area, and there are no agricultural or farmland uses within or adjacent to the project site. Therefore, the proposed project would not affect any agricultural resources.

Source:

Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
 Oakland General Plan, Open Space, Conservation and Recreation Element, October 1995.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
III. AIR QUALITY -- Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project EIR will analyze the air quality impacts of the proposed project during construction and air quality impacts from any project-related increases in vehicle traffic.

Source:

Project Description and Plans.
 Field Survey

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The proposed project site is an in-fill site located in a developed urban area where nearly 100 years of development has replaced any former natural biotic habitats and natural vegetation. Existing uses on the project site include automobile-related sales and services, smaller-scale commercial services, and a multi-family residential structure. Most of Parcel A and about half of Parcel B currently is devoted to surface vehicular storage areas associated with the Negherbon automobile businesses. The other portion of the project site is occupied by 13 buildings, two of which are located on Parcel B and are not currently under control by the project sponsor. Given the existence of existing development, including motor vehicle traffic that has occurred for more than 90 years in the area, the site is unlikely to be a part of an established native resident or migratory wildlife corridor, and is unlikely to be located within a designated habitat area.

There are no trees on the project site, however there are four planted street trees spaced approximately 10-15 feet apart along Broadway, between 23rd Street and 24th Street. In accordance with standard city practices, any removal of “protected” trees as a result of the proposed project would be subject to the Oakland Tree Preservation Ordinance and standard city tree protection/removal permit procedures. A “protected” tree includes “on any property, *Quercus*

agrifolia (California or Coast Live Oak) measuring four inches diameter at breast height or larger, and any other tree measuring nine inches diameter at breast height or larger except *Eucalyptus* and *Pinus radiata* (Monterey Pine).” Although it is likely that the existing street trees would be removed during construction of the proposed project, the existing trees have a breast-height diameter of approximately four to five inches, and therefore are not “protected” trees subject to the Oakland Tree Preservation Ordinance. The proposed project proposes new street trees along the perimeter of the site, and such trees shall be selected and installed in accordance with the allowances prescribed by the Oakland Parks and Recreation Department, Tree Section. Therefore, the project would not pose a significant impact to biological resources.

Source:

- Oakland Municipal Code Title 12, Chapter 12.36 (Oakland Tree Ordinance).
- Oakland General Plan: Open Space, Conservation and Recreation Element, June 1996.
- Oakland General Plan: Land Use and Transportation Element, Oakland Environmental Factors Analysis Technical Report 6, October 1995.
- Oakland General Plan: Open Space, Conservation and Recreation Element, Plant and Animal Resource Technical Report 6, October 1992.
- Oakland General Plan: Open Space, Conservation and Recreation Element, Water Resources Technical Report 5, March 1993.
- Field Survey.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project EIR will analyze the potential impacts of the proposed project on historic resources on and adjacent to the project site, including the 25th Street Garage District, an Area of Primary Importance. The project EIR will also analyze the potential impacts on archaeological and paleontological resources, as well as the potential impacts on human remains on the project site.

Source:

- Project Description and Plans
- OCHS information

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
---	---	---	---------------------

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 for the area or based on other substantial evidence of a known fault? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments:

The project site is not located within a Fault-Rupture Hazard Zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act of 1972, and no known active faults have been mapped on or in the immediate vicinity.² The closest active fault is the Hayward fault, located approximately 3 miles northeast. Other notable active faults include the San Andreas fault (15 miles southwest), the Calaveras fault (14 miles east), and the Rodgers Creek fault (19 miles north). As the site is not located on an active or potentially active fault, potential for surface fault rupture is low and the impact is considered less than significant.

The San Francisco Bay Area is considered a seismically-active region. The project site is subject to ground shaking in the event of an earthquake on one of the active and potentially active faults within this region. Ground shaking can result in significant structural damage or structural failure in the absence of appropriate seismic design. Seismic shaking can also trigger ground-failures caused by liquefaction.³

The proposed project site is located within an area designated by the California Division of Mines and Geology (CDMG) Seismic Hazards Mapping Act as a "Seismic Hazard Zone" for liquefaction. The Seismic Hazards Mapping Act (SHMA) was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. In accordance with standard City practices, before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation must be conducted and appropriate measures incorporated into the project design. The CDMG Special Publication 117, adopted in 1997 by the State Mining and Geology Board in accordance with the SHMA, constitutes guidelines for evaluating seismic

² California Geological Survey (CGS), formerly the California State Department of Conservation, Division of Mines and Geology (CDMG) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*, [http://www.consrv.ca.gov], November 16, 1998, and CDMG, *Fault Rupture Hazard Zones in California Alquist Priolo Earthquake Zoning Act*, Special Publication 42, Revised 1997

³ Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

hazards other than surface faulting, and for recommending mitigation measures as required by Public resources Code Section 2695(a). In addition to all applicable City of Oakland regulations and standards to address potential geologic and soils impacts, as required prior to the issuance of grading or building permits, the following measure shall be implemented:

- The project applicant will be required to comply with the guidelines set by CDMG Special Publication 117.

An adequate seismic evaluation to assess potential seismic hazards should be conducted in connection with the geotechnical investigation, and design criteria necessary for design of structures for this seismic region should be developed. Compliance with the above identified measure would reduce the risk of injury and property damage from liquefaction and from potential liquefaction hazards; thus, these impacts would be less than significant.

The results of a geotechnical investigation (Treadwell & Rollo, 2003) conclude that the western edge of the site is located within a liquefaction hazard zone. Results of geotechnical borings indicate that potentially liquefiable sand and silty sand deposits are only present in the southwestern corner of the project site (Treadwell & Rollo, 2003). Preliminary conclusions and recommendations for foundation type and design, site preparation and grading, slab-on-grade floors, seismic design and corrosivity are presented in the geotechnical investigation report. The project structures would be designed and constructed to meet the 1997 Unified Building Code (UBC) standards which require a seismic evaluation and particular seismic design criteria to reduce ground shaking effects in structures. Although the potential for injury and damage from seismic ground shaking cannot be eliminated, adherence to the recommendations in the geotechnical investigation, the UBC and other applicable local construction codes would reduce the potential impact to a less-than-significant level.

In accordance with standard City practices, complying with the UBC standards, and incorporating a foundation design intended to minimize effects of ground shaking and seismically related ground failures such as liquefaction, the applicant shall be required to submit an engineering analysis along with detailed engineering drawings to the Oakland Building Services Division prior to excavation, grading, or construction activities on the site. This is consistent with standard City of Oakland practices to ensure that all buildings are designed and built in conformance with the seismic requirements of the City of Oakland Building Code. The project sponsor will be required to submit an engineering analysis report along with detailed engineering drawings and relevant grading or construction activities on the project site to address constraints and incorporate recommendations identified in the geotechnical investigations. In addition, the required submittals would ensure that the buildings are designed and constructed in conformance with the requirements of all applicable building code regulations, pursuant to standard City procedures. Considering that the proposed project would be constructed in conformance with the UBC and the City of Oakland Building Code, the risks of injury and structural damage from a known earthquake fault, ground shaking, or seismic-related ground failure would be reduced and the impacts would be less than significant.

Source:

California Department of Conservation, Division of Mines and Geology, Seismic Hazard Zones, Parts of the Oakland West Quadrangle, March 30, 2000
California Department of Conservation, Division of Mines and Geology, Special Publication 117: Guidelines for Evaluating and Mitigating Seismic Hazards in California, 1997
Oakland General Plan, Environmental Hazards Element, September 1974.

Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
 Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
 Treadwell & Rollo, Draft Preliminary Geotechnical Investigation, Negherbon Mixed-Use Project, Oakland, California, July 2003.
 United States Geological Survey, Professional Paper 943, Flatland Deposits of the San Francisco Bay Region, 1979

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site is relatively level and is not located on or adjacent to a hillside. In addition, the proposed project site is not located within an area designated by the California Division of Mines and Geology (CDMG) Seismic Hazards Mapping Act as a “Seismic Hazard Zone” for earthquake-induced landslides. Potential impacts associated with landslides are not significant.

Source:

California Department of Conservation, Division of Mines and Geology, Seismic Hazard Zones, Parts of the Oakland West Quadrangle, March 30, 2000

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site occupies most of two square blocks and is currently developed and completely paved. All of the existing buildings in the project site would be demolished.^{4,5} “Townhome-style” condominiums, commercial space, and parking structures would be built. Up to 4 feet of soil would be excavated to remove the artificial fill and aggregate base currently underlying portions of the property. For purposes of design, groundwater is expected to be encountered between 6 and 8 feet below ground surface. Dewatering is not expected to be required during construction activities.

In order to minimize wind or water erosion on the site during construction, the applicant shall be required in accordance with standard City practices, to submit a construction period erosion control plan to the Building Services Division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations. In addition, the following standard measures shall be implemented to avoid adverse long-term erosion impacts:

⁴ The facades of two existing structures at the corner of 23rd and Valley Streets – one on Parcel A and one on Parcel B – would be retained and incorporated into the development.
⁵ Two other buildings, the Casa Blanca Apartments and Lucky Goldfish store, are not currently controlled by the project sponsor; these buildings would be demolished only if the sponsor acquires them.

- Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and
- Final project landscaping plans shall be submitted to the Planning Director for review and approval.

Thus, the proposed project would not result in significant impacts with respect to erosion or loss of topsoil.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Landsliding (section VI.a.iv), liquefaction ground failures including lateral spreading (Section VI.a.i through iii), soil subsidence, and soil collapse have been determined to be less than significant because the project design would incorporate foundation recommendations of the project geotechnical evaluation, comply with applicable City regulations, be constructed to applicable UBC standards, adhere to, where appropriate, guidelines of the CDMG Special Publication 117, and would incorporate the proposed measure to address potential liquefaction hazards.

According to the U.S.D.A. Natural Resource Conservation Service soils classification, the soils in the project area are characterized as Urban Land-Danville complex, which have some development limitations, including expansive behavior. Soils types vary across the project site, but are primarily composed of approximately 3 to 4 feet of artificial fill overlying late Pleistocene alluvium deposits of clay and sandy clay. Depth to groundwater is approximately 6 to 8 feet below ground surface. Preliminary geotechnical investigations concluded that spread footing foundation would be feasible at the project site. The presence of expansive soils was not identified in the geotechnical investigation (Treadwell & Rollo, 2003).

In accordance with standard City practices, and in conformance with current codes and regulations, the project sponsor shall be required to submit detailed engineering drawings and materials to the Building Services Division prior to excavation, grading, or construction on the site. This measure would ensure that the building is designed and built in conformance with the requirements of the City of Oakland Building Code and the applicable provisions of the UBC. Therefore, the proposed project would not result in substantial risks to life or property due to unstable or expansive soil.

Source:

Oakland General Plan, Environmental Hazards Element, September 1974.
 Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
 Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
 Treadwell & Rollo, Draft preliminary Geotechnical Investigation, Negherbon Mixed-Use Project, Oakland, California, July 2003.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Because the project site is located in an urban area and has been previously developed, the proposed project would be able to connect to the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project would not result in any significant impacts due to soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems since neither septic tanks nor alternative wastewater disposal are found in this part of Oakland.

