INITIAL STUDY

The Creekside Mixed-Use Development Project

5132 Telegraph Avenue
Oakland, CA

Prepared for:
City of Oakland
Community and Economic Development Agency
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Oakland, CA 94612

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The Creekside Mixed-Use Development Project: Initial Study

1. **Project Title and Number:** The Creekside Mixed-Use Development Project (the "project"), case file number ER07-017 (CMDV07-064)
2. **Lead Agency Name and Address:** City of Oakland Community and Economic Development Agency, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612
3. **Contact Person and Phone Number:** Darin Ranelletti, Planner III, Community and Economic Development Agency, City of Oakland, 510.238.3663, dranelletti@oaklandnet.com
4. **Project Location:** The project site is located at 5132 Telegraph Avenue at the intersection of Telegraph and Claremont Avenues to the west and Clarke Street to the east in the City of Oakland, Alameda County (Assessor's Parcel Number 014-1226-013). Pedestrian access to the development would be provided from Telegraph Avenue, Claremont Avenue and Clarke Street. Vehicular access would be provided from Clarke Street.
5. **Project Sponsor's Name and Address:** George F. Hauser, 60 Rausch Street, Suite 201, San Francisco, CA 94103.
6. **General Plan Designations:** Neighborhood Center Mixed-Use (NCMU) & Mixed Housing Type Residential (MHTR)
7. **Zoning:** C-28 Commercial Shopping District Commercial Zone & R-40 Garden Apartment Residential Zone
8. **Description of Project:**

   Project Description: The proposed project includes the demolition of an existing two-story commercial building and surface parking and the construction of up to 120 residential units, approximately 7,700 square feet of ground-floor commercial space, 120 enclosed parking spaces, and approximately 5,000 square feet of courtyard open space. The project sponsor is seeking a density bonus to exceed the maximum residential density allowed by the Oakland General Plan by 20 percent by restricting five percent of the units to very low income households (defined as households earning no more than 50 percent of the Area Median Income). The 120 residential units would consist of 115 market-rate units and five units for very low income households.

   The project consists of the following three buildings above a ground-floor podium: 5120 Telegraph Avenue on the southwest portion of the site; 5140 Claremont Avenue on the west portion of the site and 5115 Clarke Street on the northeast portion of the site. 5120 Telegraph Avenue and 5140 Claremont Avenue would contain ground-floor neighborhood-oriented commercial space with continuous street frontage. 5120 Telegraph would contain five residential stories over the ground-floor podium (six stories total) and measure approximately 65 feet tall. The western portion of 5140 Claremont along Claremont Avenue would contain four residential stories over the ground-floor podium (five stories total) and measure approximately 55 feet tall. The eastern portion of 5140 Claremont would contain five residential stories over the ground-floor podium (six stories total) and measure approximately 65 feet tall. 5115 Clarke would contain three residential stories over the ground-floor podium

(four stories total) and measure approximately 46 feet all (with portions of the façade measuring up to 36 feet tall).

Project Site: The site is currently occupied by a two-story building, which comprises ground floor retail space (video rental store) and second floor office space (vacant). The existing building was originally built as a bank building with a surface parking lot. The project site includes an existing 160-foot-long, underground, north/south storm drain culvert that is owned and operated by the Alameda County Flood Control and Water Conservation District. The proposed project would be constructed over this culvert.

Automobile access to the surface parking is through curb cuts at both Telegraph Avenue to the west and Clarke Street to the northeast. The existing building on the site will be demolished as part of the project.

The western portion of the site is zoned C-28 Commercial Shopping District Commercial Zone and the eastern portion of the site is zoned R-40 Garden Apartment Residential Zone. The General Plan land use designation for the western portion of the site is NCMU (Neighborhood Center Mixed Use) and the eastern portion of the site is designated MHTR (Mixed Housing Type Residential).

9. **Surrounding Land Uses and Setting:** The project site is located in the Temescal District of the City of Oakland, in Alameda County. The Temescal District is characterized by its mixed-use and commercial uses along Telegraph Avenue and single and multi-family housing. The project site comprises 32,139 square feet and is bounded by Telegraph and Claremont Avenues to the west, a four-story multi-family residential building to the north, Clarke Street to the northeast and an adjacent approved multi-family residential project to the south and southeast (the "Civiq" project). The project site is accessible via Highway 24 and surface streets. The site is well-served by transit, including bus lines operated by the Alameda-Contra Costa County Transit District (AC Transit). The site is within approximately .8 miles of the Rockridge BART station and approximately .7 miles of the MacArthur BART station.

10. **Public Agencies whose approval is required (e.g. permits, financing approval, or participation agreement):**

    The proposed project requires action by the City of Oakland. This Initial Study is intended to address potential environmental impacts associated with construction and operation of the project and obtainment of all necessary zoning and building permits, and any other discretionary actions required by the City of Oakland and other governmental agencies.

    Discretionary approvals from the City of Oakland include, without limitation, the following:

    - Conditional Use Permit
    - Variances
    - Design Review
    - Tentative Parcel Map
    - Tree Removal Permit

    In addition, approvals or permits may also be required from other agencies for activities such as an Alameda County Flood Control and Water Conservation District permit to construct the

project over the existing underground storm drain culvert from the Alameda County Public Works Agency.

Figure 1

Vicinity Map

Project Site Photos

Figure 2

View from Clarke Street

Figure 3

View from across Claremont Avenue

Figure 4

View from across Telegraph/Claremont intersection

Project Drawings

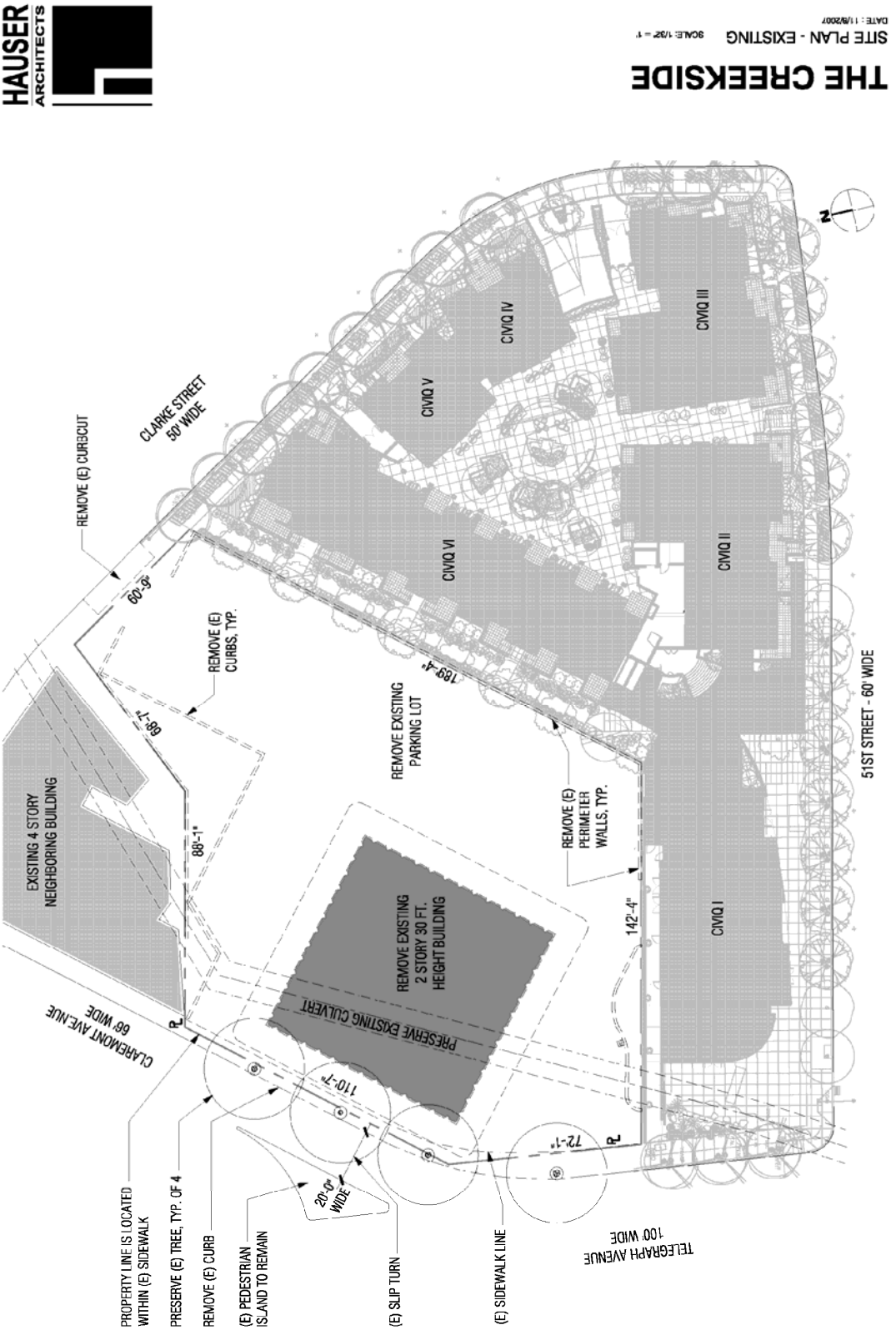
HAUSER ARCHITECTS
THE CREEKSIDE
SITE PLAN - EXISTING
SCALE: 1/32" = 1'
DATE: 11/8/2007
CLARKE STREET 50' WIDE
REMOVE (E) CURBCUT
60'-9"
REMOVE (E) CURBS, TYP.
68'-7"
88'-1"
EXISTING 4 STORY NEIGHBORING BUILDING
CLAREMONT AVE. MLE 66' WIDE
REMOVE EXISTING PARKING LOT
189'-4"
REMOVE (E) PERIMETER WALLS, TYP.
142'-4"
REMOVE EXISTING 2 STORY 30 FT. HEIGHT BUILDING
PRESERVE EXISTING CULVERT
110'-7"
72'-1"
20'-0" WIDE
CIVIQ I
CIVIQ II
CIVIQ III
CIVIQ IV
CIVIQ V
CIVIQ VI
51ST STREET - 60' WIDE
TELEGRAPH AVENUE 100' WIDE
PROPERTY LINE IS LOCATED WITHIN (E) SIDEWALK
PRESERVE (E) TREE, TYP. OF 4
REMOVE (E) CURB
(E) PEDESTRIAN ISLAND TO REMAIN
(E) SLIP TURN
(E) SIDEWALK LINE

Figure 5

HAUSER ARCHITECTS
THE CREEKSIDE
SITE PLAN - PROPOSED
SCALE: 1/32" = 1'
DATE: 11/8/2007
CIVIQ I
CIVIQ II
CIVIQ III
CIVIQ IV
CIVIQ V
CIVIQ VI
FOOTPRINT OF PROPOSED BUILDING
EXISTING 4 STORY NEIGHBORING BUILDING
EXISTING CULVERT
PLAZA
CLAREMONT AVE. MUE
66' WIDE
CLARKE STREET 50' WIDE
(N) CURB CUT
(N) GREEN WAY
51ST STREET - 60' WIDE
TELEGRAPH AVENUE 100' WIDE
(E) SIDEWALK
PROVIDE TRANSITION BETWEEN (N) AND (E) SIDEWALK
PROPOSED NEW SIDEWALK
PROPOSED 12' WIDE SLIP TURN
PROPOSED PLAZA

