PROTECT OAKLAND:
UPDATE OF THE SAFETY ELEMENT OF THE OAKLAND GENERAL PLAN

Initial Study / Negative Declaration

Document submitted for public review on:
September 15, 2004

Comments may be submitted to:

City of Oakland
Community and Economic Development Agency
Planning and Zoning Division
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Oakland, CA 94612

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INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. **Project title**
   Update of the safety element of the Oakland general plan.

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, phone number and e-mail address**
   Niko Letunic; (510) 238-6265; nletunic@oaklandnet.com

4. **Project location**
   Oakland, California. The city of Oakland is located at the eastern shore of San Francisco Bay. The city encompasses 56 square miles of land and 24 square miles of water and is defined by the bay and Oakland Estuary on the southwest, the crest of the Berkley-Oakland Hills on the northeast, and other urban areas on the north and south. Oakland is approximately 15 miles east of San Francisco and 90 miles southwest of Sacramento. [Source: *City of Oakland General Plan Land Use and Transportation Element (LUTE) Environmental Impact Report, 1998*.]

5. **Project sponsor's 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

6. **General Plan designation**
   Citywide

7. **Zoning**
   Citywide

8. **Description of project**
   California state law requires that each city and county adopt a general plan to guide its physical growth and development. General plans must address locally relevant planning issues under seven mandatory categories, or elements, one of which must address the potential risk of death, injuries, property damage and economic and social dislocation resulting from large-scale environmental hazards [Section 65302(g) of the California Government Code]. *Protect Oakland* is the document intended to meet this requirement.

   Protect Oakland updates Oakland's original "environmental hazards" element, adopted in 1974. The updated element has three goals: (1) to protect the health and safety of Oakland residents and others in the City by minimizing potential loss of life and injury caused by environmental hazards; (2) to safeguard Oakland's economic welfare by reducing potential property loss, damage to infrastructure, and social and economic

dislocation and disruption resulting from environmental hazards; and (3) to preserve Oakland's environmental quality by minimizing potential damage to natural resources from environmental hazards.

Protect Oakland contains seven chapters: an introduction or general overview, five chapters dealing with specific safety hazards (public safety, geologic hazards, fires, hazardous materials and flooding) and a chapter aggregating hazards by area of the city. In addition, it includes a set of goals, policies and actions that seek to provide direction for the city's development-related decisions with regard to safety hazards.

9. Surrounding land uses and setting

The project applies to the entire City of Oakland. The project is an amendment of the general plan, and as such will be applied citywide, and including the City of Oakland planning area (Figure II-2, "Planning Area Boundaries," *General Plan LUTE EIR*, page II-4).

10. Other public agencies whose approval is required

None. However, under state law and selected regulations:

- prior to updating its safety element, the City was required to consult with the California Geological Survey (formerly the Division of Mines and Geology of the California Department of Conservation) and the Governor's Office of Emergency Services for the purpose of including information known by and available to these agencies (Government Code §65302(g)).
- prior to adopting the safety element, the City must refer the draft element to the California Geological Survey, and must consider that agency's findings prior to final adoption of the element (§65302(g)).
- prior to adopting the safety element, the City must refer the proposed action to all of the following entities, as locally relevant (§65352):
  - Any city or county, within or abutting the area covered by the proposal, and any special district which may be significantly affected by the proposed action, as determined by the planning agency.
  - Any elementary, high school, or unified school district within the area covered by the proposed action.
  - The local agency formation commission.
  - Any areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.
  - Any federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.
  - Any public water system with 3,000 or more service connections, that serves water to customers within the area covered by the proposal.
  - The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

In addition, the City will submit the initial study and draft negative declaration for the safety element and the draft safety element itself to other potentially interested government agencies at the local, regional, state and federal levels for their review and comment.

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.

☐ 1. Aesthetics	☐ 7. Hazards/hazardous materials	☐ 13. Public services
☐ 2. Agricultural resources	☐ 8. Hydrology/water quality	☐ 14. Recreation
☐ 3. Air quality	☐ 9. Land use/planning	☐ 15. Transportation/traffic
☐ 4. Biological resources	☐ 10. Mineral resources	☐ 16. Utilities/service systems
☐ 5. Cultural resources	☐ 11. Noise	
☐ 6. Geology/soils	☐ 12. Population/housing	☐ 17. Mandatory findings of significance

DETERMINATION

On the basis of this initial evaluation:

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

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

Signature _____ Date _____

Claudia Cappio,
Director of Development

ENVIRONMENTAL SETTING

The City of Oakland, California, is located on the eastern shore of San Francisco Bay, in northwestern Alameda County. It covers an area of approximately 53 square miles, with an average elevation of 42 feet. The city is bounded by the cities of Emeryville and Berkeley to the north/northwest, unincorporated Contra Costa and Alameda counties to the east/northeast, the city of San Leandro to the south, the Oakland Estuary to the south/southwest, and San Francisco Bay to the west; the island city of Alameda is located across the estuary, while the city of Piedmont is an enclave within Oakland, near Lake Merritt. With a population of approximately 410,000 people, Oakland is the eighth most-populous city in the state; it is also the largest city in Alameda County, in terms of both area and population, and is also the county seat.