Source:

Site Observation.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project EIR will analyze the hazards and hazardous materials impacts of the proposed project.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The project is not located within two miles of a public airport, and there are no private airstrips in the vicinity. Therefore the project would not result in any significant safety hazards for people residing or working in the project area.

Source:

Oakland General Plan, Land Use and Transportation Element, March 1998.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Upon review of the City of Oakland’s Multi-Hazard Functional Plan, (“City Emergency Plan”), the proposed project would not significantly interfere with emergency response plans or evacuation plans. The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. Standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any city streets. Specifically, the job site supervisor is required to call the Fire Department’s dispatch center any day construction vehicles would partially or completely block a city street during the construction process. Therefore, assuming compliance with the City’s notification requirements, project construction would not significantly interfere with emergency response plans or evacuation plans, nor adversely affect the City’s response and operational procedures in the event of a large scale disaster or emergency.

Source:

Draft Multi-Hazard Functional Plan, City of Oakland, 1993.
Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The project site is within downtown Oakland and not located adjacent to wildlands. Any new structures built on the site would be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Source:

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project would not increase the amount of impervious surface, since the site is currently paved or contains existing structures. Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. Storage and use of hazardous materials at the project site during construction activities would comply with BMPs as specified in the required SWPPP, which would reduce potential impacts to groundwater quality associated with spills or leaks of hazardous materials and stormwater quality during construction to a less than significant level.

Following the completion of construction activities, the application of pesticides and herbicides related to landscape maintenance are potential sources of polluted stormwater runoff. The proposed project would not significantly increase the number of automobiles at the project site, nor the use of pesticides or herbicides. The proposed project would be required to comply with the City of Oakland and Alameda County stormwater quality protection requirements. Potential groundwater quality impacts associated with the proposed project are therefore considered less than significant.

The proposed project design does not anticipate dewatering. However, if dewatering is required, the water generated may contain petroleum contaminants resulting from past automotive repair and fueling activities and/or chlorinated volatile hydrocarbons originating from an upgradient source. Depending on discharge requirements, this water may be discharged into the City of Oakland sanitary sewer system or be temporarily stored and then transported to an appropriate disposal facility. A permanent dewatering system is not expected to be required. (Hazardous materials associated with past uses of the site will be discussed in the environmental impact report.)

Water quality requirements associated with required permits would require treatment of contaminated groundwater prior to discharge. Considering the permitting requirements for treatment and discharge of groundwater generated during temporary or ongoing dewatering, the project would not violate any water quality or waste discharge standards.

The shallow groundwater in the project area is not considered potable and is not used as a public drinking water supply. Temporary dewatering, as discussed above, may result in short-term lowering of the groundwater table. However, once the pumping ceases, the water table would be expected to recover to pre-pumping levels. Permanent shallow water table dewatering could result in long-term lowering of the water table and may slightly alter the flow gradient and direction. These changes in water table and flow direction would be considered a less-than-significant impact because they are likely to be minor and would not deplete a usable water supply nor would they hinder the extraction of potable water.

In accordance with standard City practices, the project sponsor shall be required to comply with all applicable regulatory standards and regulations pertaining to potential contaminants and to project-related grading and excavation prior to issuance of grading and building permits, consistent with standard City practices (see Section VI. Geology and Soils). Therefore, the project would not result in significant impacts on water quality or on groundwater supplies.

Source:

Lowney and Associates, Fax Transmittal, Preliminary Geotechnical Findings, Building Foundations, August 8, 2000.
Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site currently consists of several low-rise buildings and a surface parking lot. There are no known streams or rivers on the project site or in the vicinity, however Lake Merritt is located approximately 450 feet from the project site. Completion of the proposed project would not require the alteration of a stream or river course.

The site is currently developed with structures and paved parking area, therefore, the proposed project would not substantially increase surface runoff over the existing conditions. The proposed project would be connected to the City of Oakland’s stormwater drain system. Because the site is currently developed, the stormwater discharges are not expected to substantially increase due to the project and should be maintained by existing or project-related drainage improvements. Thus, the proposed project would not substantially increase or lessen the amount of runoff, and would not likely result in flooding on- or off-site.

In accordance with standard City practices, and in order to minimize any short-term (construction-related) or long-term impacts on surface water quantity (i.e. storm water) or quality, the applicant shall be required to comply with applicable standards and regulations of the City of Oakland. In addition, the following standard measures shall be implemented to avoid impacts related to stormwater or water quality:

- The applicant shall be required to pay fees to compensate the City for the cost of any system upgrades required to accommodate increased runoff from the proposed project; and
- The applicant shall be required to grade unpaved areas to control surface drainage and redirect surface water away from areas of activity during excavation and construction; and
- The applicant shall be required to comply with provisions of the Clean Water Act, if applicable, with regard to preparing a storm water discharge plan.

Considering the above discussion, the proposed project would not result in significant impacts with respect to erosion, flooding, stormwater drainage system capacity, surface water quality or quantity.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
 Oakland Community Services Analysis, Technical Report #5, October 1995.
 Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
g) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project site is located in Zone C, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map. This zone is located in neither a 100-year nor in a 500-year flood boundary and is therefore considered a zone at minimal risk for flooding hazards. The project site is not located near a levee or a dam. Therefore, the project would not result in significant impacts by exposing people or structures to risk of flooding.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
 Oakland Community Services Analysis, Technical Report #5, October 1995.
 Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
 Flood Insurance Rate Map, Federal Emergency Management Administration.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment:

The project site is not located in an area that would be subject to inundation by seiche or tsunami. The potential for mudslides to occur is low due to the developed urbanized nature of the surrounding area and the relative lack of exposed slopes. Regardless, the project sponsor would be required to comply with applicable City regulations and standards to address potential geologic and seismic impacts prior to the issuance of grading or building permits, consistent with standard City practices (also see Section VI. Geology and Soils). Therefore, the project would not result in significant impacts with respect to seismic-related flood hazards or unstable soils that result in mudflows.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
 Oakland Environmental Factors Analysis, Technical Report #6, October 1995.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
IX. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site is located among a mix of land uses and established districts that essentially converge at the intersection of Broadway and West Grand Avenue – two major thoroughfares. The project site is located at the south end of Broadway Auto Row, and the downtown central

business district is located immediately south of the project site. To the north and west is the Northgate commercial district, and to the southeast are the Lake Merritt Office commercial district and the Valdez commercial district. A mix of residential uses are located throughout the surrounding area, particularly to the northwest toward Telegraph Avenue. The project would not divide an established community.

The existing uses on the project site include automobile-related sales and services, smaller-scale retail and commercial services, and a 16-unit residential apartment building (“Casa Blanca”) located in Parcel B. Specific uses on the site primarily include surface vehicular storage areas associated with the Negherbon automobile businesses, the Negherbon automobile showrooms along Broadway, and repair shops on 24th and 23rd Streets. Parcel A currently contains a 1,161-square-foot automobile sales office, a 5,000-square foot office building, and third building that contains a 3,000-square foot auto repair shop (On-Track BMW) and an accordion shop of the same square footage. Parcel B contains 67,131 square feet of automobile business related offices (67K sf excludes the Saturn space), showrooms and repair shops, and the approximately 9,500-square-foot Lucky Goldfish Pet Shop, as well as the 16 residential units. The proposed project would replace these uses with residential and commercial activities and associated parking.

Land Use and Transportation Element. As identified in the Land Use and Transportation Element of the Oakland General Plan, which identifies policies for managing Oakland’s land uses, Parcel A of the project site is located within the “Central Business District” area. The intent of the “Central Business District” designation is “to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.” Parcel B of the project site is located within the “Community Commercial” area. The intent of the “Community Commercial” designation is “to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers.”

The following policies in the Land Use and Transportation Element of the General Plan, without limitation, apply to the proposed project:

- Facilitating the construction of housing units should be considered a high priority for the City of Oakland (Policy N3.1, Facilitating Housing Construction).
- In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland (Policy N3.2, Encouraging Infill Development).
- High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures (Policy N3.8, Requiring High Quality Design).
- 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 N3.9, Orienting Residential Development).
- Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized (Policy N3.10, Guiding the Development of Parking).

- Retail uses should be focused in “nodes” of activity, characterized by geographic clusters of concentrated commercial activity, along corridors that can be accessed through many modes of transportation (Policy I/C3.3, Clustering Activity in “Nodes”).
- The vitality of existing neighborhood mixed-use and community commercial areas should be strengthened and preserved (Policy I/C3.4, Strengthening Vitality).
- Neighborhood-serving commercial development should be promoted within one-quarter to one-half mile of established transit routes and nodes (Policy T2.3, Promoting Neighborhood Services).
- Create a pedestrian-friendly downtown (Objective D3).
- Pedestrian-friendly commercial areas should be promoted (Policy D3.1, Promoting Pedestrians).
- New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity (Policy D3.2, Incorporating Parking Facilities).
- Increase the economic vitality of downtown (Objective D4).
- Enhance the safety and perception of safety downtown at all hours (Objective D5).
- Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted (Policy D5.1, Encouraging Twenty-Four Hour Activity).
- Eliminate blight caused by underutilized properties (Objective D6).
- Downtown residents should have access to goods and services to meet their daily and long term needs within the downtown area (Policy D9.2, Meeting Daily Needs).
- Maximize housing opportunities in the downtown to create a better sense of community (Objective D10).
- Housing in the downtown should be encouraged as a vital component of a 24-hour community presence (Policy D10.1, Encouraging Housing).
- Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses (Policy D10.2, Locating Housing).
- Downtown residential areas should generally be within the Urban Density Residential and Central Business District density ranges, where not otherwise specified. The height and bulk should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas (Policy D10.3, Framework for Housing Densities).

- Housing in the downtown should be safe and attractive, of high quality design, and respect the downtown's distinct neighborhoods and its history (Policy D10.5, Designing Housing).
- Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen or create distinct districts (Policy D10.6, Creating Infill Housing).
- Foster mixed use developments to help create a diverse, lively, and vibrant downtown (Objective D11).
- Mixed use development should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures (Policy D11.1, Promoting Mixed-Use Development).
- Mixed use development should be allowed in commercial areas, where the residential component is compatible with the desired commercial function of the area (Policy D11.2, Locating Mixed-Use Development).

The project would be generally consistent with the above policies because it would provide new infill housing near the downtown and close to transit routes at densities consistent with the General Plan. The project would also include commercial uses on major commercial corridors, Broadway and West Grand Avenue. The project includes on-site parking to serve residents, their visitors and commercial uses, and on both Parcel A and Parcel B, the parking would be visually concealed behind the commercial and residential frontages. On-site open space would be provided on top of the two parking garages and would be for private use only by project residents. The proposed new construction would be designed and oriented to minimize the blocking of sunlight and views from nearby buildings.

The "Central Business District" area allows a maximum residential density of 500 units per net acre, and a maximum floor area ratio (FAR) of 20.0. The 125 units proposed on the 1.3-acre Parcel A would be consistent with the maximum allowed General Plan density and FAR. For purposes of evaluating the maximum 475 unit project that will be analyzed in the EIR, 163 units are assumed for Parcel A, which would also be within the allowable General Plan density. The total project floor area (excluding parking) would be approximately 181,000 s.f., which would be consistent with the allowable General Plan FAR.