Figure 6

HAUSER ARCHITECTS
THE CREEKSIDE
ROOF PLAN
SCALE: 1/32" = 1'
DATE: 11/9/2007
CLARKE STREET 50' WIDE
GREEN WAY
5115 CLARKE 23 DWELLING UNITS 3 STORIES OVER PODIUM 45.5' HEIGHT TOP FLOOR SETBACK 10' APPROX.
CIVIQ VI
CIVIQ V
CIVIQ IV
CIVIQ III
CIVIQ II
CIVIQ I
COMMON PODIUM 5,000 SF APPROX.
5140 CLAREMONT 42 DWELLING UNITS 5 STORIES OVER PODIUM 64.5' HEIGHT ON THE COURTYARD SIDE
4 STORIES OVER PODIUM 55' HEIGHT ON THE STREET SIDE
5120 TELEGRAPH 55 DWELLING UNITS 5 STORIES OVER PODIUM 64.5' HEIGHT
EXISTING 4 STORY NEIGHBORING BUILDING 50' HEIGHT @ T.O. PARAPET
PLAZA
CLAREMONT AVENUE 66' WIDE
TELEGRAPH AVENUE 100' WIDE
51ST STREET - 60' WIDE

Figure 7

HAUSER ARCHITECTS
THE CREEKSIDE
1ST LEVEL FLOOR PLAN
SCALE: 1" = 20'
DATE: 11/06/2007
N
CLARKE STREET
CURB CUT
NEIGHBORING BUILDING CIVIC VI
NEIGHBORING BUILDING
CLARKE LOBBY
GREEN WAY
GATE
RAMP DOWN
RAMP DOWN
LOADING DOCK
LOWER GARAGE (55 SPACES)
NEIGHBORING BUILDING: CIVIC I
5 STORY NEIGHBORING BUILDING
CLAREMONT LOBBY
CLAREMONT AVE
COMMERCIAL 1
101
5435.11 SF
COMMERCIAL 2
102
2262.20 SF
LOBBY
PLAZA
TELEGRAPH AVE
PAVING PATTERN TO MATCH CIVIC PLAZA
WATER FEATURE
UP
DN

Figure 8

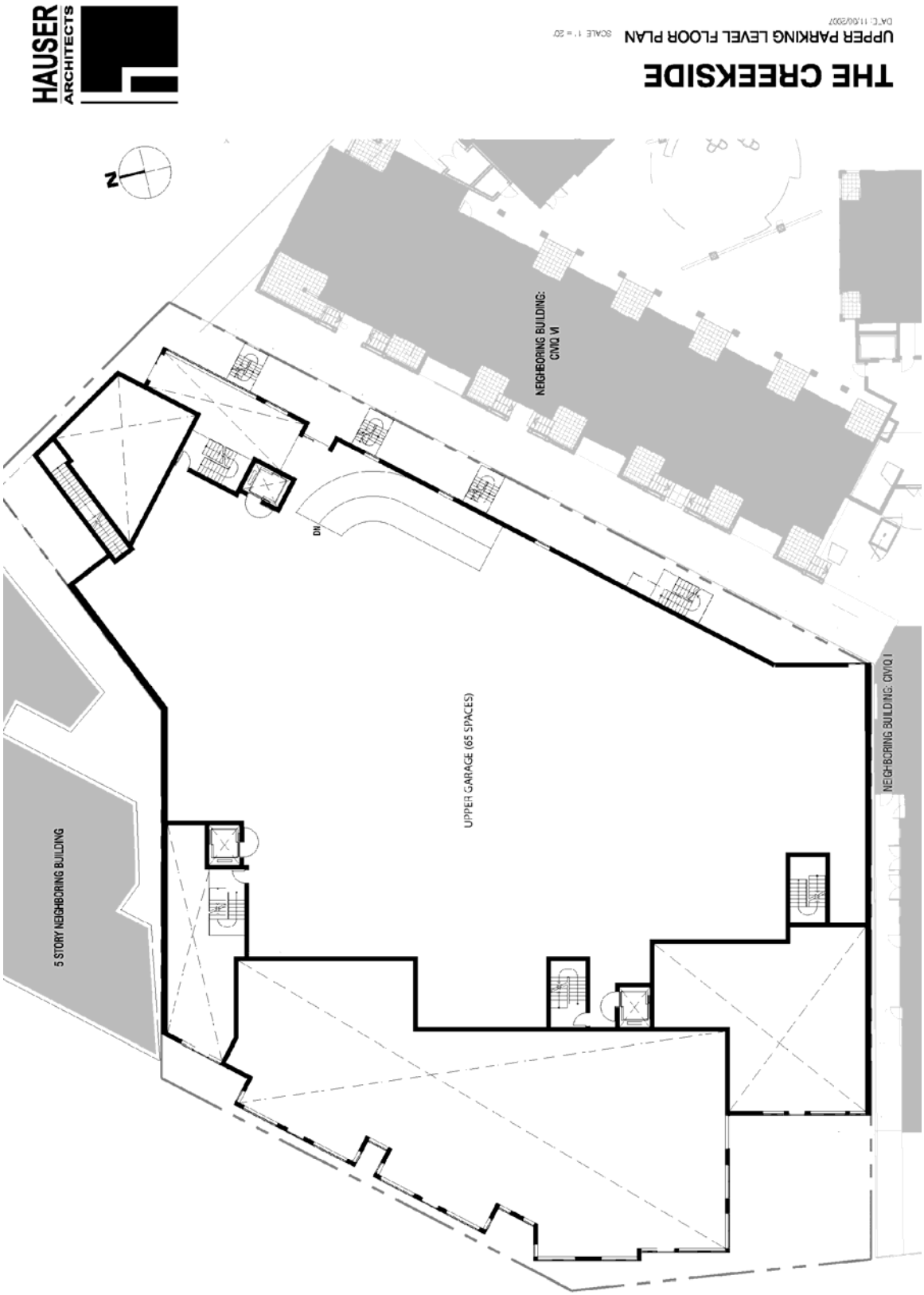
HAUSER ARCHITECTS
THE CREEKSIDE
UPPER PARKING LEVEL FLOOR PLAN
SCALE 1" = 20'
DATE: 11/09/2007
N
NEIGHBORING BUILDING: CMVQ VI
DN
UPPER GARAGE (65 SPACES)
5 STORY NEIGHBORING BUILDING
NEIGHBORING BUILDING: CMVQ I

Figure 9

HAUSER
ARCHITECTS
THE CREEKSIDE
2ND LEVEL FLOOR PLAN
N
NEIGHBORING BUILDING
CIVIQ VI
OPEN TO GREEN WAY BELOW
PODIUM
COMMON AREA
P-201
COURT YARD
SIDE YARD
SIDE YARD
EXISTING 4 STORY NEIGHBORING BUILDING
NEIGHBORING BUILDING - CIVIQ I
STUDIO 202.CK 555.43 SF
1-BDRM 201.CK 534.25 SF
1-BDRM 203.CK 667.47 SF
1-BDRM 205.CK 501.00 SF
1-BDRM 207.CK 501.00 SF
1-BDRM 204.CK 679.96 SF
1-BDRM 206.CK 545.85 SF
1-BDRM 208.CK 617.79 SF
2-BDRM 202.CL 777.25 SF
JUNIOR 2-BDRM 204.CL 775.02 SF
JUNIOR 1-BDRM 206.CL 577.17 SF
2-BDRM 208.CL 757.59 SF
1-BDRM 211.T 697.67 SF
JUNIOR 2-BDRM 210.T 777.13 SF
1-BDRM 206.T 566.15 SF
JUNIOR 1-BDRM 208.T 614.42 SF
2-BDRM 204.T 800.75 SF
2-BDRM 202.T 742.17 SF
1-BDRM 201.CL 556.77 SF
1-BDRM 203.CL 693.98 SF
1-BDRM 205.CL 732.02 SF
1-BDRM 207.CL 691.26 SF
2-BDRM 209.CL 914.21 SF
2-BDRM 209.T 946.37 SF
JUNIOR 2-BDRM 207.T 868.33 SF
2-BDRM 205.T 880.67 SF
JUNIOR 1-BDRM 203.T 595.90 SF
2-BDRM 201.T 1032.42 SF

Figure 10

HAUSER ARCHITECTS

THE CREEKSIDE

3D VIEW FROM TELEGRAPH AVE

DATE : 8/24/2007

Figure 11

HAUSER ARCHITECTS

THE CREEKSIDE

3D VIEW FROM CLARKE ST

DATE : 8/30/2007

Figure 12

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, which will be further studied in the EIR. No other environmental factors will be further studied in the EIR.

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

DETERMINATION

On the basis of this initial study:

I find that the proposed project COULD NOT have a significant effect on the environment with Uniformly Applied Development Standards imposed as conditions of approval, 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 and Uniformly Applied Development Standards have been imposed on 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 that will further study Transportation/Traffic. No other environmental factors will be further studied. ■

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, no further environmental documentation is required. ☐

Signature

12/18/07

Date

Darin Ranelletti
Planner III

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified.

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

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

A "Less than Significant with Development Standard" answer applies where incorporation of a development standard has reduced an effect from a "Potentially Significant Impact to a "Less than Significant Impact." The City's Uniformly Applied Development Standards are incorporated into projects as conditions of approval regardless of a project's environmental determination. As applicable, the Uniformly Applied Development Standards are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the standard conditions are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the city will determine which Development Standards apply to each project; for example, Development Standards related to creek protection permits will only be applied projects on creekside properties.

The Development Standards incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Development Standards, the City will determine whether there are feasible mitigation measures to reduce the impact to less than significant levels in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

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

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

ENVIRONMENTAL IMPACT CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
I. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	■	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	☐	☐	☐	☐	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	■	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐	☐
e) Introduce landscape that now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	☐	☐	☐	☐	■
f) Cast shadows that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	☐	☐	☐	☐	■
g) Cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	☐	☐	☐	■	☐
h) Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local Register of Historic Resources or a historical resource survey form (DPR Form 523) with a rating of 1–5?	☐	☐	☐	■	☐
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the Provision of adequate light related to appropriate uses?	☐	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
j) Create winds exceeding 36 mph for more than one hour during daylight hours during the year? NOTE: Wind analysis is required if project's height is 100 feet or greater (measured to the roof) and one of the following conditions exists: a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay), or b) the project is located in Downtown Oakland.	☐	☐	☐	☐	■

Comments to I (a), (c), (g) & (h): Less Than Significant Impact.

No scenic vistas or scenic resources exist within or immediately adjacent to the project site. Views to the Oakland Hills are present on some east/west streets in the vicinity of the project site. The proposed building would not substantially block views from public places, including roadways.

The visual character surrounding the project site is eclectic. The buildings range in age and vary considerably in terms of size, scale, and architectural style. The commercial corridor along Telegraph and Claremont Avenues features buildings representing almost every decade back to 1907, including but not limited to, historic architectural and cultural resources, two-story mixed-use buildings, three- and four-story apartment buildings, auto service stations, various office buildings, and newer retail developments with surface parking. Along Clarke Street and Redondo Avenue the buildings are exclusively residential, from one-story bungalows to multi-unit apartment buildings.

The project site itself has low visual quality because it is currently occupied by an underutilized two-story commercial building surrounded by unsightly surface parking. The proposed project would remove the parking lot and commercial building and replace them with high-quality residential and commercial buildings and landscaping. Proposed new enclosed parking would be buffered from adjacent properties with commercial, residential and pedestrian uses. The change would not degrade the visual character or quality of the site or surroundings, but would serve to improve the aesthetics of the area by replacing an underutilized building and parking lot with new high-quality development.