The city's major natural features are San Francisco Bay, the Oakland Estuary, Lake Merritt, and the hills along the city's northeastern boundary. Downtown is a few blocks inland from the estuary and immediately west of Lake Merritt; most residential districts are to the north, east and southeast of downtown; and industrail areas are to the west and southeast, along I-880. Notable large-scale land uses include the chain of open spaces in the hills, Oakland International Airport, and the seaport (one of the country's largest and busiest). The airport and seaport, combined with several interstate highways and passenger and freight rail lines that pass through the city, make Oakland the transportation hub of Northern California.

The following evaluation provides information regarding environmental impacts from implementation of the policies and actions in the safety element. Implementation of the element is not anticipated to have negative environmental impacts because it does not propose any construction or devleopment projects or other projects, programs, policies or actions that could reasonably be expected to have an adverse impact on the environment. On the contrary, the policies and actions in the safety element are designed to, among other things, reduce the risk in Oakland from geologic, fire and flooding hazards and from exposure to hazardous materials.

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers except "no impact" answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
1. AESTHETICS. Would the project…				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Comments to Sections 1 (a), (b), (c) and (d):
Implementation of the safety element is not anticipated to have a negative impact on aesthetics as it does not propose any projects, programs or actions that could reasonably be expected to adversely affect scenic vistas, damage scenic resources, degarde the visual character of any sites or create substantial light or glare. The "Open

Space for Community Character" section of the *Open Space, Conservation and Recreation (OSCAR) Element* (Chapter 2, pages 2-64 to 2-67)—with which implementation of the safety element must be consistent—applies specific standards for the protection of visual quality and scenic views in Oakland and proposes appropriate policies and programs to protect visual resources and scenic corridors (policies OS-10.1 to OS-10.4) in order to prevent significant aesthetic impacts. Additionally, the "Visual and Aesthetic Conditions" section of the *LUTE EIR* (pages III.F-1 to III.F-12) addresses the potential impacts to aesthetic resources; no additional impacts related to aesthetics are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *LUTE EIR*.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
2. AGRICULTURAL RESOURCES. Would the project…				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance 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 Sections 2 (a), (b) and (c):
As discussed in the *OSCAR Element* and *LUTE Element*, Oakland's planning area contains no agricultural resources or lands currently zoned for agricultural uses; instead, Oakland is an urbanized area with a mixture of commercial, residential and industrial uses. There are no anticipated impacts from the project to agricultural resources because there is no "prime farmland," "unique farmland" or "farmland of statewide importance" that could be converted to non-agricultural use; no existing zoning for agricultural use or Williamson Act contracts; and no farmland that could be converted to non-agricultural use.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
3. 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) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Comments to Sections 3(a), (b), (c), (d), and (e):
Since the safety element does not propose any construction or development projects, implementation of the element is anticipated to have no negative impacts on air quality. On the contrary, the policies and actions in the safety element are designed to, among other things, improve air quality in Oakland, and elsewhere in the San Francisco Bay Area "airshed," by reducing emissions of toxic air contaminants (Chapter 5, "Hazardous Materials"):

- Policy HM-2: Reduce the public's exposure to toxic air contaminants through appropriate land use and transportation strategies.
  - Action HM-2.1: Continue to enforce performance standards controling the emission of air contaminants, particulate matter, smoke and unpleasant odors.
  - Action HM-2.2: Continue to discourage the development of sensitive receptors adjacent to significant sources of air contaminants and to encourage industry to adopt best-available control technologies to reduce air contaminants.
  - Action HM-2.3: Continue to support the efforts of the Bay Area Air Quality Management District's air-toxics program, including the review and permitting of stationary sources, identification of emitting facilities, promulgation of categorical control measures, and monitoring and inventory of emissions.
  - Action HM-2.4: Ensure implementation of policies and actions in the land use and transportation element designed to integrate land use and transportation planning and to promote alternative transportation options (see Appendix B); and policies in the OSCAR element designed to encourage transportation alternatives and land use patterns that reduce automobile dependence (see Appendix A).
  - Action HM-2.5: Review and comment on regional and state air-quality plans and also on environmental impact reports for development projects in neighboring jurisdictions; and for the latter, request mitigation measures for any significant negative impacts on the city's air quality.