The "Community Commercial" area allows a maximum residential density of 166.67 units per net acre, and a maximum floor area ratio (FAR) of 5.0. The 275 units proposed on the 3.8-acre Parcel B also would be within the maximum allowed General Plan density and FAR. For purposes of evaluating the maximum 475 unit project that will be analyzed in the EIR, 312 units are assumed for Parcel B, which would also be within the General Plan density. The total project floor area (excluding parking) would be approximately 415,363 s.f., which would be consistent with the allowable General Plan FAR. (See also Planned Unit Development discussion below.)

Open Space, Conservation and Recreation Element. The Open Space, Conservation and Recreation Element (OSCAR) of the Oakland General Plan addresses the management of open land, natural resources, and parks in Oakland. The following OSCAR policies are most relevant to the proposed project:

- Continue to require new multifamily development to provide usable outdoor open space for its residents (Policy OS-4.1, Provision of Useable Open Space).

- Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement (Policy OS-10.2, Minimizing Adverse Visual Impacts).
- Provide better access to attractive, sunlit open spaces for persons working or living in downtown Oakland. The development of rooftop gardens is encouraged, especially on parking garages (Policy OS-11.1, Access to Downtown Open Space).

The project would be generally consistent with the above policies because it would provide accessible and useable open space within the proposed development. The project design would be compatible with the surrounding area such that parking and loading as well as mechanical units would be screened from view from key vantage points.

The Cultural Resources analysis that will be included in the EIR will include analysis of the project with respect to consistency with policies in the Historic Preservation Element of the General Plan.

Zoning Regulations.

Parcel A. Parcel A of the project site is mapped with the C-55 Central Core Commercial Zone, the S-4 Design Review Combining Zone, and the S-17 Downtown Residential Open Space Combining Zone.

The C-55 zone is intended to “preserve and enhance a very high-intensity regional center of employment, shopping, culture, and recreation, and is appropriate to the core of the central district (Section 17.62.010). Residential, general retail sales, general food sales, convenience sales and service, general personal service, consultative and financial service, administrative, and business and communication service use, the most likely commercial uses that would be included in the project, are permitted in the C-55 zone. Residential uses in the C-55 zone are subject to the density regulations for the R-90 Downtown Apartment Residential Zone regulations (Section 17.62.140), which allow approximately one regular dwelling unit for each 150 square feet of lot area. Also, floor area ratio for projects in the C-55 zone are subject to the maximum floor area ratio allowed in the R-90 Downtown Apartment Residential Zone regulations, which is 7.00 for projects containing both residential and nonresidential facilities (Section 17.32.150). This allowance may be exceeded by ten (10) percent on any corner, which applies to the project site. There is no maximum height for residential facilities in the C-55 zone, unless, per Section 17.108.010, it abuts a boundary of any of certain other zones, which the project does not.

The S-17 zone regulations are intended to “provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the central business district (17.99.010).” The S-17 zone may be combined with the portion of any zoning district that is located within the “Central Business District” General Plan designation (Section 17.99.020). The S-17 zone requires 75 square feet of usable open space for each residential dwelling unit on the site. The required open space may provided through a combination of private usable open space, public ground-floor plazas, widened sidewalks, rooftop open space, courtyards, and off-site open space (Section 17.99.040).

The S-4 Design Review Combining Zone is intended to “create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance.” The S-4 Zone requires Design Review for all new construction or exterior alterations.

Parcel B. Parcel B of the project site is mapped with the C-40 Community Thoroughfare Commercial Zone, the C-60 City Service Commercial Zone, and the S-19 Broadway Auto Row Interim Study Combining Zone. The C-40/S-19 Zone exists primarily along the Broadway frontage of Parcel B, with the rest of Parcel B falling within the C-60 Zone classification.

The C-40 zone is intended to “create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares (Section 17.54.010). Residential, general retail sales, general food sales, convenience sales and service, and general personal service, and again, the most likely commercial uses that would be included in the project, are permitted in the C-40 zone. Residential uses in the C-40 zone are subject to the density regulations for the R-70 High Density Residential Zone, which allow approximately one regular dwelling unit for each 450 square feet of lot area (Section 17.54.130). The maximum floor area ratio for projects in the C-40 zone is 3.00 for projects containing both residential and nonresidential facilities (Section 17.54.140). Like on Parcel A, this may also be exceeded by ten (10) percent on any corner, which applies to the project site. There is no maximum height for residential facilities in the C-40 zone, unless, per Section 17.108.010, it abuts a boundary of any of certain other zones, which the project does not.

The C-60 zone is intended to “create, preserve, and enhance areas with a variety of commercial services which are essential to the economy of the city, but which are frequently incompatible with the operations of a retail shopping or office area, and is typically appropriate to centralized areas near industrial concentrations (Section 17.64.010). Residential uses and general retail uses are not permitted in the C-60 zone, however, they are consistent with the General Plan designation, “Community Commercial.” Other uses permitted in the C-60 zone include general food sales, convenience sales and service, and business and communication service. General personal services are conditionally permitted in the C-60 zone and consistent with the General Plan. Pursuant to the City’s adopted *Guidelines for Determining General Plan Conformity with the Oakland Planning Code*, projects that would include uses that are not allowed by the Zoning Regulations, but that do conform to the General Plan would require an interim conditional use permit or a rezoning to a “best fit” Zone pursuant to the Guidelines. The following best-fit zones are appropriate for the “Community Commercial” General Plan land use classification: C-36 Boulevard Service Zone, C-40 Community Thoroughfare Zone, and C-45 Community Shopping Zone. The selected “best fit” Zone would determine the applicable development standards (e.g., setback, height, etc.) per the zoning regulations.

The S-19 Broadway Auto Row Interim Study Combining Zone regulations are supplemental to any other zone to which the S-19 applies. The S-19 zone is intended to “support and enhance automobile dealership activated and small, local-serving retail, food, and personal service uses through physical improvements and development of complementary uses within the area with general frontage along Broadway and bounded between the north side of 23rd Street and the south side of 42nd/Mather Street (Section 17.97-010). The S-19 zone permits residential uses, but limits the location of such uses to upper floors when located along Broadway (Section 17.97.050). Permitted commercial uses include general food sales, general retail sales, general personal service, convenience sales and services, medical service, and consultative and financial service, all with a maximum floor area of ten thousand (10,000) square feet each.

Required building setbacks for the project will be determined through the project review process, however, any resulting potential impacts, specifically on Aesthetics (shadow impacts), will be analyzed in the EIR.

The project applicant has applied for a Planned Unit Development (PUD) given the scale and phasing of the proposed project as well as the need to coordinate and phase the public improvements (Section 17.122.030). A PUD allows for lot lines to be generally disregarded, so

the maximum amounts of certain uses and activities (floor area, parking, etc.) may be aggregated and distributed throughout the PUD area in order to serve the PUD as a whole. In addition, the minimum lot area, width, and frontage; height; and yard requirements that are usually applicable to a legal lot may be waived or modified for lots located within a PUD (Section 17.122.100.G). Therefore, requirements regarding development, open space, heights (if any), parking, and loading for each zone would be considered in a comprehensive fashion (along with policies identified in the General Plan) for the entire project during the entitlement process.

The Oakland Tree Preservation Ordinance. The Oakland Tree Preservation Ordinance is intended to protect and preserve certain trees, prevent unnecessary tree loss, minimize environmental damage from improper tree removal, enforce tree preservation regulations, and promote the appreciation and understanding of trees. The project site does not contain any trees that meet the definition of a “protected tree” (§12.36.020).

Guidelines for Determining General Plan Conformity. As a general rule, whenever there is an express conflict between the General Plan and zoning regulations, a project must conform with the General Plan (Section 17.01.030). As required by Section 17.01.060 of the Planning Code, the Oakland City Planning Commission (May 6, 1998 and as amended through July 15, 2003) adopted Guidelines for Determining General Plan Conformity to determine if a project conforms to the General Plan. Pursuant to these Guidelines, in cases where the project clearly conforms to the General Plan but is not permitted by the Zoning and/or Subdivision Regulations, the project may be allowed upon the granting of a conditional use permit.

In summary, it is anticipated that the project would require Design Review pursuant to the S-4 zone (17.80.030), the C-40 zone (17.54.030), the C-55 zone (17.62.020), and the S-19 zone; an Interim Conditional Use Permit pursuant to the Guidelines for General Plan Conformity (17.01.030); a Planned Unit Development for large scaled, phased projects (17.122.030); a Subdivision Map (Title 16); and potentially Variance approvals pursuant to (17.148.)

The project would not conflict with any plans, policies, or regulations as discussed above. The project EIR will evaluate the potential impacts of the proposed project on applicable policies and regulations of the Historic Preservation Element of the Oakland General Plan in the Cultural Resources analysis.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The proposed project site is located in an area that is not governed by any habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan affecting the area.

Source:

Oakland General Plan, Land Use and Transportation Element, March 1998.
 Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
 Oakland Planning Code, as amended through November 2003.
 Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The proposed project would be located on an urban in-fill site and would replace several existing buildings and surface parking with new construction. The project site has no known existing mineral resources. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resource. Therefore, the project would not impact any mineral resources.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XI. NOISE -- Would the project result in:				
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project EIR will analyze the noise impacts of the proposed project.

Source:

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Questions XIe-XIf:

The proposed project site is not located within two miles of a public airport, or in the vicinity of a private airstrip. The Metropolitan Oakland International Airport is located approximately eight miles south of the project site, and the San Francisco International Airport is located approximately 21 miles southwest of the project site. Therefore, the project would not expose persons residing at the project site to excessive noise levels as a result of proximity to an airport or land strip.

Source:

Oakland General Plan, Land Use and Transportation Element, March 1998.
Project Description and Plans.
Field Survey.

XII. POPULATION AND HOUSING -- Would the project:

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project would provide up to 475 one- and two-bedroom condominium flats, and one-, two-, and three-bedroom "townhome-style" condominiums. The project also proposes up to 40,000 square feet of commercial floor area. The project would result in both additional residents and workers to the area.

There is an existing 16-unit residential apartment building ("Casa Blanca Apartments") located in Parcel B that is not currently under control of the project sponsor, but may be acquired. According to Census 2000 data, the 16 units represent approximately one one-hundredth of one

percent of the citywide total of approximately 157,500 housing units. This would not constitute displacement of a substantial number of units necessitating the construction of replacement housing elsewhere.

Census data indicate that there are 21 residents at the Casa Blanca Apartments who would be displaced if the residential building was acquired by the project sponsor and became part of the proposed project. As with the 16 residential units, this would not constitute displacement of substantial numbers of people, and would not necessitate the construction of replacement housing elsewhere.

The proposed project is consistent with many policies in the General Plan Land Use and Transportation Element (LUTE). Specifically, the General Plan encourages additional in-fill urban housing opportunities in an effort to provide new housing opportunities in close proximity to the downtown and alternative transportation options.