The project site is located across Telegraph Avenue to the east from the historic Oakland City Library Temescal Branch located on the northwest corner of 52nd Street and Telegraph Avenue (City of Oakland Historical Landmark # 43) and across Clarke Street to the south from the Redondo Playground of FROG Park. The project will not create any significant shade or shadow related impacts on the library of park (see Appendix I).

Comments to I (b), (e), (f), (i) & (j): No Impact.

The project site is not visible from a state-designated scenic highway or scenic route.

No buildings using passive solar heat collection or photovoltaic solar collectors are known to exist near the project site. The approved Civiq project located adjacent to the south and southeast of the project site contains proposed rooftop solar collectors. Due to solar orientation relative to the project site and the Civiq site, the project would not cast shadows on the proposed Civiq solar collectors.

The proposed project requires no exceptions or variances which could cause a fundamental conflict to the policies and regulations in the General Plan, Planning Code or Uniform Building Code addressing the provision of light. The project would not result in potential wind impacts; the project is less than 100 feet in height, not located adjacent to a substantial water body, and not located in Downtown Oakland.

Comments to I (d): Less Than Significant Impact with Development Standards.

Lighting would be installed within the project site for the maintenance of public safety. This lighting, which would be directed downward to the sidewalk, is not expected to substantially adversely affect nighttime views. The project would incorporate non-reflective glass to eliminate glare from the residential and commercial windows.

With the incorporation of Standard Condition AES-1 regarding a lighting plan, the potential impact would be reduced to less than significant.

> **Standard Condition AES-1: Lighting Plan. Prior to the issuance of an electrical or building permit, the proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.**

Sources:
Field Surveys
Project Plans
California Department of Transportation (Caltrans), List of Officially Designated State Scenic Highways
City of Oakland, Oakland General Plan, Land Use and Transportation Plan Element, March 1998
City of Oakland, Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996

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

Comments to II (a), (b), & (c): No Impact.

The proposed project is located in a developed urban neighborhood commercial area. There are no farmlands or agricultural uses existing on-site, adjacent to the site or within the Temescal District where the project site is located.

Sources:
Field Surveys
City of Oakland, Oakland General Plan, Land Use and Transportation Plan Element, March 1998
City of Oakland, Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
III. AIR QUALITY—Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	■	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	■	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐	☐
e) Frequently create substantial objectionable odors affecting a substantial number of people?	☐	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour. Pursuant to BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which (1) vehicle emissions of CO would exceed 550 lb/day; (2) intersections or roadway links would decline to LOS E or F; (3) intersections operating at LOS E or F will have reduced LOS; or (4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour?	☐	☐	☐	■	☐
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater?	☐	☐	☐	■	☐
h) Result in potential to expose persons to substantial levels of Toxic Air Contaminants (TAC), such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	☐	☐	■	☐	☐
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	☐	☐	☐	■	☐
j) Result in a substantial increase in diesel emissions?	☐	☐	☐	■	☐
k) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project results in any individually significant impact; or	☐	☐	☐	☐	■
1) Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan? When the general plan fundamentally conflicts with the regional air quality plan, then if the contribution of the proposed project is cumulatively considerable when analyzed the impact to air quality should be considered significant.	☐	☐	☐	☐	■

Comments to III (a), (b), (d) & (h): Less Than Significant with Development Standards.

The San Francisco Bay Area Air Basin is currently non-attainment for ozone (state and federal ambient standards) and PM_{10} (state ambient standard).[1] While air quality plans exist for ozone, none exists (or is currently required) for PM_{10}. The Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard (2001) is the current ozone air quality plan required under the federal Clean Air Act. The state-mandated regional air quality plan is the Bay Area 2005 Ozone Strategy. These plans contain mobile source controls, stationary source controls and

[1] Ozone is a an unstable, poisonous form of oxygen, O_3, that is formed naturally in the ozone layer from atmospheric oxygen by electric discharge or exposure to ultraviolet radiation, also produced in the lower atmosphere by the photochemical reaction of certain pollutants. PM_{10} is fine particulate matter that is 10 micrometers (ten millionth (10^{-6})of a meter or less in diameter.

transportation control measures to be implemented in the region to attain the state and federal ozone standards within the Bay Area Air Basin.

A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines provide that if a project requires a General Plan amendment it would have a significant cumulative impact if the project generates more Vehicle Miles Traveled than that anticipated under the previous land use designation. This would be due to inconsistency with the regional air quality plan, which is based on Association of Bay Area Governments (ABAG) projections which are in turn based on city/county general plans. Implementation of the proposed project would not require a General Plan amendment, therefore, the proposed project would not be inconsistent with the assumptions in the Bay Area 2001 plan and the 2005 Ozone Strategy.

Potentially, the construction work could result in the entrainment of asbestos, a toxic air contaminant. As required for all development projects involving demolition of, or in, existing buildings, the project applicant shall be required to implement and comply with the following uniformly applied standard condition of approval, which would reduce the potential for public health hazards associated with airborne asbestos fibers to a less-than-significant level.

With the incorporation of Standard Condition AQ-1 regarding asbestos removal, the potential impact would be reduced to less than significant.

> **Standard Condition AQ-1: Asbestos Removal in Structures. Prior to issuance of a demolition permit if asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.**

Construction Emissions and Dust Control

Demolition, excavation, grading, foundation and other ground-disturbing construction activity would temporarily affect localized air quality for up to about two months, causing a temporary increase in particulate dust and other pollutants. Excavation and movement of heavy equipment could create fugitive dust and emit nitrogen oxides (NO_x), carbon monoxide (CO), sulphur dioxide (SO_2), reactive organic gases or hydrocarbons (ROG or HC), and particulate matter with a diameter of less than 10 microns (PM_{10}) as a result of diesel fuel combustion. Fugitive dust is made up of particulate matter including PM_{10}.

The project sponsor would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulate and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when truck are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

While construction emissions would occur in short-term, temporary phases, they could cause adverse effects on local air quality. BAAQMD, in its CEQA Guidelines, has developed an analytical approach that obviates the need to quantitatively estimate these emissions. BAAQMD has identified a set of feasible PM_{10} control measures for construction activities. The project would include these measures to reduce the effects of construction activities to a less-than-significant level.

With the incorporation of Standard Conditions AQ-2 regarding construction emissions, and AQ-3 regarding dust control, the potential impacts would be reduced to less than significant.

> **Standard Condition AQ-2: Construction Emissions. Prior to issuance of a demolition, grading or building permit to minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:**
>
> **a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.**
>
> **b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.**
>
> **Standard Condition AQ-3: Dust Control. Prior to issuance of a demolition, grading or building permit, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) dust control procedures required for construction sites. These include:**
>
> **a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.**

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

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

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

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

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

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

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

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

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

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

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

Comments to III (e), (k) & (l): No Impact.

The proposed project would not increase or change perceptibly odors on the project site or in the vicinity of the proposed project. Observation indicates that surrounding land uses are not sources of objectionable odors that would adversely affect project residents, and that residential waste handling for projects of this size is not a source of significant objectionable odors. The proposed project would not create objectionable odors nor be exposed to existing objectionable odors, and therefore not have a significant odor impact.

The proposed project's contribution to cumulative impacts is not considered significant because as discussed below it does not have a project-specific significant impact.

The proposed project would not result in a fundamental conflict with the local general plan, and the City of Oakland General Plan does not fundamentally conflict with the state-mandated regional air quality plan, the Bay Area 2005 Ozone Strategy.

Comments to III (c), (f), (g), (i) & (j): Less Than Significant Impact.

The project is not located in proximity to any known sources of significant risks from diesel emissions. The project would generate little or no diesel emissions. The project site is located more than 500 feet from Highway 24.

Greenhouse Gases

There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the Earth's surface warm by trapping heat in the Earth's atmosphere, in much the same way as glass in a greenhouse. While many studies show evidence of warming over the last century, and predict future global warming, the causes of such warming and its potential effects are far less certain. In its "natural" condition, the greenhouse effect is responsible for maintaining a habitable climate on Earth, but human activity has caused increased concentrations of these gases in the atmosphere, thereby contributing to an increase in global temperatures. Carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone (O_3), and water vapor (H_2O) are the principal GHGs, and when concentrations of these gases exceed the natural concentrations in the atmosphere, the greenhouse effect may be enhanced. Without these GHGs, Earth's temperature would be too cold for life to exist. CO_2, CH_4 and N_2O occur naturally as well as through human activity. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing associated with agricultural practices and landfills. Man-made GHGs—with much greater heat-absorption potential than CO_2—include fluorinated gases such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6) which are byproducts of certain industrial processes.

In 2005, it was estimated that the emission of CO_2 equivalents (CO_2e) from all major sources totaled 2,200,000 tons, nearly half of which from transportation. From year 2005, emissions are forecast to increase by 12 percent by 2010 (to 2,500,000 tons of CO_2e), and 19.5 percent (to 2,700,000 tons of CO_2e) by 2020, assuming "business as usual" into the future.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, establishing statewide GHG emission reduction targets. This EO provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent of 1990 levels. On August 31, 2006, the California Assembly passed Bill 32 (AB 32—signed into law on September 27, 2006), which commits

California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the California Air Resources Board (CARB) to establish regulations to achieve these goals. By January 1, 2008, CARB is also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which must be achieved by 2020. By January 1, 2011, CARB is required to adopt rules and regulations, which shall become operative on January 1, 2012, to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

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

As of preparation of this Initial Study, there are no statutes, regulations, guidelines, or case law decisions requiring analysis of climate change within a CEQA document. Under AB 32, the CARB (the sole agency in charge of regulating sources of emissions of GHG in California) has been tasked with adopting regulations for reduction of GHG emissions. As of the date of this analysis, no air district in California (including BAAQMD) is known to have identified a significance threshold for GHG emissions or a methodology for analyzing air quality impacts related to GHG emissions. In particular, there is no emission rate criterion for the purpose of identifying a significant contribution to global climate change in CEQA documents.

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

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

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

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

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

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

- Uncertainties regarding human activities and climate change and the potential human activities that may reverse global warming trends.
- Lack of guidance for analysis of climate change issues in CEQA documents.
- Lack of methodology for evaluating GHGs, specifically determining the incremental increase in GHG emissions for an individual project, the impacts of a particular development project on global climate change, and the significance of any such impacts under CEQA.
- Lack of methodology for determining whether GHG emissions from an individual project are significant.

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

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

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

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

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

Although it is possible to generally estimate a project's contribution to CO_2 into the atmosphere, it is a matter of speculation whether that project increases existing levels of GHGs globally or in the State of California. Moreover, even if it is assumed that a project does create an incremental increase in those emissions, it is typically not possible to determine whether or how an individual project's

relatively small incremental contribution might translate into physical effects on the environment, given the considerations discussed above.

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

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

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

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

- Removal of Vegetation – The net removal of vegetation for construction results in a loss of carbon sequestration in plants. Alternately, planting of additional vegetation would result in additional carbon sequestration and lower carbon footprint of the project.
- Construction Activities – Construction equipment typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as carbon dioxide, methane, and nitrous oxide. Furthermore, methane is emitted during the fueling of heavy equipment.
- Gas, Electricity and Water Use – Gas use results in the emissions of two GHGs: methane (the major component of natural gas) and carbon dioxide from the combustion of natural gas (as before a flame on a stove is sparked, and from small amounts of methane that is uncombusted in a natural gas flame. Electricity use can result in GHG production if the electricity is generated by combusting fossil fuel. California's water conveyance system is energy-intensive, with electricity used to pump and treat water.