Regarding other air quality pollutants, policies under the "Air Resources" section of the *OSCAR Element* (policies CO-12.1 to CO-12.6; Chapter 3, pages 3-52 to 3-58) are meant to reduce emissions of criteria air pollutants and dust by proposing to promote land-use patterns and densities that are less dependent on automobile travel; maintain bus, rail and ferry systems to reduce automobile emissions; expand existing transportation-systems-management strategies; require construction, demolition, and grading practices that minimize dust emissions; and require that development projects be designed in a manner that reduces potential adverse air quality impacts. Additionally, potential impacts to air quality were analyzed as part of the *LUTE EIR* (pages III.E-1 to III.E-35); no additional impacts related to aesthetics are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *LUTE EIR*.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
4. BIOLOGICAL RESOURCES. Would the project…				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but				

not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Comments to Sections 4(a), (b), (c), (d), (e) and (f):
Since the safety element does not propose any construction or development projects, implementation of the element is not anticipated to have negative impacts on biological resources. (In fact, one of the goals of the safety element is to preserve Oakland's environmental quality by minimizing potential damage to natural—including biological—resources from environmental hazards.) Morever, the "Wildlife" section of the *OSCAR Element* (Chapter 3, pages 3-49 to 3-50) provides for orderly growth in Oakland's planning area, and includes provisions and policies for the conservation of natural resources, including the protection and enhancement of sensitive biological resources.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
5. CULTURAL RESOURCES. Would the project…				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
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 Sections 5 (a), (b), (c) and (d):
Implementation of the safety element is not anticipated to have a negative impact on cultural resources. The element does not propose any projects, programs or actions that could reasonably be expected to cause a substantial adverse change in the significance of a historical or archaeological resource; destroy a unique paleontological or geologic resource; or disturb any human remains. Potential impacts to cultural resources were analyzed as part of the *LUTE EIR* (pages III.G-1 to III.G-17), and the *LUTE* and *Historic Preservation Element* propose policies and programs to protect and preserve Oakland's cultural resources (Historic Preservation Policies 3.1 and 3.9(a) and *LUTE* Policies D1.1, D2.1 and N11.4). No additional impacts related to cultural resources are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*.

The safety element does encourage the city to continue to enforce the unreinforced masonry ordinance to require that potentially hazardous unreinforced masonry buildings be retrofitted or be otherwise made to reduce the risk of death and injury from their collapse during an earthquake. However, this would merely be a continuation of existing city policy; besides, project-specific impacts that could result from any concrete proposals for the retrofit or, certainly, demolition of a cultural resource would be evaluated in subsequent project-specific environmental reviews under CEQA.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
6. GEOLOGY AND SOILS. Would the project…				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Comments to Sections 6(a), (b), (c), (d) and (e):
Since the safety element does not propose any construction or development projects, implementation of the element is not anticipated to have negative impacts related to soils and geologic conditions. On the contrary, the policies and actions in the safety element are designed to, among other things, protect people and structures in Oakland from geologic hazards such as fault rupture, ground shaking, liquefaction, landslides and erosion:

- Policy GE-1: Continue to enforce and carry out, and develop, regulations and programs to reduce seismic hazards and hazards from seismically triggered phenomena.
  - Action GE-1.1: Continue to enforce the geologic reports ordinance by requiring site-specific geologic reports for development proposals in the Hayward fault Special Studies Zone, and restricting the placement of structures for human occupancy within fifty feet of the trace.
  - Action GE-1.2: Enact regulations requiring the preparation of site-specific geologic or soils reports for development proposals in areas subject to earthquake-induced liquefaction, settlement or severe ground shaking, and conditioning project approval on the incorporation of necessary mitigation measures.
  - Action GE-1.3: Continue to update the city's geologic-hazard mapping system based on new information from state and federal agencies and site-specific investigations.

- Policy GE-2: Continue to enforce ordinances that seek specifically to reduce the landslide and erosion hazards.
  - Action GE-2.1: Continue to enforce provisions under the subdivision ordinance requiring that, under certain conditions, soils reports be filed and soil-hazards investigations be made to prevent grading from creating unstable slopes, and that any necessary corrective actions be taken.