According to the US Census, the City of Oakland's population in 2000 was approximately 400,000 persons. Based on the Association of Bay Area Government (ABAG) projections, population in Oakland is anticipated to increase by approximately 4 percent (449,500) by 2025. The amount of population increase generated from up to 475 new residential units and 40,000 square feet of new commercial space would not result in a substantial contribution to this anticipated population growth. The population increase from the project would be an incremental portion of the anticipated new growth in persons and housing, therefore, the project would not result in any significant impacts related to population and housing.

Source:

- Oakland General Plan, Land Use and Transportation Element, March 1998.
- Oakland General Plan Land Use and Transportation Element, Final Addendum to the Draft EIR, February 1998.
- US Census 2000
- Association of Bay Area of Bay Area Government (ABAG) projections, 2002 Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XIII. PUBLIC SERVICES - - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site is located in a developed urban area already served by public services. Fire protection and emergency medical response services would be provided to the project site by the Oakland Fire Services Agency. The nearest fire station, Station 15, is located approximately three blocks and one-half mile from the project site at 455-27th Street at Telegraph Avenue. Generally, Station 15 serves a geographic area bounded by 37th Street to the north, 20th Street to the south, Perkins Street to the east, and Martin Luther King Jr. Way to the west. The response time to the project site is estimated to be within seven minutes – the Citywide response goal established by the City of Oakland. In accordance with standard City practices, the proposed project would be designed in compliance with Oakland’s Building Code, and the Fire Services Agency would review the project plans at the time of building permit issuance to ensure that adequate fire and life safety measures are designed into the project and in compliance with all applicable state and city fire safety requirements. Therefore, there would not be any significant impacts on fire services.

Police protection services would be provided to the project site by the Oakland Police Services Agency, headquartered in downtown Oakland at 455 Seventh Street. The project is not anticipated to affect police response time and there will be no significant impact on police services.

The Oakland Unified School District (OUSD) operates public schools within the vicinity of the project site. The project site lies within the boundaries serviced by Lakeview Elementary School located to the east on Grand Avenue. The project site also lies within the boundaries of Westlake Middle/Junior High School and Oakland Technical High School located nearby on Harrison Street and Broadway and 42nd Street, respectively. The project would result in up to 267 two-bedroom units and 9 three-bedroom units, therefore, there would likely be an increase in families with children. However, any impact would be minimal and result in less-than-significant impacts with respect to schools. In addition, prior to issuance of building permits, the project sponsor would be required to pay school impact fees of \$2.14 per square foot for residential space and \$0.34 per square foot for commercial space to offset any impacts to school facilities from the proposed project. The project would not interfere with the operations of existing schools.

The project site is located in an urban area immediately north of downtown Oakland that is served by a number of existing parks in the area, including the largest and most widely appreciated urban park, Lake Merritt and Lakeside Park, located a few blocks to southeast of the project site on the south side of Grand Avenue. In addition, the proposed project includes open space on Parcel A which is a 9,500 square-foot courtyard that would be accessible to all residents from three access points. On Parcel B, there is nearly 39,500 square feet of open space that provides amenities for residents, including a fitness center, Jacuzzi, picnic areas and other landscape features. Therefore, there would not be significant impacts on park facilities.

Lastly, the Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services. Thus, the proposed project is not anticipated to result in significant impacts on public services.

Source:

Oakland Building Services, email correspondence, Tim Low, Civil Engineer, November 21, 2003.

Oakland Fire Services Agency, correspondence from Annette Fontaine, Dispatch Manager, dated 11/26/03.

Oakland Police Services Agency.

Oakland General Plan Land Use and Transportation Element, Final Addendum to the Draft EIR, February 1998.

Oakland Community Services Analysis, Technical Report #5, October 1995.

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XIV. RECREATION - - Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

On Parcel A, the proposed project would provide a 9,500 square-foot open space courtyard constructed on top of the parking garages and accessible to all residents from three access points. On Parcel B, there is nearly 39,500 square feet of open space which provides amenities for residents, including a fitness center, Jacuzzi, picnic areas and other landscape features. In addition, the project is located in a developed urban area that is already served by existing parkland around Lake Merritt which includes Children’s Fairyland, a boat house, a bird sanctuary and other recreational facilities. Therefore, the proposed project is not anticipated to result in significant impacts related to recreation. See also comments provided above in Section XIII., Public Services.

Source:

City of Oakland, Life Enrichment Agency, Parks and Recreation Division.
 General Plan: Open Space, Conservation, and Recreation Element, June 1996.
 Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XV. TRANSPORTATION/TRAFFIC - - 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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project EIR will address the project’s potential transportation impacts, including circulation and parking impacts.

Source:

Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments:

The proposed project site is located in an urban area already served by utilities and service systems. The Community Services Analysis prepared for the Land Use and Transportation Element (LUTE) of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to exceed the capacity of existing utilities and service systems.

With regard to wastewater treatment, Public Works Agency, Design and Construction, concurs that the square footage of the proposed project is within the anticipated growth allowances for the relevant sub-basin 52-10. If sufficient distribution capacity in existing water, wastewater, and storm water drainage facilities is not available to serve the proposed project, the project sponsor would be required to provide any infrastructure improvements and pay required installation and hookup fees to the affected service providers to ensure provision of adequate service, prior to service connection. Although the existing water demand and wastewater generation of the project site is minimal since the site is primarily surface parking and storage, it is not anticipated that the project sponsor would be required to pay for relief sanitary sewers in the basin or be required to upgrade any of the existing sewer lines from the project site to the interceptor. The project does not exceed the threshold for requiring a water supply assessment from the East Bay Municipal Utilities District (EBMUD) per State Senate Bill 610. At a maximum of 475 dwelling units, the project would construct fewer than the 500-unit threshold in Section 10912 of the State Water Code (added by SB 610). Furthermore, assuming an average of 2 persons per residential unit and the commercial water demand rate of 0.12 gallons per day per square foot from the General Plan Land Use and Transportation Element EIR, the water usage for the proposed 40,000 square feet of commercial use would not exceed that for 25 residential dwelling units (the difference between the 475 proposed and the 500 threshold). Therefore, the project would not exceed the threshold in Water Code Sec. 10912(a)(7). (The net increase in water use would be decreased if one or more of the two “out-parcels” not currently in the sponsor’s control are acquired and made a part of the project site.) Further, the proposed project would not result in significant impacts related to the utilization of water supplies, wastewater treatment facilities, or storm water drainage facilities.

Assembly Bill 939 requires that all cities divert 50 percent of their solid waste from landfills by December 31, 2000. The current waste diversion rate in the City of Oakland is 51 percent as of January 2003. However, the project sponsor still shall be required to comply with the City’s construction and demolition debris recycling ordinance, which requires submittal of a plan to divert at least 50 percent of the construction waste generated by the project from landfill disposal. Compliance with this ordinance would result in less-than-significant short-term impacts on solid waste. In addition, the following standard measure shall be implemented as a condition of project approval to avoid adverse long-term solid waste disposal impacts:

- The project sponsor shall submit a plan which demonstrates a good faith effort to divert at least 50 percent of the solid waste generated by operation of the project from landfill disposal.

The above measure would reduce the potential long-term impacts of the proposed project on solid waste disposal to a less-than-significant level.

Source:

Oakland General Plan Land Use and Transportation Element, Final Addendum to the Draft EIR, February 1998.
 Oakland Community Services Analysis, Technical Report #5, October 1995.
 City of Oakland, Public Works Agency, Environmental Services Division.
 City of Oakland, Public Works Agency, Design and Construction Division.
 California State Water Code

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
--	---------------------------------------	---	-------------------------------------	------------------

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?

Comment:

As explained above, the proposed project would not affect natural habitat or fish or wildlife populations, threaten or otherwise restrict plant or animal communities or species. The project EIR will analyze impacts related to cultural resources.

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.)

Comment:

Potential cumulative impacts of the proposed project with respect to air quality, transportation, and noise will be analyzed in the project EIR.

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

Comments:

The project EIR will analyze the hazards and hazardous materials impacts of the proposed project.

RESPONSES TO NOTICE OF PREPARATION / INITIAL STUDY



Department of Toxic Substances Control

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

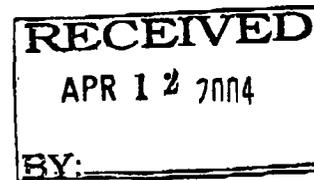


Arnold Schwarzenegger
Governor



Terry Tamminen
Agency Secretary
Cal/EPA

April 7, 2004



Ms. Claudia Cappio
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, California 94612-2032

Dear Ms. Cappio:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Broadway and West Grand Mixed-Use Project prepared by the City of Oakland (SCH#2004032052). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation of hazardous substances releases which may be necessary.

The proposed project consists of constructing up to 475 residential units, 40,000 square feet of commercial space, and 675 structured parking spaces. The project site is currently occupied by a combination of auto-related, retail, commercial services and residential uses. An Initial Study has been prepared, but was not included with the NOP. Therefore, DTSC cannot comment on specifics in the Initial Study. However, we can provide you with general comments based on the project description included in the NOP. The Draft EIR should have a detailed description of all historical uses of the property to be redeveloped. If there have been historical uses that involved the use of chemicals, DTSC strongly recommends that soil and groundwater sampling be conducted in conjunction with the preparation of the Draft EIR to determine if a release of hazardous substances has occurred. If sampling indicates that the site soil or groundwater has been impacted by volatile organic compounds, the potential risk to future site occupants from vapor intrusion into buildings that are to be constructed on the site needs to be evaluated. If sampling indicates that remediation is required, impacts associated with remediation should be addressed in the EIR.

If the remediation activities include the need for soil excavation, the EIR should include: (1) an assessment of potential air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may

Ms. Claudia Cappio
April 7, 2004
Page Two

be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the Site during implementation of cleanup activities.

The NOP indicates that the site was on the Cortese List, but received clearance from the San Francisco Regional Water Quality Control Board (SFRWQCB) in 1994. The Draft EIR should also discuss any site assessment and remediation conducted at the site that led to clearance from SFRWQCB. If applicable, the Draft EIR should discuss the levels of any contaminants that were found and the cleanup criteria that were used for the remediation.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Patrick Lee at (510) 540-3847 if you have any questions. Thank you in advance for your cooperation in this matter.

Sincerely,

Mark E. Piro

Mark E. Piro
Unit Chief
Northern California - Coastal Cleanup
Operations Branch

Enclosures

cc: without enclosures

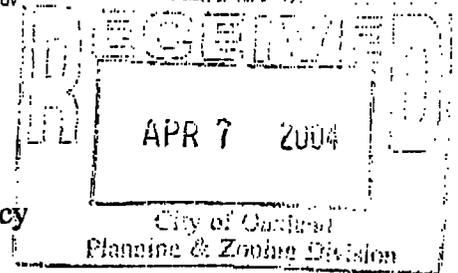
Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806



ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2660 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov



April 2, 2004

Ms. Lynn Warner
City of Oakland Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

SUBJECT: Comments on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the Broadway and West Grand Mixed-Use Project in the City of Oakland (Case # ER 030022)

Dear Ms. Warner:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) for the Broadway and West Grand Mixed-Use Project. The project site, approximately 5 acres in size, is bounded by Broadway, West Grand Avenue, 24th and Valley Streets in Downtown Oakland. The proposed project entails the phased redevelopment of the site with up to 475 for-sale residential units, 40,000 square feet of ground floor commercial space, and 675 structured parking spaces. Up to 13 existing buildings on the entire site may be demolished except for the facades of the two buildings at the corners of 23rd/Valley Street, which would be retained and incorporated into the project development. The General Plan land use designations for the site are Central Business District and Community Commercial. Construction of the proposed project may require obtainment of various zoning permits including without limitation: a Planned Unit Development, Major Conditional Use Permit, Design Review, and a Sub Division Map.