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

While the proposed project and all development of similar land use would generate GHG emissions as described above, the City of Oakland's ongoing implementation of its Sustainability Community Development Initiative and other programs/policies will collectively reduce the levels of GHG emissions and contributions to global climate change attributable to activities throughout Oakland. [2]

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

- City of Oakland – According the Pedestrian Master Plan, the City of Oakland has the highest walking rates for all cities in the nine-county San Francisco Bay Region. It is noted that these high pedestrian trips are likely because the neighborhoods are densely populated and well served by transit, including Bay Area Rapid Transit (BART), AC Transit, Amtrack, and the Alameda Ferry. As such, the project would reduce transportation-related GHG emissions compared to emissions from the same level of development elsewhere in the outer Bay Area.
- Energy Efficiency – The proposed project would be required to comply with all applicable local, state, and federal regulations associated with the generation of GHG emissions and energy conservation. In particular, construction of the proposed project would also be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, and the requirements of pertinent City policies as identified in the City of Oakland General Plan, helping to reduce future energy demand as well as reduce the project's contribution to regional GHG emissions.
- Construction Waste – The proposed project will be required to comply with the Construction and Waste Reduction Ordinance and submit a Construction and Demolition Waste Reduction Plan for review and approval. As a result, construction-related truck traffic, which primarily have diesel fueled engines, would be reduced since demolition debris hauled off site would be reused on site. In addition, reuse of concrete, asphalt, and other debris will reduce the amount of material introduced to area landfills.

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

Project Emissions

The BAAQMD CEQA Guidelines set forth thresholds of significance. These thresholds are based on the minimum-size projects that BAAQMD considers capable of producing air quality problems due to vehicular emissions. One of the applicable thresholds is 2,000 new vehicle trips per day. The project would be below this minimum standard (approximately 1,729 average daily trips) (see Appendix II). Therefore, under BAAQMD regulations a detailed air quality analysis for the proposed project is not required, and, therefore, no significant air quality impacts would be generated by the proposed project.

The proposed project would include a change of use from commercial to residential and commercial uses. The introduction of residential use could require the on-site operation of a 90+ percent efficient natural-gas-fired hot water boiler to provide hot water for residential use and a residential radiant floor heating system. This boiler would emit low trace quantities of toxic air contaminants, but would not be expected to have the potential to generate toxic air contaminants in substantial amounts.

Sources:

Bay Area Air Quality Management District, Bay Area 2005 Ozone Strategy, December 28, 2005
Bay Area Air Quality Management District, Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard, October 24, 2001
Bay Area Air Quality Management District, Rules and Regulations
Bay Area Air Quality Management District, CEQA Guidelines, April 1996
City of Oakland, Oakland General Plan, Land Use and Transportation Plan Element, March 1998
City of Oakland, Bicycle Master Plan, July 20, 1999
DKS Associates, Memorandum – Trip Generation for Air & Noise Analysis [DATE]

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	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?	☐	☐	☐	☐	■
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?	☐	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	■
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐	■
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	■
f) Fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances? Factors to be considered in determining significance include: the number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees. Protected trees include the following: Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.	☐	☐	■	☐	☐
g) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of riparian and aquatic habitat through: (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat?	☐	☐	☐	☐	■

Comments to IV (a), (b), (c), (d), (e) & (g): No Impact.

The existing project site consists almost entirely of hardscape. There are no habitats, special species, wetlands or other sensitive natural communities located on-site or adjacent to the site that could be

affected by the proposed project. There is an existing underground concrete storm culvert located up to 20 feet beneath the existing building on-site. This culvert is used solely for storm water drainage. It does not function as a habitat and is not considered a "creek" per the Oakland Creek Protection Ordinance. It does not represent a natural wetland nor is it used by any species or natural community. The proposed project would not modify this culvert in any way.

Comments to IV (f): Less Than Significant with Development Standards.

The proposed project would remove nine existing on-site trees considered protected trees according to the Oakland Tree Preservation and Removal Ordinance. The protected trees are located along the northern boundary of the site and consist of a variety of types ranging in size from ten inches diameter at breast-height (dbh) to 24 inches dbh. The project applicant will be required to obtain a City of Oakland Tree Removal Permit and abide by the conditions of that permit prior to removal of any protected tree located on the project site or in the public right-of-way adjacent to the project.

With the incorporation of Standard Condition BIO-1 regarding a tree removal permit, the potential impact would be reduced to less than significant.

> **Standard Condition BIO-1: Tree Removal Permit. Prior to removal of any protected trees, per the Tree Preservation and Removal Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.**

Four existing London Plane Trees ranging in size from 16 inches dbh to 24 inches dbh are located in the public right-of-way of Telegraph Avenue and Claremont Avenue along the western property line. These trees, also considered protected trees, are not proposed to be removed by the project.

With the incorporation of Standard Condition BIO-2 regarding the protection of the trees in the public right-of-way, the potential impact would be reduced to less than significant.

> **Standard Condition BIO-2: Tree. Protection During Construction. Prior to issuance of a demolition, grading, or building permit adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:**
>
> **a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.**

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

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

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

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

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

Sources:

Tova Applied Science & Technology, Memorandum: Creekside Mixed-Use Development Project, 5132 Telegraph Avenue, Oakland, October 4, 2007

City of Oakland, Tree Preservation and Removal Ordinance (Oakland Municipal Code, Chapter 12.36)

City of Oakland, Creek Protection Ordinance (Oakland Municipal Code, Chapter 13.16)

City of Oakland, Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES—Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines 615064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	☐	☐	☐	☐	■
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	■	☐	☐

Comments to V (a): No Impact

The existing building within the project site, located at 5132 Telegraph Avenue, was built in 1974. The building is not identified as a historical resource by the Oakland Cultural Heritage Survey (OCHS), nor is it listed as a historical resource in the State Office of Historic Preservation's Directory of Properties (an inventory of properties listed on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest). There are three historic properties in the vicinity of the project site (the Oakland Public Library Temescal Branch at 5205 Telegraph Avenue, 445 51st Street, and the Pacific Gas & Electric Substation at 542 51st Street). Absent extraordinary circumstances, buildings less than 50 years old are normally presumed not to be historical resources. The building on the site, which was designed by Maxwell Starkman, is a generic example of buildings of the period, and does not have any unique design features. It is not associated with important events or persons, nor does it have the potential to yield information important to the prehistory or history of the local area, state or the nation. Thus, the building is not considered a historic resource pursuant to CEQA, and demolition of the building would not result in a significant impact.

The existing concrete culvert located below grade on the project site, was built in 1907 and modified in 1972. This underground culvert is not identified as a historical resource by the OCHS, nor is it listed as a historical resource in the State Office of Historic Preservation' Directory of Properties. The culvert does not retain historic integrity as it has been remodeled and does not meet any of the criteria for consideration as historically significant (associated with historic events or important historic persons, embodying distinctive architectural characteristics, or yield important historic information). Thus, the culvert is not considered a historic resource pursuant to CEQA. The project would not alter the culvert, since it is in good condition and can continue to serve its purpose for the foreseeable future. The project will be constructed so as to not increase the loading on the culvert or alter the existing procedures for maintenance and repair.

For a discussion of potential shadow impacts of the project related to cultural resources, please refer to the discussion in the Aesthetics section of this document.

Comments to V (b), (c) & (d): Less Than Significant with Development Standards.

The proposed project site possesses no known archaeological resources, and the project site is not listed on any map or survey indicating archaeological sensitivity.

With the incorporation of Standard Condition CUL-1 regarding archeological resources, the potential impact would be reduced to less than significant.

> **Standard Condition CUL-1: Archaeological Resources. Ongoing throughout demolition, grading, and/or construction.**
>
> **a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.**
>
> **b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery)**

shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

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

The proposed project site possesses no known paleontological resources.

With the incorporation of Standard Condition CUL-2 regarding paleontological resources, the potential impact would be reduced to less than significant.

Standard Condition CUL-2: Paleontological Resources. Ongoing throughout demolition, grading, and/or construction. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

The proposed project site possesses no known human remains.

With the incorporation of Standard Condition CUL-3 regarding human remains, the potential impact would be reduced to less than significant.

Standard Condition CUL-3: Human Remains. Ongoing throughout demolition, grading, and/or construction. In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission

(NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

Sources:
Oakland Cultural Heritage Survey.
State Office of Historic Preservation, Directory of Properties

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS—Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	■	☐
ii) Strong seismic ground shaking?	☐	☐	■	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	■	☐	☐
iv) Landslides?	☐	☐	☐	☐	■
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?	☐	☐	■	☐	☐
c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	☐	☐	☐	☐	■
d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	☐	☐	☐	☐	■
e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?	☐	☐	☐	☐	■
f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	■

Comments to VI (a) (i): Less Than Significant Impact.

The proposed project is not located within the Alquist-Priolo Earthquake Fault Zone.

Comments to VI (a)(ii-iii) & (b): Less Than Significant with Development Standards.

In accordance with standard City practices, and in conformance with current codes and regulations, the project sponsor will 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 Oakland Building Code and the applicable provisions of the California Building Code. Therefore, the structural design of the proposed project would seek to address seismic ground shaking and seismic ground failure including liquefaction.

With the incorporation of Standard Condition GEO-1 regarding soils, the potential impact would be reduced to less than significant.

> **Standard Condition GEO-1: Soils Report. A preliminary soils report for each construction site within the project area shall be required as part if this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:**
>
> **A. Logs of borings and/or profiles of test pits and trenches:**
>
> **a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.**
>
> **b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.**
>
> **c) All boring logs shall be included in the soils report.**
>
> **B. Test pits and trenches**
>
> **a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.**
>
> **b) Soils profiles of all test pits and trenches shall be included in the soils report.**
>
> **C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.**
>
> **D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum**

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

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

a) Site description

b) Local and site geology

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

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

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

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

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

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

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

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

The existing project site consists almost entirely of hardscape located on a plot of land with very little slope. The proposed project would also seek to cover the entire site with hardscape, excepting a small portion to be designated as greenway along the eastern property line. Due to this, there would be no soil erosion risks to property or life.

The existing site is not considered a creekside property per the Creek Protection Ordinance. Therefore, no creeks or waterways would be impacted.

With the incorporation of Standard Condition GEO-2 regarding an erosion and sedimentation control plan, the potential impact would be reduced to less than significant.

Standard Condition GEO-2: Erosion and Sedimentation Control Plan.

Prior to any grading activities.

The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities.

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

Comments to VI (a)(iv), (c), (d), (e) & (f): No Impact.

The project site and surrounding area are relatively flat so the risk of landslides is minimal.

The site-specific geotechnical investigation found that the near surface soils found on the site are not expansive. The geotechnical engineers have made recommendations for foundation systems appropriate to the site conditions, type of structures and projected loads.

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 California Building Code. Therefore, the proposed project would not result in substantial risks to life or property due to unstable or expansive soil.

The project site is not located on a site known to contain a well, pit, swamp, mound, tank vault, or unmarked sewer line, nor is it located on a current or former known landfill.

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 proposed as part of the project.