  - Action GE-2.2: Continue to enforce the grading, erosion and sedimentation ordinance by requiring, under certain conditions, grading permits and plans to control erosion and sedimentation.
  - Action GE-2.3: Continue to enforce provisions under the creek protection, storm water management and discharge control ordinance designed to control erosion and sedimentation.

- Policy GE-3: Continue, enhance or develop regulations and programs designed to minimize seismically related structural hazards from new and existing buildings.
  - Action GE-3.1: Adopt and amend as needed updated versions of the California building code so that optimal earthquake-protection standards are used in construction and renovation projects.
  - Action GE-3.2: Continue to enforce the unreinforced masonry ordinance to require that potentially hazardous unreinforced masonry buildings be retrofitted or be otherwise made to reduce the risk of death and injury from their collapse during an earthquake.
  - Action GE-3.3: Continue to enforce the earthquake-damaged structures ordinance to ensure that buildings damaged by earthquakes are repaired to the extent practicable.
  - Action GE-3.4: Consider developing a program to encourage, assist or provide incentives to owners of single-family homes or small apartment buildings in retrofitting their buildings for seismic safety.

- Policy GE-4: Work to reduce potential damage from earthquakes to "lifeline" utility and transportation systems.
  - Action GE-4.1: Encourage Caltrans to expedite the retrofit of city- and county-owned highway overpasses in Oakland identified as candidates for seismic strengthening for which Caltrans is the lead agency.
  - Action GE-4.2: As knowledge about the mitigation of geologic hazards increases, encourage public and private utility providers to develop additional measures to further strengthen utility systems against damage from earthquakes, and review and comment on proposed mitigation measures.
  - Action GE-4.3: Encourage BART to prioritize its program for retrofitting the system's aerial structures, stations and Transbay Tube for seismic safety over expansion of the system.
  - Action GE-4.4: Continue to designate underground utility districts for the purpose of replacing aboveground electric and phone wires and other structures with underground facilities, and require that major new utility lines be installed underground from the start.

Morever, the *OSCAR Element* provides policies and actions to minimize the potential for soil erosion resulting from development on hillside areas by requiring review of the grading ordinance every five years to keep it current with new construction methods and development of illustrated grading guidelines to accompany the grading ordinance (actions CO-2.4.1 and CO-2.4.2; page 3-9); and special provisions for development on fill soils to safeguard against subsidence and to consider soil constraints such as shrink/swell and low soil strength potential in the design of buildings (Policy CO-2.3, page 3-9, and Action CO-1.1.3, page 3-4). The *LUTE EIR* analyzed the potential impacts from seismic activity, erosion and geologic hazards (pages III.K-13 to III.K-20); no additional impacts related to geology and soils are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
7. 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 forseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Comments to Sections 7(a), (b), (c), (d), (e), (f), (g) and (h):
Since the safety element does not propose any construction or development projects, its implementation is not anticipated to have negative impacts related to hazardous materials. On the contrary, the policies and actions in the safety element are designed to, among other things, reduce the threat from exposure to hazardous materials in Oakland and its surroundings (Chapter 5, "Hazardous Materials"):

- Policy HM-1: Minimize the potential risks to human and environmental health and safety associated with the past and present use, handling, storage, and disposal of hazardous materials.
  - Action HM-1.1: Continue to exercise unified-program responsibilities, including the issuance of permits for and inspection of certain industrial facilities, monitoring the filing of disclosure forms and risk-management plans, hazardous-materials assessment reports and remediation plans, and closure plans by such facilities.
  - Action HM-1.2: Continue to enforce provisions under the zoning ordinance regulating the location of facilities which use or store hazardous materials.
  - Action HM-1.3: Consider adopting a health and safety protection overlay zone or set of procedures to ensure that new activities which use or store hazardous materials on a regular basis near residential zones do not endanger public health or the environment.
  - Action HM-1.4: Continue to participate in the Alameda County Waste Management Authority and, as a participant, continue to implement policies under the county's hazardous-waste management plan to minimize the generation of hazardous wastes.
  - Action HM-1.5: Continue to implement the city's household hazardous-waste element (including educating residents about waste-disposal options and the consequences of illegal disposal) in order to reduce the generation of household hazardous-waste and the amount of such waste that is disposed inappropriately.
  - Action HM-1.6: Through the Urban Land Redevelopment program, and along with other participating agencies, continue to assist developers in the environmental clean-up of contaminated properties.
  - Action HM-1.7: Create and maintain a database with detailed site information on all brownfields and contaminated sites in the city.

- Policy HM-3: Seek to prevent industrial and transportation accidents involving hazardous materials, and enhance the city's capacity to respond to such incidents.