The ACCMA respectfully submits the following comments:

- The City of Oakland adopted Resolution No. 69475 on November 19, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). Based on our review of the NOP, the proposed project appears to generate at least 100 p.m. peak hour trips over existing conditions. If this is the case, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2010 and 2025 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
 - The CMA Board amended the CMP on March 26th, 1998 so that local jurisdictions are now responsible for conducting the model runs themselves or through a consultant. The City of Alameda has a signed Countywide Model Agreement with the ACCMA dated January 27, 1999. The Countywide model, updated recently incorporating ABAG's

Ms. Lynn Warner

April 2, 2004

Page 2

revisions to the employment data for Projections 2002, is available to the local jurisdictions for this purpose. However, before the model can be released to you or your consultant, a letter must be submitted to the ACCMA requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.

- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2003 CMP Figures E-2 and E-3 and Figure 2). The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include I-880, I-980, SR 24, I-580, Broadway, Brush Street, Castro Street, Grand Avenue, Martin Luther King Jr. Way, San Pablo Avenue, and Telegraph Avenue as well as BART and AC Transit. Potential impacts of the project must be addressed for 2010 and 2025 conditions.
 - Please note that the ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2003 CMP for more information).
 - In addition, the adopted 2003 CMP requires using 1985 Highway Capacity Manual for freeway capacity standards.
- The CMA requests that there be a discussion on the proposed funding sources of the transportation mitigation measures identified in the environmental documentation. The CMP establishes a Capital Improvement Program (See 2003 CMP, Chapter 7) that assigns priorities for funding roadway and transit projects throughout Alameda County. The improvements called for in the DEIR should be consistent with the CMP CIP. Given the limited resources at the state and federal levels, it would be speculative to assume funding of an improvement unless it is consistent with the project funding priorities established in the Capital Improvement Program (CIP) of the CMP, the federal Transportation Improvement Program (TIP), or the adopted Regional Transportation Plan (RTP). Therefore, we are requesting that the environmental documentation include a financial program for all roadway and transit improvements.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993 the CMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
 - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
 - Project mitigation measures must be fully funded to be considered adequate;
 - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

It would be helpful to indicate in the DEIR the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and

Ms. Lynn Warner
April 2, 2004
Page 3

what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2003 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed above.
- The DEIR should consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2003 CMP, Chapter 5). The DEIR could consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ~~ridesharing, flextime,~~ transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. Street layout and design strategies would foster pedestrian and bicycle connections and transit-friendly site design should also be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The Alameda Countywide Bicycle Plan was approved by the ACCMA Board on June 28, 2001. The DEIR should consider opportunities to promote countywide bicycle routes identified in the Plan through the project development review process.
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510/836-2560 ext. 24 if you require additional information.

Sincerely,



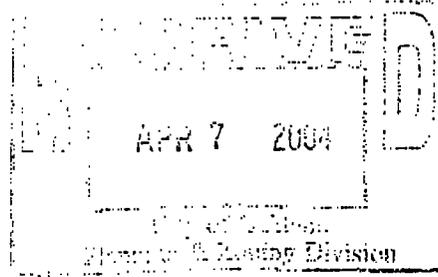
Saravana Suthanthira
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2004



April 5, 2004

Lynn Warner
 City of Oakland
 Community and Economic Development Agency
 250 Frank H. Ogawa Plaza, Suite 3330
 Oakland, CA 94612



Dear Ms. Warner:

Re: Notice of Preparation of a Draft Environmental Impact Report and Initial Study –
 Broadway and West Grand Mixed-Use Project, Oakland.

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to review the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Broadway and West Grand Mixed-Use Project in Oakland. As a responsible agency, EBMUD would like to ensure that the EIR would be of sufficient detail and quality to evaluate how development and changes in land use within the project area could impact EBMUD's interests as detailed in the following paragraphs.

WATER SERVICE

On page 34, paragraph 2, under XVI. Utilities and Service Systems, it states "the project does not exceed the threshold for requiring a Water Supply Assessment (WSA) from EBMUD per Senate Bill 610." Based on the information provided in the Initial Study, EBMUD concurs that a WSA is not required for this project.

EBMUD's Central Pressure Zone, with a service elevation range of 0 to 100 feet, will serve the proposed project site that includes up to 475 condominium-housing units and 40,000 square feet of commercial space in Oakland's Auto Row. Main extensions and/or off-site pipeline improvements/replacements, at the project sponsor's expense, may be required to serve the proposed project depending on EBMUD metering requirements and the fire flow and hydrant requirements set by the local fire department. When development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of new and replacement pipelines, hydrants, and services require substantial lead-time, which should be provided for in the project development schedule.

EBMUD's Standard Site Assessment Report, and the project's Initial Study, indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping in

Lynn Warner
April 5, 2004
Page 2

contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater. EBMUD will not design piping until soil and groundwater quality data and remediation plans have been received and reviewed, and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the applicant is insufficient, EBMUD may require the project to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation or EBMUD may perform such sampling and analysis at the project's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

The proposed project presents an opportunity to incorporate many water conservation measures. EBMUD would request that the City of Oakland (City) include in its conditions of approval a requirement that the project sponsor comply with the Landscape Water Conservation Section of the Municipal Code of the City, Article 10, Chapter 7. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the project area. A key objective of this meeting will be to explore timely opportunities to expand conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

WASTEWATER PLANNING

On page 34, the Initial Study states, "With regard to wastewater treatment, Public Works Agency, Design and Construction, concurs that the square footage of the proposed project is within the anticipated growth allowances for the relevant sub-basin 52-10," but it does not mention the City of Oakland's Infiltration/Inflow (I/I) Correction Program.

The City of Oakland's I/I Correction Program set a maximum allowable peak wastewater flow from each subbasin within the City and the District agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. The District prohibits discharge of wastewater flows above the allocated peak flows for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit.

Lynn Warner
April 5, 2004
Page 3

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

A handwritten signature in black ink, appearing to read 'W.R. Kirkpatrick', with a long horizontal stroke extending to the right.

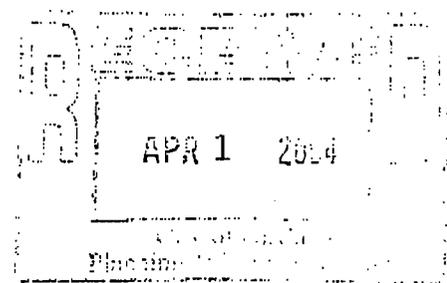
WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:JBH:sb
sb04_086.doc

LOMIL PROPERTIES



P. O. Box 899, Orinda, California 94563
Phone (510) 465-2463 ♦ Fax (925) 254-3676



March 16, 2004

Lynn Wagner
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza
Oakland, Ca. 94612

Re: Notice of Preparation of Draft Environmental Impact Report; Broadway and West Grand Mixed-Use (Residential/Commercial) Project. Signature Properties, Inc.

As the owner/managers of five rental properties on 24th and 25th streets just west of Broadway, adjoining the subject project boundaries we take this opportunity to bring to your attention the automotive parking problems that exist now in this area that will only become more severe if and when this project reaches the construction stage.

At present the on-street parking limits are two hours. All the auto-related business rely on the street, to some degree or another, for their customers use. On 25th Street, between Telegraph Ave. and Broadway, all the parking limit signs have been removed; thus those who have removed these signs are free to park their vehicles on the street for most of the day without incurring the attention of the meter-readers. This problem will only worsen when the construction phase of the above project commences. As it stands now anyone with a screw driver or a ratchet wrench can remove the restrictive signs and park all day unmolested. Without the signs the meter-readers will not ticket those parking their autos on the street for 10 or 12 hours at a time. In the past some of these vehicles display no current registration and are without wheels and/or engines.

Any respite the City can provide those of us who are trying to conduct our business in this area would be greatly appreciated We have brought this problem to the attention of numerous city departments over the past two years with no satisfactory result.

Respectfully,

Manager

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*

March 17, 2004

ALA980030
ALA-980-1.11

Ms. Lynn Warner
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94612

Dear Ms. Warner:

WEST GRAND RESIDENTIAL PROJECT (FILE NO. ER 030022) – NOTICE OF PREPARATION

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the West Grand Residential project. The following comments are based on the Notice of Preparation.

Traffic Analysis

The information detailed below should be included in the Traffic Study to ensure that project-related impacts to State roadway facilities are thoroughly assessed. We encourage the City to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work. The Department's "*Guide for the Preparation of Traffic Impact Studies*" should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

The Traffic Study should include:

1. Site plan clearly showing project access in relation to nearby state roadways. Ingress and egress for all project components should be clearly identified. State right-of-way (ROW) should be clearly identified.
2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
3. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation

Ms. Lynn Warner
March 17, 2004
Page 2

of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. *The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all state facilities.*

4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
5. The project site building potential as identified in the General Plan. The project's consistency with both the Land Use and Circulation Elements of the General Plan as well as the Alameda County Congestion Management Plan should be evaluated.
6. *Mitigation should be identified for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic.* The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.
7. Special attention should be given to the following trip-reducing measures:
 - Encouraging mixed-use,
 - Maximizing density through offering bonuses/credits,
 - Coordinating with AC Transit and BART to increase transit use by expanding routes and emphasizing express service to regional rail stations, and by providing bus shelters with seating at any future bus pullouts,
 - Providing transit information to all future project residents, employees and patrons, and
 - Encouraging bicycle- and pedestrian-friendly design.

While the 2000 Highway Capacity Manual (HCM) may not be the preferred level of service methodology, it should be used for analyzing impacts to state facilities, particularly where previous analysis employing alternative methodologies has identified impacts. The residual level of service, assuming mitigation has been implemented, should also be analyzed with HCM 2000.

Right of Way

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process.

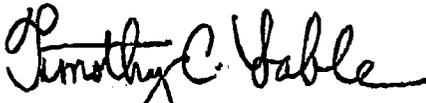
Ms. Lynn Warner
March 17, 2004
Page 3

See the following website link for more information:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia_maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

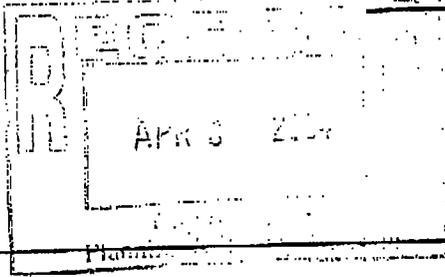
Telephone 451-1889

TOWING SERVICE

HANZEL AUTO BODY WORKS

COMPLETE COLLISION SERVICE

PAINTING



456 - 23rd STREET

Oakland, California 94612

YOUR ORDER NO.