Sources:
Field Surveys
Project Plans
Earth Mechanics Consulting Engineers, Report Geotechnical Investigation, June 5, 2007
City of Oakland, Creek Protection Ordinance (Oakland Municipal Code, Chapter 13.16)
City of Oakland, Oakland Building Code (Oakland Municipal Code, Chapter 15.04)

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS— Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	■
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☐	☐	■
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	■
f) Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	■
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	■

Comments to VII (a) & (b): Less than Significant with Development Standards

The project, as a residential development, would not involve the transport, use, storage, or disposal of hazardous materials, other than routine use of minor quantities of household cleaning products, commercial products used in cleaning and maintenance of the buildings, and, potentially, pesticides and fertilizers for care of on-site landscaping. These materials would not pose a significant hazard to the public.

Hazardous construction materials may include solvents, hydraulic fluid, diesel, etc. These materials would be transported, used, and disposed of in accordance with existing state and federal regulations and requirements. These regulations stipulate appropriate vehicles and containers for transport, necessary transport procedures, worker training, and disposal requirements. Transporters of hazardous substances must follow Caltrans guidance/direction regarding transport of hazardous chemicals on Caltrans-identified emergency routes. By complying with regulations designed to protect human health and safety and the environment, normal construction and operations activities requiring routine transport, use, or disposal of hazardous materials would not pose a significant hazard to the public.

With the incorporation of Standard Condition HAZ-1 regarding hazards best management practices, the potential impact would be reduced to less than significant.

> **Standard Condition HAZ-1: Hazards Best Management Practices. Prior to commencement of demolition, grading, or construction the project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:**
>
> **a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;**
>
> **b) Avoid overtopping construction equipment fuel gas tanks;**

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

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

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

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

ACC Environmental Consultants conducted a Phase I Environmental Site Assessment for the site. The subject property contains a structure erected prior to 1978, which has painted surfaces that may meet the definition of lead-based paint (LBP). LBP is defined differently by different agencies. The Consumer Product Safety Commission prohibits the use of more than 600 parts per million (ppm) of lead in new paint for residential use. The United States Housing and Urban Development (HUD) uses a cutoff of 0.5% lead by weight or 1.0 milligram per square centimeter (mg/cm2). Lead paint waste disposal regulated by the California Environmental Protection Agency uses a definition of 350 ppm total lead by volume, and 5 milligram per liter soluble lead, though intact painted components are generally not regulated as hazardous waste. There are state and federal occupational safety and health (OSHA) regulations and HUD guidelines that are designed to protect residents and workers who disturb LBP. A lead based paint survey performed by a California Certified Lead Inspector is recommended if construction work is performed that disturbs the painted surfaces by such means as manual demolition, sanding, or scraping.

With the incorporation of Standard Condition HAZ-2 regarding a lead-based paint/coatings, asbestos, or PCB occurrence assessment, the potential impact would be reduced to less than significant.

Standard Condition HAZ-2: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. Prior to issuance of any demolition, grading or building permit the project applicant shall submit a comprehensive assessment report, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-

containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

With the incorporation of Standard Condition HAZ-3 regarding lead-based paint remediation, the potential impact would be reduced to less than significant.

Standard Condition HAZ-3: Lead-based Paint Remediation. Prior to issuance of any demolition, grading or building permit if lead-based paint is present, the project applicant shall submit specifications signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

With the incorporation of Standard Condition HAZ-4 regarding other materials classified as hazardous waste, the potential impact would be reduced to less than significant.

Standard Condition HAZ-4: Other Materials Classified as Hazardous Waste. Prior to issuance of any demolition, grading or building permit, if other building materials or stored materials classified as hazardous waste by State or federal law is present, the project applicant shall submit written confirmation that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

With the incorporation of Standard Condition HAZ-5 regarding a health and safety plan assessment, the potential impact would be reduced to less than significant.

Standard Condition HAZ-5: Health and Safety Plan per Assessment. Prior to issuance of any demolition, grading or building permit, if the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

ACC Environmental Consultants conducted a sub-surface soil investigation at the site. Based on sample analytical results, PID readings, and field observations, ACC concluded the following:

- Soil sample B1-14.5 did not report any concentrations of TPHg, BTEX, and MTBE above laboratory reporting limits and reported diesel and motor oil should be considered insignificant;
- Grab groundwater analytical results reported no detectable concentrations of TPHg/BTEX/MTBE and relatively minor concentrations of degraded diesel-range and motor oil-range petroleum hydrocarbons;

- Reported petroleum hydrocarbons in groundwater do not represent a potential human health risk issue and do not affect site use at the subject property;
- Field observations and water sample analytical results representative of groundwater migrating beneath the subject property are consistent with an identified upgradient petroleum hydrocarbon release, and petroleum hydrocarbon impacts in groundwater should be considered insignificant;
- Relatively fine-grain soils from the surface to first encountered groundwater represents a barrier that essentially prevents the vertical migration of volatilized petroleum hydrocarbons in the subsurface; and
- Additional site characterization is not warranted and information summarized in the report does not need to be forwarded to any regulatory agency.

Construction/Demolition

The construction contractor would utilize commercially-available materials used to power and maintain motorized equipment, however, these materials would not be of sufficient strength or quality to create a significant hazard to the public through upset or accident conditions.

Comments to VII (c), (d), (e), (f), (g) & (h): No Impact

The project site is not located within ¼-mile of a school. The closest school to the project site, Emerson Elementary School at 4803 Lawton Avenue, is located approximately 0.47 miles from the project site. The project site is not on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 (commonly referred to as the "Cortese List") and is not located in close proximity to an existing or proposed school. In addition, the project site is not located within an airport land use plan, or in the vicinity of a public or private airstrip. Oakland International Airport is located about 10 miles to the south of the project site. Therefore, hazards associated with airports would not affect the proposed project. The project would not affect local roadway access or evacuation routes. Therefore, the proposed project would not interfere with an adopted emergency evacuation plan. Lastly, the project site is located in an urbanized area and is not susceptible to wild land fires.

Sources:

City of Oakland, Draft Multi-Hazard Functional Plan, 1993
City of Oakland, Oakland General Plan, Land Use and Transportation Plan Element, March 1998
ACC Environmental Consultants, Phase I Investigation, February 16, 2007
ACC Environmental Consultants, Sub-Surface Soil Investigation, April 30, 2007

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	■	
c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	☐	☐	■	☐	☐
d) Result in substantial flooding on- or off-site?	☐	☐	☐	■	☐
e) Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	☐	■	☐
f) Create or contribute substantial runoff which would be an additional source of polluted runoff?	☐	☐	■	☐	☐
g) Otherwise substantially degrade water quality?	☐	☐	■	☐	☐
h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map, that would impede or redirect flood flows?	☐	☐	☐	☐	■
i) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☐	■
j) Expose people or structures to a significant risk of loss, injury or death involving flooding?	☐	☐	☐	☐	■
k) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	■
1) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site?	☐	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
m) Fundamentally conflict with elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety?	☐	☐	☐	☐	■

Comments to VIII (a), (c), (f) & (g): Less Than Significant with Development Standards

The project site is an already-developed site in the City of Oakland and is currently covered with impervious surfaces except for some small landscaped areas. Implementation of the proposed project would result in the demolition of the existing building on the site and the replacement of this building with new structures containing residential and commercial uses and a greenway along the eastern edge. Because the greenway area would exceed the area of existing landscaping, the proposed project would result in no net increase in impervious surfaces within the project site.

The proposed project is subject to Provision C.3 of the Regional Water Quality Control Board (RWQCB) Order R2-2003-0021 (National Pollutant Discharge Elimination System Permit No CAS0029831). The proposed project would be considered a Group 2 project (i.e., a redevelopment project that creates or replaces more than 10,000 square feet of impervious surfaces). The project is subject to the specific C.3 requirements for Group 2 projects. Such projects are required to implement appropriate source control and site design measures, to design and implement appropriate stormwater measures to reduce stormwater pollution to the maximum extent practicable, use construction best management practices (BMPs), and incorporate post-construction treatment measures. The project will comply fully with the requirements of Provision C.3. Therefore, the proposed project would not violate water quality standards.

With the incorporation of Standard Conditions Hydro-1 and Hydro-2 regarding post-construction stormwater pollution management, the potential impact would be reduced to less than significant.

> **Standard Condition Hydro-1: Post-Construction Stormwater Pollution Management Plan. Prior to issuance of building permit (or other construction-related permit the applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide**

Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

a) The post-construction stormwater pollution management plan shall include and identify the following:

- **All proposed impervious surface on the site;**
- **Anticipated directional flows of on-site stormwater runoff; and**
- **Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and**
- **Source Control Measures to Limit the potential for stormwater pollution; and**
- **Stormwater treatment measures to remove pollutants from stormwater runoff.**

b) The following additional information shall be submitted with the post-construction stormwater pollution management plan:

- **Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and**
- **Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures.**

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

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

Standard Condition HYDRO-2: Maintenance Agreement for Stormwater Treatment Measures. Prior to final zoning inspection. For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

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

b) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

Comments to VIII (b), (d) & (e): Less Than Significant Impact.

Because the proposed project would replace existing impervious surfaces, it would not interfere with groundwater recharge or alter the existing drainage pattern of the area. The subsurface soils report for the project site indicated that groundwater level is approximately 16 feet below the surface of the project site. There will be a below-grade parking level, however, excavation would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a significant effect on the groundwater table level or aquifer. Furthermore, the project would not result in a net increase in the amount of on-site impervious surface so the project will not interfere with groundwater recharge.

The existing culvert on the site would not be altered or replaced, and as the existing site is fully developed it is not expected that stormwater discharges would increase as a result of the project. The existing site contains approximately 2,000 sq. ft. of pervious surfaces, and the project incorporates approximately 2,700 sq. ft. of pervious surfaces. As the project would introduce a net gain in pervious surfaces, it is not expected that the proposed project would increase the amount of stormwater run-off or increase the likelihood of on- or off-site flooding. The newly constructed pervious surfaces and the stormwater management measures discussed above would improve the current discharge scenario and decrease the likelihood of flooding from existing conditions.

Comments to VIII (h), (i), (j), (k), (l) & (m): No Impact.

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.

Although seiches and tsunamis can occur and cause tidal surges in the San Francisco Bay, these events are extremely rare, and would not result in wave run-up capable of causing flood damage at the project site, which is located at approximately 116 feet above sea level. The potential for mudslides to occur is low due to the developed urbanized nature of the surrounding area and the 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.

The project would not result in significant impacts with respect to the protection of hydrologic resources and it would not fundamentally conflict with the City of Oakland Creek Protection Ordinance because the concrete culvert below the project is not considered a "creek" per the Ordinance.

Sources:
Field Surveys
Project Plans
City of Oakland, Creek Protection Ordinance (Oakland Municipal Code, Chapter 13.16)
ACC Environmental Consultants, Sub-Surface Soil Investigation, April 30, 2007
Regional Water Quality Control Board, San Francisco Bay Region, Order R2-2003-0021 (National Pollutant Discharge Elimination System Permit No. CAS0029831)

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING—Would the project:					
a) Physically divide an established community?	☐	☐	☐	■	☐
b) Result in a fundamental conflict between adjacent or nearby land uses?	☐	☐	☐	■	☐
c) Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment?	☐	☐	☐	■	☐
d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■	☐

Comments to IX (a), (b), (c) & (d): Less Than Significant Impact.

The proposed project would not disrupt or divide the physical arrangement of surrounding uses and activities. The proposed project would be constructed within the existing lot boundaries, would not interfere with or change the existing street pattern, would not introduce a new physical barrier in the community, or otherwise impede the passage of persons or vehicles. The surrounding uses and activities would remain and continue to interrelate with each other as they do at present.

The area surrounding the proposed project includes single-family residential, multi-family, mixed-use and commercial uses. Ownership and rental residential units exist alongside library, café, and other neighborhood-serving retail uses. A mixed-use project comprised of for-sale residential condominiums and 3,000 sq. ft. of ground-floor retail has been approved for the adjacent Civiq property. The proposed project is consistent with the ground floor commercial with residential above uses found in the surrounding area. The proposed project would also be consistent with uses the General Plan (NCMU & MHTR) and zoning (C-28 & R-40) have designated appropriate for the site.

Noise, odors, and other use characteristics of the residential component of the proposed project would be entirely consistent with other multi-family residential facilities in the immediate vicinity. While occupants have not yet been selected for the proposed commercial space, it is expected that the uses would mirror the neighborhood-serving retail seen in the immediate area. As such, the noise, odor, and other impacts from the neighborhood-serving retail would also be compatible with similar land uses in the adjacent vicinity

The proposed mixed-use residential and commercial project would not introduce new or incompatible land uses to the area. Small-scale residential land uses do exist in the immediate project vicinity. Although the proposed project would be taller and a more intense land use than the immediately adjacent land uses, particularly residential uses, the proposed project would be consistent with the varied size, structures and mixed land use character of the area.

General Plan Analysis

The site contains two General Plan land use designations. The western portion of the site towards the corner of Telegraph and Claremont Avenues is designated Neighborhood Center Mixed Use (NCMU) by the General Plan. The maximum residential density allowed under the NCMU designation is 125 units per gross acre. According to the General Plan, the intent and desired character of the NCMU designation is the following:

> The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking

> places, personal and business services, and smaller scale educational, cultural, or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial. (Land Use and Transportation Element, p. 149)

The eastern portion of the site towards Clarke Street is designated Mixed Housing Type Residential (MHTR) by the General Plan. The maximum residential density allowed under the MHTR designation is 30 units per gross acre. According to the General Plan, the intent and desired character of the MHTR designation is the following:

> The Mixed Housing Type Residential classification is intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with live-work types of developments, small commercial enterprises, schools, and other small scale, compatible civic uses possible in appropriate locations. (Land Use and Transportation Element, p. 146)

Section 17.01.120C of the Oakland Planning Code states that the General Plan land use designations have been broadly applied without parcel by parcel specificity and the General Plan Land Use Diagram is largely illustrative of the General Plan's written goals and policies. If the maximum residential density allowed by the General Plan on the project site is calculated based upon the precise location of the boundary between the NCMU and MHTR designations as mapped on the General Plan Land Use Diagram, a total of 85 units would be allowed on the site under the General Plan. The project site is also divided into two zoning districts, the C-28 Zone and the R-40 Zone, as discussed below. Zoning boundaries are drawn with parcel-by-parcel specificity. If the density policies of the NCMU and MHTR designations are applied to the site in a manner such that the generalized location of the boundary between the NCMU and MHTR designations is considered consistent with the precise location of the boundary between the C-28 Zone and R-40 Zone, a total of 102 units would be allowed under the General Plan.

The zoning for the site would allow a maximum of 69 units on the property. Pursuant to the Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations, an Interim Conditional Use Permit is required to increase the project's residential density to the maximum allowed under the General Plan for the portion of the site located in the NCMU General Plan designation. For the portion of the site located in the MHTR General Plan designation, a Major Variance would be required to increase the project's residential density to the maximum allowed

under the General Plan.[3] 93 units would be allowed with an Interim Conditional Use Permit (to apply the General Plan density policies for the portion of the site located in the NCMU General Plan designation) in the absence of a Major Variance (for the portion of the site located in the MHTR General Plan designation).

Pursuant to City and State density bonus laws, the project sponsor is seeking a density bonus to exceed the maximum residential density allowed under the General Plan by providing a certain percentage of affordable units in the project. Specifically the project sponsor proposes to restrict five percent of the units to very low income households, defined as households earning no more than 50 percent of Area Median Income, which would entitle the project to a density of bonus of 20 percent additional units above what is allowed under the General Plan. If the maximum density allowed under the General Plan is 102 units as discussed above, five percent of the units (five units) would be designated as affordable units thereby generating a density bonus of 20 percent additional units (20 units) for a total of 120 units, equal to the number of units proposed.

Below is a table that summarizes the various allowable densities for the site:

Density Regulation	**No. of Units**
Zoning	69
General Plan • Based on precise location of General Plan boundaries • Requires Interim Conditional Use Permit and Major Variance	85
General Plan • Based on location of zoning boundaries • Requires Interim Conditional Use Permit	93
General Plan • Based on location of zoning boundaries • Requires Interim Conditional Use Permit and Major Variance	102
General Plan • Based on location of zoning boundaries • Requires Interim Conditional Use Permit, Major Variance and Density Bonus	120

[3] According to the Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations, normally an Interim Conditional Use Permit is required when a project seeks to exceed the allowable zoning density and apply the maximum density allowed under the General Plan. In areas designated Mixed Housing Type Residential, however, a Major Variance is required.

The mixed-use project proposes to construct a ground-floor podium with commercial, parking and open space with the following three buildings above: 5120 Telegraph Avenue on the southwest portion of the site; 5140 Claremont Avenue on the west portion of the site and 5115 Clarke Street on the northeast portion of the site. The two buildings at 5120 Telegraph Avenue and 5140 Claremont Avenue would contain ground-floor neighborhood-oriented commercial space with continuous street frontage as called for by the General Plan. The remaining building at 5115 Clarke Street would be entirely residential units above the parking garage. Because of its location in the MHTR portion of the site and on a lower-density residential street, this building would step down in height from the other two buildings.

The project site is located within a "Grow and Change" area as outlined in the General Plan Strategy Diagram. This designation is used where growth will be focused to help Oakland succeed in its economic, social, and environmental transition that will allow the City to successfully address housing, economic vitality and other challenges. According to the General Plan, Grow and Change areas should "emphasize significant changes in density, activity, or use, which are consistent with the Land Use Diagram, Transportation Diagram, and the Policy Framework and other Elements of the General Plan." (Land Use and Transportation Element, p. 124) The project is consistent with residential densities as specified in the NCMU and MHTR General Plan designations and would direct additional commercial and residential density and activities to the Temescal commercial corridor consistent with the Grow and Change designation.

Below are additional policies in the General Plan which are applicable to the project. Following each policy is an analysis of the project's consistency with the respective policy.

Housing Element

Policy 1.7: Regional Housing Needs. The City will strive to meet its fair share of housing needed in the region.

Proposal: The project would add housing units to the City's housing stock, thereby helping the City to meet its fair share of housing needed in the region.

Policy 2.3: Density Bonus Program. Develop and implement a program to permit projects to exceed the maximum allowable density if they include units set aside for occupancy by very low-, low-, and moderate-income households and/or seniors.

Proposal: The project proposes to exceed the maximum allowable density under the General Plan, as described above, by including five units set aside for very low income households.

Policy 2.4: Inclusion of Affordable Units in Market Rate Projects. Seek voluntary agreements with private developers of market rate housing to include units affordable to lower-income households, especially those projects involving Redevelopment Agency support or requiring major planning approvals.

Proposal: The project proposes to include five units restricted to very low income households.

Policy 3.1: Expedite and Simplify Permit Processes. Continue to implement permit processes that facilitate the provision of housing and annually review and revise permit approval processes.

Proposal: Approval of the project would facilitate the provision of housing.

Policy 3.2: Flexible Zoning Standards. Allow flexibility in the application of zoning, building, and other regulations.

Proposal: The project may require approval of one or more variances to the development standards contained in the Zoning Regulations.

Policy 7.2: Energy Conservation. Encourage the incorporation of energy conservation design features in existing and future residential development.

Proposal: The project would be required to meet State-mandated Title 24 energy requirements.

Policy 7.3: Infill Development. Continue to direct development toward existing communities and encourage infill development at densities consistent with surrounding communities.

Proposal: The project is located on an infill site located in an existing urbanized area of the city. The proposed density would direct additional density to an area designated "Grow and Change" in the General Plan.

Policy 7.4: Compact Building Design. Work with developers to construct new housing that reduces the footprint of new construction, preserves green spaces, and support the use of public transit.

Proposal: The project would involve a compact development and provide for landscaped, on-site open space. The project site is located in close proximity to various bus lines, and to the MacArthur and Rockridge BART stations, thereby supporting the use of public transit.

Policy 7.5: Mixed Use Development. Encourage a mix of land uses in the same zoning district or on the same site in certain districts.

Proposal: The project is proposing both residential and neighborhood-serving commercial uses for the site.

Land Use and Transportation Element

Policy N1.1: Concentrating Commercial Development. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.

Proposal: The commercial spaces included in the project would be located on Telegraph and Claremont Avenues within the existing Temescal Commercial District. The proposed project would provide for high-quality commercial space that would be easily visible and accessible from the existing commercial corridor. The proposed commercial space can be subdivided and designed to accommodate a wide range of smaller-scale, neighborhood-serving commercial uses.

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

Proposal: The project would provide for 120 new housing units on an underutilized site that currently has no housing.

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

Proposal: The project would redevelop an existing, underutilized parcel within an urbanized area of the city that adjoins existing streets containing existing public utilities. The parcel currently consists of surface parking, a commercial building that is 50 percent vacant, and does not contain any housing units.

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

Proposal: The project would entail high-quality design of three prominent buildings along the three streets - Telegraph Avenue, Claremont Avenue and Clarke Street - that border the site. These buildings would present articulated facades and rooflines that would provide visual interest and variety within a consistent logic of smaller masses that would replicate the pattern of nearby developments. The project would employ high-quality materials, finishes, and details and a color scheme that would enliven the urban landscape. The project would be subject to the design review criteria of the Oakland Planning Code.

Policy N3.9: Orienting Residential Development. Residential developments should be encouraged to face the street and to 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.

Proposal: Proposed buildings along each of the three streets bordering the site would entail residential units that face onto the respective streets. The facades include abundant areas of glass and numerous three-sided courts and bay windows that would enhance the sunlight and views available to the units. There would be sufficient distance between opposing windows of different units within the project, and between the project and adjacent properties, to limit privacy impacts. On-site courtyard open space would be conveniently located within the central portion of the project. Interior noise exposure of the project residents would be considered less than significant as discussed below in the Noise section of this Initial Study (Section XI) and noise exposure of project residents to neighborhood ambient noise in the courtyard open space area would be limited because the courtyard would largely be surrounded by the project's buildings. Due to the topography and relatively flat location of the site and the location of the approved Civiq project, there would not be significant public scenic views that the project would block. Some of the new eastern facing units on the upper stories of the project would have views of the East Bay Hills. The project may have some potential effect on the light and views of units at Claremont Towers (5160 Claremont Avenue) that face a common property line with the project site. 5160 Claremont is 4 stories tall and there are 3 units on each floor that face the common property line across an irregularly shaped yard. There is existing vegetation that impedes light to and views from the 1st, 2nd and 3rd floor south- and east-facing windows of 5160 Claremont. Light to and views from the 4th floor south- and east-facing windows of 5160 Claremont may be impacted by the project. This impact, however, would not be considered unreasonable and would be considered less than significant because the light to and views from these windows is across an adjacent lot (the project site) in an urbanized commercial corridor designated "Grow and Change" in the General Plan. One would reasonably expect certain light and view impacts of development consistent with the General Plan along a "Grow and Change" corridor. Completely avoiding any potential light and view impacts would require unreasonably reducing the height of the project thereby reducing the project's ability to provide the density called for in the General Plan. Potential light impacts to east-facing windows of 5160 Claremont would be minimized due to the proposed distance between these windows and the project. Due to the distance between the proposed development and nearby homes on Clarke Street, potential solar access impacts to these nearby homes would be limited. A shadow analysis conducted for the project shows that the project would not block sunlight to nearby residential properties located on Clarke Street (see Appendix I).