April 5, 2004

Ms. Lynn Warner
City of Oakland Planning Division
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94623

Re: Notice of Preparation of the Draft Environmental Impact Report
Broadway and Grand Mixed Use Project, Oakland, CA
ER 030022

Dear Ms. Warner:

I am the owner of Hanzel Auto Body Works located at 456 - 23rd Street (the corner of Valley Street and 23rd Street) directly across from the proposed Negherbon Mixed Use Project. My grandfather established Hanzel Auto Body Works in 1918 at a site at 20th and Broadway. My business has been continuously located at the 23rd Street location for 58 years since May 1946 when my grandfather built this building and my father continued operating the business. I am the third generation owner of this business, which has been in Oakland for **86 years**.

Concerning the issue of Visual Quality, Shadow and Light and Glare as mentioned in the DEIR, the proposed building along Valley Street between 23rd and 24th Streets is shown as approximately 65 feet tall. The proposed building along Grand Avenue and 23rd Street is shown as approximately 70 feet tall. My building at the corner of 23rd and Valley Street is approximately 20 feet tall. The proposed buildings will block sunlight to my building. The buildings will create shade and shadows. This is significant in my auto body repair business. It is **vital** that we have natural sunlight to match paint for the cars we repair. Without natural sunlight and with shadows and shade, the process of color matching has a much greater margin for error. The paint color matching process would take a longer period of time and be less precise. This will cost me increased labor,

equipment and energy costs. Sunlight will also be lost in my office and necessitate better lighting and heating equipment.

Our only remedy for the loss of natural sunlight for our paint matching process is to install a new lighting system in our paint shop (fixtures, bulbs, installation) at an approximate cost of \$3700. The annual operating cost for electricity would be approximately \$780 per year. In addition hand-held spot lamps would also be required at a cost of approximately \$500. I do not feel that I should bear the burden of paying for new equipment and energy costs because of the proposed project.

In the last five years, 23rd Street has been ripped up and blocked on two separate occasions for lengthy periods of time (months) for the installation of underground cables. My business has had to bear the cost of these closures and inconveniences. The building of the proposed project over the course of at least two years will have a dramatic economic effect on my business. Noise, dirt, large trucks, street closures will impact my business and ultimately impact it economically.

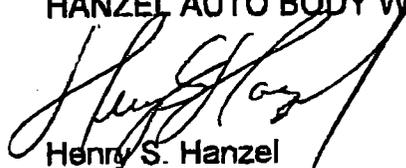
The proposed project shows an inadequate amount of parking for residents, their visitors, business customers and employees. It is already difficult to park on Valley Street and 23rd Street. Adding such a large project without adequate parking only compounds the problem for existing businesses and residents. This issue needs to be realistically dealt with by the DEIR.

Valley Street is not a through street. It dead-ends at 24th Street. It has been proposed that Valley Street between 24th Street and West Grand Avenue be widened to allegedly improve traffic flow. If in fact that is the true reason for widening the street, then 23rd and 24th Streets should also be widened. These streets are through ways. They intersect Broadway, Telegraph and other major streets. They carry significantly more traffic than Valley Street. What is real reason for widening a dead-end street?

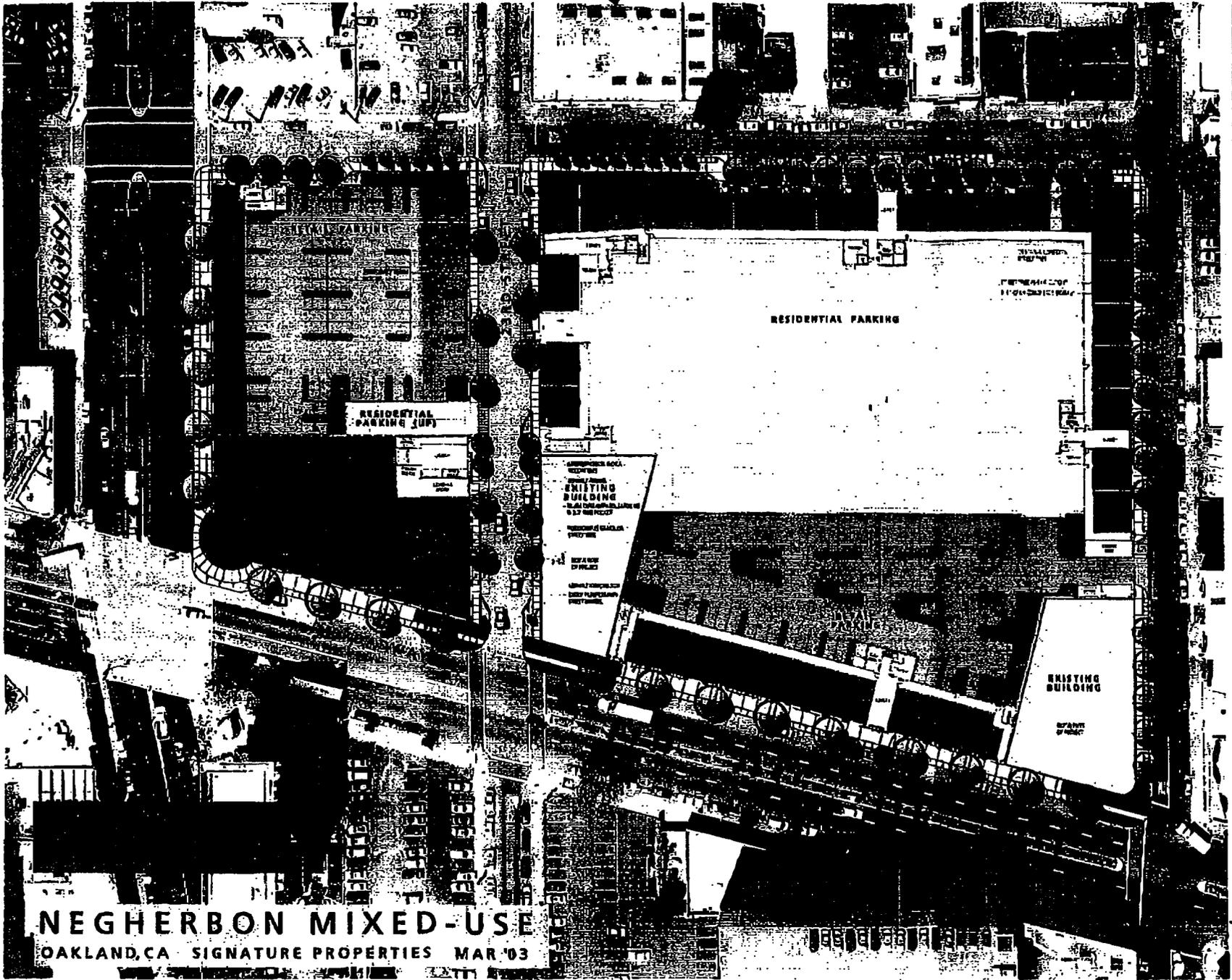
As a long time owner of a heritage Oakland business, I want to see what is best for my neighborhood and my business built. I hope you will consider all of these issues and continue to involve the neighborhood in the planning of this project.

Yours very truly,

HANZEL AUTO BODY WORKS



Henry S. Hanzel
Owner



NEGHERBON MIXED-USE
 OAKLAND, CA SIGNATURE PROPERTIES MAR '03

THE
 SIGNATURE
 PROPERTIES
 GROUP
 1500 LAKEN
 PROJECT
 1500 LAKEN
 PROJECT



April 5, 2004

Lynn Warner
City of Oakland, Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland CA 94612

Re: Scoping for Broadway and West Grand Mixed-Use Project

Dear Ms. Warner;

The Oakland Heritage Alliance requests a thorough study of the reuse of the entire structures of the following three PDHPs:

- 441-49 23rd St./2266-98 Valley
- 440-48 23rd St./2300-14 Valley
- 2398 Valley/467 24th St.

In addition, 2335-37 Broadway, built in 1920 with Julia Morgan as architect, should be investigated to ascertain if original elements exist behind the various remodels. If so, study how the building, or parts of it, could be integrated into the project.

As the site of this project is adjacent to an API, the 25th Street Garage District, address its impact on this district.

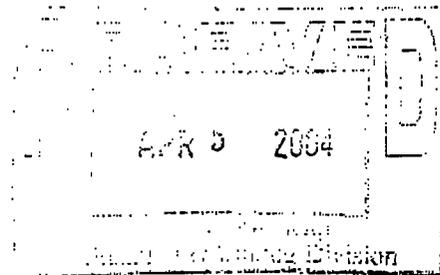
The project as presented to the Design Review Committee of the Planning Commission on March 24, 2004, attempts to read as a mixture of styles that were built over time rather than an instant project. This objective would be better served by actually re-using entire historic structures, rather than just their facades as proposed, to add authenticity and a variety of scale.

Sincerely,

A handwritten signature in black ink that reads "Naomi Schiff". The signature is written in a cursive, flowing style.

Naomi Schiff, President

April 5, 2004



Ms. Lynn Warner (lwarner@oaklandnet.com)
City of Oakland
Community & Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza Suite 3330
Oakland, CA 94612

Re: ER 030022; Broadway and West Grand Mixed-Use (Residential/Commercial)

Dear Ms. Warner:

Please find below comments noting that the Initial Study and Environmental Review is inadequate.

1. Population and Housing (pp. 29-30); Public Services (pp. 30-31); and Mandatory Findings of Significance (p. 35)

The proposed project of up to 475 condo units using an average of 2 residents per unit results in a potential influx of 950 new residents.

However, the analyses make no mention of the proposed Nine-block site in the Uptown District of downtown for up to 1000 apartments, 270 condominiums, and 1,050 student beds/faculty units only two to three blocks away. Pages 21 and 22 re: Land Use and Planning do not mention this nearby project.

There is no mention of the **cumulative negative impacts** of both of these downtown projects on population and housing, transportation and traffic, or public services (including public schools). Similarly project analyses of other proposed projects do not factor in this proposed Broadway and West Grand Mixed-Use project.

Oakland residents from Lakeside Apartment historic district, Chinatown, Jack London, etc. have protested the City's project-by-project approvals.

Specifically, neighborhood activists have protested that the City of Oakland:

- 1) has not adequately analyzed cumulative negative impacts of "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);"
- 2) has not adequately analyzed cumulative negative impacts of increased traffic hazards to motor vehicles, bicyclists, or pedestrians due to increases in volumes;
- 3) has not adequately analyzed inadequate emergency access; and
- 4) has not adequately analyzed and addressed cumulative parking demand (both project-generated and project displayed), etc.

In viewing comments for this proposed Broadway and West Grand Mixed-Use project, the most significant impacts on the City of Oakland and its respective neighborhoods may be caused if the City ignores cumulative impacts.

The **Mandatory Findings of Significance** (p. 35) states that the "Potential cumulative impacts of the proposed project with respect to air quality, transportation, and noise will be analyzed in the project EIR."

I believe that this focus is insufficient and that the potential cumulative impacts of the proposed project need to include Land Use and Planning, Population and Housing, Transportation/Traffic, and Public Services.