Policy N3.10: Guiding the Development of Parking. Off-street parking for residential buildings should be adequate in amount and conveniently located and laid-out, but its visual prominence should be minimized.

Proposal: The project includes 120 off-street parking spaces. Off-street parking would be located on two levels (one at grade, one above grade) in a new, enclosed parking structure located under the residential units and buffered from the street by the commercial units and residential lobbies. This configuration would make parking convenient to the new units and parking would be screened from view from surrounding streets.

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

Proposal: The project includes units ranging in size from studios to two-bedroom units thereby providing units available to a range of incomes.

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

Proposal: The proposed building on Clarke Street located within the Mixed Housing Type Residential designation would be designed to complement the existing density, scale, design, and character of surrounding development. The height and scale of the proposed Clarke Street building would relate well to its neighbors. The existing 5160 Claremont apartment building, which sits to the west, is a four-story residential building of 50 feet in height. The portion of the approved Civiq project located to the east of the proposed Clarke Street building will be a four-story 37-foot tall residential building at Clarke Street and rise to 55 feet in the interior portion of the site. The proposed Clarke Street building would be a four stories and approximately 46 feet tall with upper-story setbacks. The size and proportions of the street façade of the proposed Clarke Street building would correspond to those of the proposed adjacent Civiq building and existing 5160 Claremont building fronting on Clarke Street.

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

Proposal: The height of the project would step down from approximately 65 feet near the central portion of the site to approximately 36 feet and 46 feet along Clarke Street, the area of lower residential density.

Policy N9.1: Recognizing Distinct Neighborhoods. The City should encourage and support the identification of distinct neighborhoods.

Proposal: The project employs high-quality, unique and visually memorable architecture which would add to and support the identity of the Temescal neighborhood. The project would also provide

for neighborhood-oriented commercial space and a plaza area which would provide for local shopping opportunities and outdoor seating, both of which encourage social interaction and increase the sense of community and neighborhood.

Policy N9.7: Creating Compatible but Diverse Development. 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.

Proposal: The project employs high-quality, unique and visually memorable architecture which would add value to the built environment and contribute positively to the eclectic mix of architecture found in the Temescal commercial corridor. The project would also be compatible with the existing built environment in that it is shaped and articulated to respond to the scale of its neighboring buildings. The project would rise in height in the central portion of the site and step down towards neighboring properties and be visually broken up into smaller sub-volumes to reduce its visual mass and reflect the scale of smaller buildings in the corridor.

Policy N10.1: Identifying Neighborhood "Activity Centers." Neighborhood Activity Centers should become identifiable commercial, activity and communication centers for the surrounding neighborhood. The physical design of neighborhood activity centers should support social interaction and attract persons to the area. Some of the attributes that may facilitate this interaction include plazas, pocket parks, outdoor seating on public and private property, ample sidewalk width, and street amenities such as trash cans and benches, and attractive landscaping.

Proposal: The proposed project would include a plaza area along Telegraph Avenue that would allow for outdoor seating and social interaction. The project would also include a landscaped greenway on the eastern side of the project site to complement the proposed public walkway on the adjacent Civiq property thereby supporting social interaction and encouraging community activity.

Open Space, Conservation and Recreation Element

Policy OS-4.1: Provision of Useable Open Space. Continue to require new multi-family development to provide useable outdoor open space for its residents.

Proposal: The project would include useable outdoor open space for its residents in the form of private balconies and a common courtyard area located conveniently in the central portion of the site.

Policy OS-8.2: Creek Daylighting. Support programs to restore or "daylight" sections of creek that have been culverted or buried in the storm drain system, provided that the following conditions exist: (1) broad-based community support for the project; (2) availability of financial resources for the project; (3) no significant health, safety, flooding, or erosion hazards would result from the project. Place priority for daylighting on properties where additional opportunities for recreational access would be created.

Commercial areas. In neighborhood commercial districts, daylighted creeks can potentially become an amenity to draw patrons and make the area more attractive for business. Potential enhancement areas include Temescal Creek at Telegraph (Temescal District), Glen Echo Creek in the Piedmont Avenue District and in the area near Broadway and 29th, Sausal Creek at MacArthur (Dimond District), Peralta Creek at MacArthur (Laurel District), and Seminary Creek at Foothill (Fairfax District).

Proposal: Temescal Creek runs beneath the project site in an underground culvert. In response to City policy and requests from the community, the design of the proposed project allows for future daylighting of the culverted creek on a portion of the site, by setting back the building for a plaza fronting Telegraph Avenue under which runs the culverted creek. This proposal arose from the Planning Commission's Design Review Committee's response to several alternatives to "daylight" the creek set forth by City staff. Alternative 1 would involve restoring the creek to its natural state with a vegetated creek bank on each side. Restoration of the creek to its natural state would require a major amount of land area to accommodate the creek banks. A large portion of the site would be undevelopable and the physical alterations to the site could extend into and interfere with the public right-of-way along Telegraph Avenue and Claremont Avenue. Alternative 2 would involve "opening up" the culvert so that the creek would still lie within the culvert but the soil above the culvert and the top of the culvert would be removed to allow the creek to be visible from above. Alternative 3 would involve locating the buildings such that they would not be located over the culvert. This alternative would not involve daylighting the creek but would provide the opportunity to consider Alternative 2 at a future point in time.

At the May 23, 2007, Design Review Committee meeting, the project sponsor provided evidence that both Alternatives 1 and 2 would be infeasible and undesirable due to liability, structural, cost, processing, aesthetic, maintenance, security, hydrological and flooding concerns. At the meeting, the Committee felt that the project sponsor should not be required to daylight the creek as part of the project. The current proposal is a modified version of Alternative 3 that would allow a portion of the creek on-site to be daylighted in the future at the location of the proposed plaza along Telegraph Avenue.

General Plan Consistency

According to the General Plan, in order for a project to be considered consistent with the policies of the General Plan it is not necessary for the project to comply with each and every policy of the General Plan. The General Plan states the following:

> The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not

> meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA)…(City of Oakland Resolution No. 79312 C.M.S.)

Although the project need not be consistent with each and every General Plan policy, the project nevertheless appears to be consistent with all of the relevant policies of the General Plan, as discussed above.

Zoning Analysis

The site is located in two different zoning districts. The western portion of the site near the corner of Telegraph and Claremont Avenues is located in the C-28 Commercial Shopping District Commercial Zone. The eastern portion of the site along Clarke Street is located in the R-40 Garden Apartment Residential Zone.

The intent of the C-28 Zone is the following:

> [T]o create, preserve, and enhance major boulevards of medium-scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and nonresidential developments, and is typically appropriate along major thoroughfares near residential communities. (OPC Sec. 17.44.010)

The intent of the R-40 Zone is the following:

> [T]o create, preserve, and enhance areas containing a mixture of single- or two-family dwellings and garden apartments in spacious settings for urban living, and is typically appropriate to attractive areas of existing lower medium density residential development. (OPC Sec. 17.22.010)

The project is consistent with the intent of the C-28 Zone and R-40 Zone. The portion of the project along Telegraph and Claremont Avenues would be comprised of residential and commercial uses thereby supporting the Temescal Commercial District and the portion of the project along Clarke Street would be reduced in height and scale and be purely residential.

As stated above, the zoning for the site would allow a maximum of 69 units on the property. In many areas of the city, particularly along major transit corridors such as Telegraph Avenue, the maximum residential density allowed under the General Plan is considerably higher than the density allowed by the zoning. The project proposes to exceed the maximum number of units allowed by the zoning (120 units are proposed). Pursuant to the Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations, an Interim Conditional Use Permit is required to increase the project's residential density to the maximum allowed under the General Plan for the portion of the site located in the Neighborhood Center Mixed Use General Plan designation. For the

portion of the site located in the Mixed Housing Type Residential General Plan designation, a Major Variance would be required to increase the project's residential density to the maximum allowed under the General Plan.

Sources:

Project Plans
City of Oakland, Oakland General Plan, Land Use and Transportation Plan Element, March 1998
City of Oakland, Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
City of Oakland, Oakland General Plan, Housing Element, June 2004
City of Oakland, Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations
City of Oakland, Oakland Planning Code (Oakland Municipal Code, Title 17)
City of Oakland, Planning Commission Staff Report, May 23, 2007

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

Comments to X (a) & (b): No Impact

The project site does not possess any known mineral resources of value to the region. The proposed project would not result in the loss of availability of any locally important mineral resource recovery site

Sources:
Project Plans
City of Oakland, Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XI. NOISE—Would the project:					
a) Result in exposure of persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g. OSHA)?	☐	☐	■	☐	☐
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	☐	☐	☐	■	☐
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all noise-related Standard Conditions of Approval imposed? During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?	☐	☐	■	☐	☐
d) Violate the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	☐	☐	■	☐	☐
e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration- causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	☐	☐	■	☐	☐
f) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24)?	☐	☐	■	☐	☐
g) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	■	☐
h) Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003)?	☐	☐	■	☐	☐
i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	■
j) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	■

Comments to XI (a), (c), (d), (e), (f) & (h): Less Than Significant with Development Standards.

Construction Noise

Demolition and construction activities associated with the proposed project would result in a short-term increase in ambient and ground-borne noise levels. However, the construction contractor would be required to comply with nighttime, weekend, and holiday limitations on construction activity, and implement standard noise-reducing construction practices as a standard condition of project approval. These measures would ensure that temporary construction activities do not expose persons around the site to noise levels in excess of those established by the City of Oakland.

With the incorporation of Standard Condition NOISE-1 regarding days/hours of construction operation, the potential impact would be reduced to less than significant.

> **Standard Condition NOISE-1: Days/Hours of Construction Operation. Ongoing throughout demolition, grading, and/or construction. The project applicant shall require construction contractors to limit standard construction activities as follows:**
>
> **a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.**
>
> **b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.**
>
> **c) Construction activity shall not occur on Saturdays, with the following possible exceptions:**
>
> - **Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.**
>
> - **After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.**

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

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

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

With the incorporation of Standard Condition NOISE-2 regarding noise control, the potential impact would be reduced to less than significant.

Standard Condition NOISE-2: Noise Control. Ongoing throughout demolition, grading, and/or construction. To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to city review and approval, which includes the following measures:

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

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

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

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

With the incorporation of Standard Condition NOISE-3 regarding pile driving and other extreme noise generators, the potential impact would be reduced to less than significant.

Standard Condition NOISE-3: Pile Driving and Other Extreme Noise Generators. Ongoing throughout demolition, grading, and/or construction. To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be

achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as feasible:

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

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

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

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

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

With the incorporation of Standard Condition NOISE-4 regarding noise complaint procedures, the potential impact would be reduced to less than significant.

Standard Condition NOISE-4: Noise Complaint Procedures. Ongoing throughout demolition, grading, and/or construction. Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

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

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

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

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

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

Noise Exposure

With the incorporation of Standard Condition NOISE-4 regarding interior noise, the potential impact would be reduced to less than significant.