2. Mandatory Findings of Significance

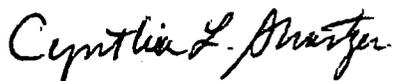
On page 35 Comment to Section XVII, **Mandatory Findings of Significance** notes, "...The project EIR will analyze impacts related to cultural resources."

According to the March 24, 2004 staff report, "In response to a request to retain the older buildings on the project site, the design has been revised to retain the facades of the two existing one-story brick buildings located at the northeast and southeast corners of the 23rd Street/Valley Street intersection. It is misleading to state that the facadectomies proposed by Signature Properties, Inc. were in response to public request since the public requests were the preservation of the historic *buildings* in their entirety and in their original context.

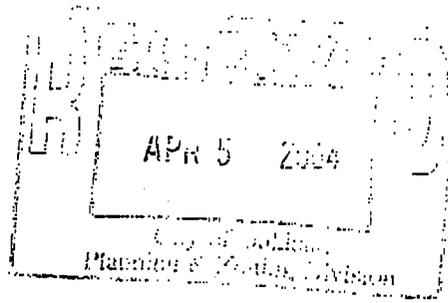
As stated by architecture critic Inga Saffron in the Philadelphia Inquirer, "The practice of using ... old facades to mask new buildings has become a popular parlor trick for developers seeking to appease preservation-minded opponents and give their projects instant patina." I for one am not appeased. In Philadelphia, "Not once in the discussion, however, did anyone suggest that the developer slim down the tower and preserve the four buildings in their entirety. Too bad..."

It is not too late in Oakland. This project has an opportunity to embrace the historic resources that characterize this neighborhood. Preserving the two buildings at the corners of 23rd and Valley Streets, in their entirety, will benefit this project, benefit this neighborhood, and preserve Oakland's history.

Respectfully submitted,



Cynthia L. Shartz
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Peter Birkholz, AIA
2325 Valley Street
Oakland, CA 94612
510.465.5631

Transmittal

Date: April 5, 2004

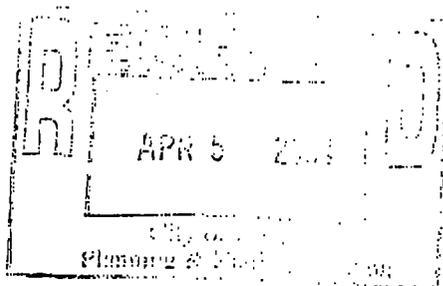
To: Lynn Warner
City of Oakland Planning Division
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94612

From: Peter Birkholz

Contents: Notice of Preparation Comments, Case File ER 030022

Pages: 5 page letter, 6 pages of attachments: 11 pages total

Via: Hand Deliver



Peter Birkholz, AIA
2325 Valley Street
Oakland, CA 94612

April 5, 2004

Lynn Warner
City of Oakland Planning Division
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94612

Re: *Notice of Preparation of the Draft Environmental Impact Report
Broadway and Grand Mixed Use Project, Oakland, CA.
ER 030022*

Dear Ms. Warner:

I do hereby request that the Draft Environmental Impact Report (DEIR) on the above referenced project include a discussion of the following areas:

Land Use, Plans and Policies

The DEIR should address the proposed project's conformity (or lack of) to the current zoning of the project area and to Oakland's General Plan. Lack of conformity should be clearly detailed in the DEIR for the project. Mention should be made of necessary General Plan Amendments, Variances, and Conditional Use Permits, as required.

The DEIR should also include:

- Detailed tables that outline the residential density by block and/or parcel.
- Detailed description as to how "best fit" zoning is adopted for the project.
- F.A.R. analysis.
- Complete records of the "Determination of General Plan Conformity by the Director of City Planning" as per OPC Section 17.01.070, including records of payments made, names of the property owners that the determination has been sent to, and any determinations found by the Director should be included in the report.
- Detailed analysis shall be given in regard to a predominantly residential use on parcels that are zoned for commercial use and that conditionally permit residential uses.
- Detailed analysis shall be given as to how the S-19 Zoning of Parcel B is combined with the C-60 Zoning of Parcel B (Note: per OPC Chapter 17.97S, Broadway Auto Row Interim Study Combining Zoning Regulations; "The S-19 zone may be combined only with the C-40 zone").

Policy D10.3 of the LUTE element of the General Plan States that "Downtown residential areas should generally be...The height and bulk should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas." The DEIR should indicate which "official"

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guidelines are forming the basis of the desired district character for this project in regards to the height and bulk.

Policy D10.5 of the LUTE element of the General Plan states that "Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen or create distinct districts." The DEIR should describe the surrounding district and its streetscape and how the project respects that district(s).

The DEIR should give some indication of development intensity for each parcel, such as an F.A.R. (indications as to whether parking is, or is not, included in this ratio should be given). Proposed building heights for various parcels should be clearly indicated in the DEIR. The heights given for the individual buildings shall clearly indicate whether the indicated height is an actual building height (i.e. parapet height, or top of mansard roof), or a planning height "top of roof".

Traffic, Circulation and Parking

Impacts to traffic at key intersections should be part of the DEIR.

The DEIR should clearly indicate the proposed reasons for widening Valley Street between 23rd and 24th Street.

Before and after counts of the existing on street parking spaces should be included to evaluate the impact of the project on the existing on street parking inventory.

Air Quality Impacts

Air quality impacts due to increased traffic and circulation, proposed building activities, and construction activities should be analyzed in the DEIR.

Noise Impacts

Noise impacts during the construction phase should be analyzed in the DEIR. Specific information should be given as to the location of proposed temporary construction "staging areas" and to the impacts of these upon nearby residential uses. Detailed information should be given as to the duration of the project and to potential noise causing activities and to their impacts on adjacent residential and business uses (a daycare center is currently a sensitive neighboring business of the project). A detailed project construction schedule should be included in the DEIR.

Specific information should be given as to the applicable noise regulations for the project. As the adjoining uses along Valley Street are primarily residential uses, it is my belief that residential noise guidelines should apply.

Specific allowable construction hours for the Project should be included in the DEIR.

Visual Quality, Shadow, Light and Glare

The DEIR should include shadow analysis that indicates the solar impact of the proposed construction on adjacent parcels. The shadow analysis should be detailed enough to include shadow of the top of parapet or top of roof from the project onto the adjacent parcels at key times of the year.

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For an adequate analysis of the proposed project, an inventory of existing buildings within the project should be included as part of the DEIR. Information contained in this inventory should include at a minimum: existing building heights, square footages (both conditioned and unconditioned), F.A.R., date of construction and historic rating.

Impact on Historical Resources

The DEIR should analyze any impacts to Historical Resources in the project area and adjacent buildings.

Alternatives Analysis

The DEIR should include alternative analysis for:

1. Reduced height alternative 1: an alternative that includes two levels of underground parking with the proposed mix of residential and commercial above ground (as a means of minimizing building bulk and visual intrusiveness) wherever above ground parking is proposed.
2. Reduced height alternative 2: an alternative that includes one levels of underground parking and one level of above ground parking with the proposed mix of residential and commercial above ground (as a means of minimizing building bulk and visual intrusiveness) wherever above ground parking is proposed.
3. Modified height alternative 1: a project alternative that includes a determined number of high-rise residential units along Broadway with a reduced height of the massing along Valley Street (note: this alternative would result in a change of construction type).
4. Modified height alternative 2: a project alternative that relocates 8 residential units from the southwest corner of parcel B to the southeast corner of parcel B (from the Valley and 23rd Street side to the Broadway side of the project (note: this alternative would not result in a change of construction type, only to changes in the façade design and would therefore have minimal impacts on the construction cost for the project).

Project proformas with sufficient detail to indicate the cost per unit, commercial space square foot costs and parking area construction costs, for each of the various alternatives should be included in the DEIR.

Economic and Social Effects

The DEIR should analyze the potential Economic and Social Effects to the adjacent businesses including but not limited to: the 21 Grand Performance Space, the neighboring daycare center and Hanzel Auto Body Works.

Although the project is proposed to be “for sale” condominiums, the DEIR should discuss the possibility of the project sponsor needing to rent the units as per market conditions at the time of project completion (note: the project construction is such that the project density for this condominium project is higher than would be allowed if the project were built as an apartment project by the use of courtyard property lines). Pre-application meeting minutes between the project Architect and CEDA in regard to the courtyard exiting should be included as part of the DEIR.

Hazards and Hazardous Materials

The DEIR should clearly indicate the types of, presence of, and locations of any hazardous materials on the project site. Detailed information as to the mitigation and remediation of any hazardous materials should be included.

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Public Services

The Scoping letter for the DEIR describes this particular project and its individual impacts. Per CEQA sections 15064(i)(3) and 15152(f)(2): both direct and reasonably foreseeable indirect effects of a project, including cumulative effects of a project must be considered. Thus other downtown development projects and their cumulative impact on City Services must be considered.

Detailed analysis should be given as to the impact of this project and other reasonably foreseeable projects on: the current inadequate and understaffed Police Services (see attachment); the Fire Services that last year was forced to close a downtown Fire Station due to budget shortfalls, the School District that went insolvent last year, and the adjacent parks. Although the project proposes to provide private open space, there is no discussion of public open space. As the project is a residential project, there is the potential that residents of the project will create demands for public open space such as basketball courts, tennis courts, etc. that are not part of the private amenities of the project. This portion of Oakland has been determined to be lacking in public open space. The DEIR should analyze the impact of the new residents on the existing public open space.

I am pleased to be part of the planning process for this project. Thank you for the consideration of these matters.

Sincerely,

Peter Birkholz, AIA



Attachments

1. "Crime Fighting tax's methods divide Oakland", *The Oakland Tribune*, February 24, 2004.
2. "Oakland faces police, fire cuts, Brown cautions", *The Contra Costa Times*, January 23, 2004.

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measure.

"The public wants a balance," said Councilmember Nancy Nadel (Downtown-West Oakland), adding the measure would offer more job opportunities to people with criminal records while putting more cops in the city's toughest neighborhoods.

Oakland's murder rate is among the highest per capita in the nation, and has grown nearly 50 percent the last three years.

The measure's most vocal opponents, including Council President Ignacio De La Fuente (San Antonio-Fruitvale), criticize the legislation as poorly written, unworkable and harmful to property owners who are being asked to pay more every year for basic city services.

De La Fuente likened Measure R to holding a fire prevention seminar while your house is burning down. "It is a waste of taxpayer money," he said.

Oakland already spends almost \$22 million on violence prevention programs and each year funnels more money into them even as the crime rate continues to rise, De La Fuente said.

Too few young adults and parolees enroll in these programs for them to make a difference, De La Fuente said.

"We need to make it so difficult to get engaged in criminal activity that they have no choice but to enroll in these programs," De La Fuente said, adding the only way to reduce crime is to revitalize neighborhoods and empower citizen activists.

But Measure R supporters say job training and mentoring programs are the only way to assimilate recent parolees back into society, and to prevent young adults from becoming enmeshed in a criminal lifestyle.