Standard Condition NOISE-5: Interior Noise. Prior to issuance of a building permit, if necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

Comments to XI (b) & (g): Less Than Significant.

The urban setting of the project area includes numerous potential sources of noise. The most significant existing source of noise throughout Oakland is vehicular traffic, including trucks, cars, buses, and emergency vehicles. Non-vehicular noise sources in the area include operational noise from surrounding buildings and periodic temporary construction noise from building construction, renovation, or street maintenance. The nearest sensitive receptor to the project site would be surrounding residents. The proposed project uses are consistent with surrounding uses. There are no day care facilities or senior centers nearby.

Traffic Noise

Vehicular traffic makes the greatest contribution to ambient noise levels throughout most of Oakland. Traffic volumes in an area would have to approximately double before the attendant increase in ambient noise levels would be generally noticeable. The proposed project would add a small fraction of the existing traffic in the project vicinity. Therefore, the proposed project would not cause traffic volumes to double at any study location, and it would not have a noticeable effect on ambient noise levels in the project vicinity.

Building Equipment Noise

The proposed project would include new mechanical equipment, such as air conditioning units and chillers, which could produce operational noise. The mechanical equipment would likely be placed on the roof well away from nearby public places and other uses or within the proposed buildings. Substantial increases in the ambient noise level due to operational noise from building equipment would not be anticipated.

Comments to XI (i) & (j): No Impact.

The project site is not within an airport land use plan, nor is it near a private airstrip.

Sources:
Field Surveys
Project Plans
City of Oakland, Noise Ordinance (Oakland Planning Code, Section 17.120.050)
City of Oakland, Oakland General Plan, Noise Element, June 2005
DKS Associates, Memorandum: Trip Generation for Air & Noise Analysis, August 3, 2007
Illingworth & Rodkin, Inc., Memorandum: Traffic Noise Increases, December 10, 2007

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING—Would the project:					
a) Induce substantial population growth in a manner not contemplated in the General Plan either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?	☐	☐	☐	☐	■
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☐	■

Comments to XII (a), (b) & (c): No Impact.

The proposed project does not require an amendment to the City of Oakland General Plan so it is consistent with the growth projections contemplated in the General Plan.

The existing site has no residential use; the proposed project would not displace any existing housing or people.

Sources:
City of Oakland, Oakland General Plan, Housing Element, June 2004
City of Oakland, Oakland General Plan, Land Use and Transportation Element, March 1998

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES—Would the project**:**					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:					
i) Fire protection?	☐	☐	☐	■	☐
ii) Police protection?	☐	☐	☐	■	☐
iii) Schools?	☐	☐	☐	■	☐
iv) Other public facilities?	☐	☐	☐	■	☐

Comments to XIII (a). (i-v): Less Than Significant Impact.

The proposed project is estimated to house approximately 208 persons and employ approximately 22 persons[4] and would therefore increase demand for fire and police protection, school, and park services. The project site is located in an area that is already served by these services. The Community Services Analysis prepared for the General Plan Land Use and Transportation Element (LUTE) included the conclusion that future in-fill development through the General Plan horizon year of 2015 would not likely impose a burden on existing public services and utilities. In accordance with standard City practices, the City's Fire Services Division 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.

[4] Note: Population and employment estimates based on assumptions in the Gateway Community Development Project Draft Environmental Impact Report. Assumptions concerning residents: Long-term average vacancy of four percent; 1 person per studio unit; 1.6 persons per one-bedroom unit and 2.2 persons per two-bedroom (assumed unit mix is based on typical floor plan included in project plans). Assumptions concerning employment: 1 employee per 350 square feet of commercial space.

Prior to issuance of building permits as required by Senate Bill 50, the project sponsor would be required to pay school impact fees of $2.24 per square foot for residential space and $0.36 per square foot for commercial space to offset any impacts to school facilities for the proposed project. SB 50 implements Proposition 1A, approved by the voters on November 4, 1998; prohibits local agencies, such as the City of Oakland, from denying land use approvals on the basis that school facilities are inadequate; and establishes statewide school impact mitigation fees, adjusted biannually, that preempt local existing school impact fees. The project would not interfere with the operations of existing schools.

The proposed project is in an urban area already served by existing parks and urban open spaces. An additional 5,000 square feet of common open space would be located within the project site. For these reasons, the proposed project is not anticipated to result in significant impacts to existing public services.

Sources:
Project Plans
City of Oakland, Oakland Analysis, Technical Report # 5, October 1995
City of Oakland, Gateway Community Development Project Draft Environmental Impact Report, August 2007

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
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?	☐	☐	☐	■	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	■

Comments to XIV (a): Less Than Significant Impact.

The proposed project is in an urban area already served by existing parks, recreational facilities and other urban open spaces. The FROG Park, a linear park that includes two children's playgrounds, is adjacent to the proposed project and Bushrod and Mosswood Parks, each more than 10 acres, are located within a mile of the proposed project. Lake Temescal Regional Park, a popular destination for swimming, biking, fishing, and picnicking, is located about 2.5 miles of the proposed project. Approximately 5,000 square feet of common open space would be provided in the project along with private balcony space and a greenway along the eastern edge of the project site.

The project would likely increase the number of users of local parks and open space. However because the limited number of potential users generated by the project and the project's inclusion of on-site open space, it is not anticipated to result in significant impacts to recreation facilities, nor would it require the construction or expansion of recreational facilities.

Sources:

City of Oakland, Oakland General Plan, Open Space, Conservation, and Recreation Element, June 1996

Project Plans

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC—Would the project:					
a) Cause an increase in traffic which is substantial in relation to the traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e., street closures, changing direction of travel) in a manner that would substantially impact access or traffic load capacity of the street system? Specifically:					
i) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?	■	☐	☐	☐	☐
ii) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	■	☐	☐	☐	☐
iii) At a study, signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	■	☐	☐	☐	☐
iv) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e., F)?	■	☐	☐	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
v) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately)?	■	☐	☐	☐	☐
vi) At a study, unsignalized intersection, the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?	■	☐	☐	☐	☐
b) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project contributes five (5) percent or more of the cumulative traffic increase as measured by the difference between "Existing" conditions and the year 2010/2015 (or Year 2025/2030) with "Project" conditions and results in a substantial increase in traffic. More specifically, the project must contribute five (5) percent or more of the incremental growth and exceed at least one of the intersection-related thresholds listed above in threshold #i through #vi above.	■	☐	☐	☐	☐
c) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project?	■	☐	☐	☐	☐
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	■	☐	☐	☐	☐
e) Substantially increase hazards due 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 incompatible uses (e.g., farm equipment)?	■	☐	☐	☐	☐
f) Result in less than two emergency access routes for streets exceeding 600 feet in length?	■	☐	☐	☐	☐
g) Fundamentally conflict with adopted policies, plans, programs supporting alternative transportation (e.g. bus turnouts, bicycle routes)?	■	☐	☐	☐	☐
h) Generate added transit ridership that would:					
i) Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period?	■	☐	☐	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
ii) Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains?	■	☐	☐	☐	☐
iii) Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute?	■	☐	☐	☐	☐

Comments to XV (a.i) - (h.iii) Potentially Significant Impact.

Potential impacts to transportation and traffic will be the subject of an Environmental Impact Report.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	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?	☐	☐	■	☐	☐
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	■	☐	☐
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	■	☐
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	■	☐	☐
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	■	☐	☐
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	■	☐	☐
g) Violate applicable federal, state and local statutes and regulations relating to energy standards?	☐	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant with Development Standards	Less Than Significant Impact	No Impact
h) Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☐	■

Comments to XVI (c): Less Than Significant Impact.

The project site is located in an urban area and is an urban infill site that is already served by public utilities. The proposed development of approximately 120 residential units and approximately 7,700 square feet of commercial space would result in an incremental increase in demand for utilities and service systems in the immediate project area.

The East Bay Municipal Utility District (EBMUD) is responsible for water deliveries to the City of Oakland, as well as most of Alameda and Contra Costa Counties. Oakland comprises about one-third of EBMUD's customers. Oakland's residential customers use less water per capita than residents in the drier, hotter parts of the service area, due both to weather conditions and the more dense development pattern in the City. With conservation and reclamation programs in place, EBMUD projects a service area demand of 232 million gallons per day (MGD) by the year 2030. According to the EBMUD's Urban Water Management plan, EBMUD will be able to meet water demand during normal water years. During multiple drought years, as much as 27 MGD of additional water supply will be needed by 2030. Most of the anticipated growth is in the eastern part of the service area. The alternatives for providing the needed capacity include additional use of reclaimed water, augmenting supplies with storied surplus groundwater, and using a portion of EBMUD's American River allocation.

A higher growth rate in Oakland could mean lower growth rates for outlying communities in the service area, where per capita water consumption is much higher. On a regional level, the impacts of a more dense development pattern in Oakland, such as the density of the project, would be positive in terms of water consumption. The Urban Water Management Plan identifies a range of measures to reduce per capita consumption and manage future demand. Oakland is participating in the implementation of this Plan, through the adopted General Plan policies requiring water conservation and encouraging reclaimed water use. Through conformance with these policies, development consistent with the General Plan, such as the project, would result in a less than significant impact upon water demand.

Comments to XVI (a), (b), (d), (e) and (f): Less Than Significant with Development Standards.

The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and not require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects. Assembly Bill 939 requires that all cities divert 50 percent of their solid waste from landfills by December 31, 2000. The waste diversion rate in the City of Oakland was 55 percent in 2004.

With the incorporation of Standard Condition UTIL-1 regarding waste reduction and recycling, the potential impact would be further reduced to less than significant.

> **Standard Condition UTIL-1: Waste Reduction and Recycling. The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.**
>
> **Prior to issuance of demolition, grading, or building permit:**
>
> **Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3), and all demolition (including soft demo).The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.**
>
> **Ongoing:**
>
> **The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.**

With the incorporation of Standard Condition UTIL-2 regarding stormwater and sewer capacity, the potential impact would be reduced to less than significant.

> **Standard Condition UTIL-2: Stormwater and Sewer. Prior to completing the final design for the project's sewer service confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be**

completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

Comments to XVI (g) & (h): No Impact.

The proposed project would not violate applicable federal, state, and local statutes and regulations related to energy standards. The project would be required to meet current state and local standards regarding energy consumption, including Title 24 of the California Code of Regulations.

The project would require typical utility connections and would tap into existing power and communications grids. Any utility relocation would be completed without interruption of service to adjacent properties.

The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in the Bay Area, and elsewhere in the state. These facilities will eventually increase the supply of energy. These efforts, together with conservation, will be part of the statewide effort to achieve sufficiency of energy supply relative to demand. However, due to the relatively small size of the project, the project-generated demand for electricity would be small in the context of the overall demand within Oakland and the state, and would not in and of itself require a major expansion of power facilities. No new power or communications facilities would be necessary as a result of project implementation, and thus the proposed project would not result in a significant physical environmental effect with respect to the construction of new energy facilities

Sources:
East Bay Municipal Utility District, Urban Water Management Plan 2005
City of Oakland, Sewer and Storm Drain Maps
City of Oakland, Oakland Community Services Analysis, Technical Report # 5, October 1995
Project Plans

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

Comments to XVII (a), (b) and (c): Potentially Significant Impact.

The proposed project has the potential to result in significant project-related and cumulative transportation impacts which could degrade the quality of the environment and adversely affect human beings. These potential impacts will be studied in an Environmental Impact Report.