"When you see a young man standing on the corner without a job, they don't have any hope," said Ron Owens of Project Choice, which works with young inmates in San Quentin State Prison. "They don't have any hope. That is what Measure R will give them." The money spent on Measure R will be well worth it to make "tax takers taxpayers," Owens said. There are 3,000 parolees and 7,000 probationers in Oakland at any one time, according to city officials.

"What people will pay if Measure R passes will be cheaper than what people would pay in police overtime or what they pay to incarcerate criminals," Owens said. "I don't see any drawbacks. The money will be well spent."

Neither side of the debate over Measure R disputes Oakland is in desperate need of more officers. In 1995, for example, the police department's criminal investigations unit boasted 112 officers and 15 civilian workers. This year, there are only 55 investigators and 10 civilian support staffers.

However, because of the state's fiscal crisis and the city's cash crunch, Oakland cannot afford to hire more officers, or even replace those who retire or leave the force without a voter-approved cash infusion.

Even proponents of the measure acknowledge it is far from perfect. Mayor Jerry Brown and Councilmember Larry Reid (Elmhurst-East Oakland), both of whom say they support Measure R, said the city needs more police than the measure would pay for.

"It doesn't get us to where we need to be," said Reid, who nevertheless contributed \$2,000 to the Stop the Violence Yes on R campaign from his campaign accounts.

Police Chief Richard Word said Oakland needs four times as many new police officers as the measure provides.

"I support it, but it doesn't go far enough on the police side," Word said.

But city officials concede a large percentage of Oakland voters -- with the "Riders" police misconduct scandal fresh in their mind -- do not trust police and would be unlikely to vote for a measure that just hires more cops.

"It's a compromise measure, designed to appeal to everyone," Brown said.

But the Oakland Police Officer's Association, which represents the department's roughly 750 officers, is urging voters to reject Measure R. The group argues that passage of the initiative would only make matters worse by preventing more effective ballot measures from being approved in the future.

OPOA President Robert Valladon expressed skepticism that even 30 new officers would be hired, saying the vague wording of the measure leaves the number up in the air.

Nadel, who authored Measure R, said the wording was purposely vague to ensure it is flexible enough to reward successful programs and jettison those that are not.

Measure R also has drawn strong opposition from community groups, including the Community Police Advisory Board, which voted to oppose the initiative.

"All of these programs would be nice, but we need more police," said Frank Rose, a longtime East Oakland activist and a member of the advisory board. "More police in my neighborhood means that fewer people would die. It's that simple."

Other opponents object to the parcel tax, calling it extremely regressive and contending it will hurt those who can afford it the least.

"Parcel taxes punish those who have been most loyal to Oakland by choosing to live in Oakland," said Amy T. Chen, president of the San Pablo Avenue/Golden Gate Improvement Association in North Oakland.

Taxpayer money should be spent protecting the 95 percent of residents who obey the law, not focusing on the 5 percent of people who do not, Chen said.

"There are no guarantees that these troublemakers will attend these classes and be reached," Chen said. "I don't know that we can reach them."

Staff writer Harry Harris contributed to this report.

E-mail Heather MacDonald at hmacdonald@angnewspapers.com.

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- Education
- Health
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- Politics
- Science & Environment
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- War on terror
- Commuter page
- Where we live
- Sports
- Classifieds
- TimeOut
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Alameda County

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Posted on Fri, Jan. 23, 2004

Oakland faces police, fire cuts, Brown cautions

By Ana Faclo Contreras
CONTRA COSTA TIMES

OAKLAND - Mayor Jerry Brown touted the city's slowly improving economy at his annual State of the City address this week.

"Oakland's economy has done surprisingly well, considering the depths of the recession," Brown said. "The economy is not booming, but going up steadily.

"Despite the economy downturn, people continue to invest and live in Oakland," he said.

But after his short speech Tuesday before the City Council, Brown spoke to reporters and cautioned that if voters reject Gov. Arnold Schwarzenegger's plan to borrow \$15 billion to decrease the state deficit, Oakland could be forced to make broad cuts to its police and fire departments.

If voters approve the bond, the governor's plan would cost the city \$7 million. Brown said under the governor's budget plan, police and fire cuts or layoffs would be unlikely.

Vice Mayor Henry Chang Jr. had voiced disapproval of Schwarzenegger's plan Monday. Chang is asking the City Council to oppose it, saying the loss of \$7 million would be detrimental to the city's police and fire departments.

In his speech, Brown also spoke of several developments and projects throughout the city's neighborhoods. The developments and projects include a new library in the Fruitvale District, a Whole Foods Market at 29th and Harrison streets, and a city solar program.

"If you look east, if you look west, you see a continuing influx of people and businesses coming to Oakland helping us grow," he said.

As for the city's crime rate, Brown said he was optimistic that the police department's new plans to

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tackle violent crime would succeed.

Shootings in Oakland have decreased, he said, but the homicide rate began to climb during the first weeks of the new year.

Twelve people in Oakland were killed in the first 20 days of 2004, Brown said. Most of the deaths were connected to the East Oakland drug trade.

"The fact is that we need more police," he said. "That's literally what it takes."

As for his priorities, Brown said the renovation of the Fox Theater in downtown is on top of his list. He hopes to use the theater to house a charter high school for the arts.

Also on his list is a continuation of downtown revitalization.

"We have to create businesses and bring the Fox Theater back to life," he said.

In spite of the challenges Oakland faces, Brown said the city "continues to be a marvel all over the state."

David Mix, an Oakland Hills resident who came to the council chamber to hear the State of the City address, said afterward that he had supported Brown when he ran for mayor, but hasn't "seen any real improvements."

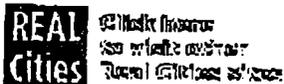
"It's just the same-old, same-old," Mix said. "The city as a whole has an acute lack of management."

Nick Vigilante, a Montclair resident, said he thought Brown's speech was "on target" and liked the confident tone.

"We ought to look at the positive side," Vigilante said. "(Brown is not) supposed to be the doer, he's suppose to be the visionary, the broker. He's done it at the state level, and he's doing that now for our city."

Reach Ana Facio Contreras at 510-339-4506 or acontreras@cctimes.com.

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APPENDIX B

HAZARDOUS MATERIALS REGULATORY FRAMEWORK

HAZARDOUS MATERIALS AND WASTE HANDLING

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. These laws require hazardous materials users to prepare written plans, such as Hazard Communication Plans and Hazardous Materials Business Plans. Laws and regulations require hazardous materials users to store these materials appropriately and to train employees to manage them safely. A number of agencies participate in enforcing hazardous materials management requirements. In Oakland, Alameda County Department of Environmental Health Services is the agency most involved.

Throughout Alameda County, a Hazardous Materials Management Plan must be prepared for the County by businesses that use or store hazardous materials. For removal of underground storage tanks (USTs), the Alameda County Department of Environmental Health Services Local Oversight Program and the Oakland Fire Department have regulatory authority. A closure plan for UST removal must be prepared by the sponsor and submitted to the county agency. Upon approval of the UST closure plan by that agency, the appropriate fire department would issue a permit for removal.

The Federal Resource Conservation and Recovery Act of 1976 (RCRA) created a major new federal hazardous waste "cradle-to-grave" regulatory program administered by the federal Environmental Protection Agency (EPA). Under RCRA, EPA regulates the generation, transportation, treatment, and disposal of hazardous waste. Under RCRA, individual states may implement their own hazardous waste programs in lieu of RCRA as long as the state program is at least as stringent as RCRA requirements. In California, the DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous material waste. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; prescribe management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills.

HAZARDOUS MATERIALS TRANSPORTATION

The U.S. Department of Transportation regulates hazardous materials transportation between states. Within California, the state agencies with primary responsibility for enforcing federal and state regulations and for responding to transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). Together, federal and state agencies determine driver-training requirements, load labeling procedures, and container specifications. Although special requirements apply to transporting hazardous materials, requirements for transporting hazardous waste are more stringent, and hazardous waste haulers must be licensed to transport hazardous waste on public roads.

SOIL AND GROUNDWATER CONTAMINATION

In Alameda County, remediation of contaminated sites is performed under the oversight of the California Environmental Protection Agency and with the cooperation of the County Department of Environmental Health Services and the Regional Water Quality Control Board (RWQCB). At sites where contamination is suspected or known to occur, the project sponsor is required to perform a site investigation and draw up a remediation plan, if necessary. For typical development projects, actual site remediation is completed either before or during the construction phase of the project.

Site remediation or development may be subject to regulation by other agencies. For example, if dewatering of a hazardous waste site were required during construction, subsequent discharge to the sewer system could require a permit from the Oakland Office of Public Works, and discharge to the storm water collection system would require a permit from East Bay Municipal Utility District.

WORKER SAFETY

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the work place. The California Division of Occupational Safety and Health (Cal OSHA) and the federal Occupational Safety and Health Administration are the agencies responsible for assuring worker safety in the workplace.

Cal OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. At sites known to be contaminated, a Site Safety Plan must be prepared to protect workers. The Site Safety Plan establishes policies and procedures to protect workers and the public from exposure to potential hazards at the contaminated site.

EMERGENCY RESPONSE

California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local government and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the State Office of Emergency Services (OES), which coordinates the responses of other agencies, including the California Environmental Protection Agency, CHP, the Department of Fish and Game, the San Francisco

Bay Regional Water Quality Control Board, and the local fire department. The Oakland Fire Department provides first response capabilities, if needed, for hazardous materials emergencies within the project area.

STRUCTURAL AND BUILDING COMPONENTS

ASBESTOS

Similar to federal laws, state laws and regulations also pertain to building materials containing asbestos. Inhalation of airborne fibers is the primary mode of asbestos entry into the body, making friable (easily crumbled) materials the greatest health threat. These regulations prohibit emissions of asbestos from asbestos-related manufacturing, demolition, or construction activities; require medical examinations and monitoring of employees engaged in activities that could disturb asbestos; specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers; and require notice to federal and local governmental agencies prior to beginning renovation or demolition that could disturb asbestos.

POLYCHLORINATED BIPHENYLS(PCBS)

PCBs are organic oils that were formerly placed in many types of electrical equipment, including transformers and capacitors, primarily as electrical insulators. Years after widespread and commonplace installation, it was discovered that exposure to PCBs may cause various health effects, and that PCBs are highly persistent in the environment.

In 1979, the U.S. EPA banned the use of PCBs in most new electrical equipment and began a program to phase out certain existing PCB-containing equipment. The use and management of PCBs in electrical equipment is regulated pursuant to the Toxic Substances Control Act (40 CFR). These regulations generally require labeling and periodic inspection of certain types of PCB equipment and set forth detailed safeguards to be followed in disposal of such items.

LEAD AND LEAD-BASED PAINT

The California Code of Regulations, Title 22, considers waste soil with lead to be hazardous if it exceeds a total concentration of 1,000 parts per million (ppm) and a soluble concentration of 5 ppm.

UNDERGROUND STORAGE TANKS

State laws governing USTs specify requirements for permitting, monitoring, closure, and cleanup. Regulations set forth construction and monitoring standards for existing tanks, release reporting requirements, and closure requirements. The Alameda County Environmental Health Division is the local agency designated to permit and inspect USTs and to implement applicable regulations.