- Action HM-3.1: Continue to enforce regulations limiting truck travel through certain areas of the city to designated routes, and consider establishing time-based restrictions on truck travel on certain routes to reduce the risk and potential impact of accidents during peak traffic hours.
- Action HM-3.2: Continue to support the prohibition of trucks on I-580 through Oakland.
- Action HM-3.3: Support state and federal legislative efforts that seek to increase the safety of transporting hazardous materials.
- Action HM-3.4: Continue to rely on, and update, the city's hazardous materials area plan to respond to emergencies related to hazardous materials.
- Action HM-3.5: Continue to offer basic emergency-response education and training to local businesses.

No additional impacts related to hazardous materials are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.M-1 to III.M-20).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
8. 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) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Comments to Sections 8(a), (b), (c), (d), (e), (f), (g), (h), (i) and (j):
Since the safety element does not propose any construction or development projects, its implementation is not anticipated to have negative impacts on hydrology or water quality. On the contrary, the policies and actions in the safety element are designed to, among other things, protect people and structures in Oakland from flooding hazards (Chapter 6, "Flooding Hazards"), control erosion and sedimentation (Chapter 3, "Geologic Hazards") and protect water quality (Chapter 6, "Hazardous Materials"):

- Policy FL-1: Enforce and update local ordinances, and comply with regional orders, that would reduce the risk of storm-induced flooding.
  - Action FL-1.1: Amend, as necessary, the city's regulations concerning new construction and major improvements to existing structures within flood zones in order to maintain compliance with federal requirements and, thus, remain a participant in the National Federal Insurance Program.
  - Action FL-1.2: Continue to require that subdivisions be designed to minimize flood damage by, among other things, requiring that lots and rights-of-way be laid out to provide for approved sewer and drainage facilities, providing on-site detention facilities whenever applicable and having utility facilities be constructed in ways that reduce or eliminate flood damage.
  - Action FL-1.3: Comply with all applicable performance standards pursuant to the 2003 Alameda countywide NPDES municipal stormwater permit that seek to manage increases in stormwater run-off flows from new-development and redevelopment construction projects; to reinforce the performance standards, revise the subdivision ordinance to establish standards for impervious-surface coverage.
  - Action FL-1.4: Continue to enforce the grading, erosion and sedimentation ordinance by prohibiting the discharge of concentrated stormwater flows by other than approved methods.
  - Action FL-1.5: Continue to enforce provisions under the creek protection, storm water management and discharge control ordinance designed to keep watercourses free of obstructions and protect drainage facilities.

- Policy FL-2: Continue or strengthen city programs that seek to minimize the storm-induced flooding hazard.
  - Action FL-2.1: Continue to repair and make structural improvements to storm drains to enable them to perform to their design capacity in handling water flows.
  - Action FL-2.2: Continue maintenance efforts to keep storm drains and creeks free of obstructions—while retaining vegetation in the channel, as appropriate— to allow for the free flow of water.
  - Action FL-2.3: Continue the "Maintain-a-Drain Campaign," which encourages residents and businesses to keep storm drains in their neighborhood free of debris.
  - Action FL-2.4: Continue to provide sandbags and plastic sheeting to residents and businesses in anticipation of rainstorms, and to deliver those materials to the disabled and elderly upon request.

- Policy FL-3: Seek the cooperation and assistance of other government agencies in managing the risk of storm-induced flooding.
  - Action FL-3.1: Upon completion of new flood-control projects, request that FEMA revise its flood-insurance rate map of the city to reflect flood risks accurately.
  - Action FL-3.2: To reduce the cost of flood insurance to property owners, work to qualify for the highest-feasible rating under the Community Rating System of the National Federal Insurance Program.
  - Action FL-3.3: Meet annually with the Alameda County Flood Control and Water Conservation District to establish jointly the district's capital improvement program for most effectively reducing the remaining threat of storm-induced flooding.
  - Action FL-3.4: Encourage the ACFCWCD to continue maintaining adequately those watercourses, storm drains and other flood-control facilities for which it has legal responsibility.
  - Action FL-3.5: Refer development proposals adjacent to floodways and floodplains to the ACFCWCD for its review and comment.

- Policy FL-4: Minimize further the relatively low risks from non-storm-related forms of flooding.

- Action FL-4.1: Request from the state Division of Safety of Dams a timeline for the maintenance inspection of all operating dams in the city.
- Action FL-4.2: Review for adequacy, and update if necessary, procedures adopted by the city pursuant to the Dam Safety Act for the emergency evacuation of areas located below major water-storage facilities.
- Action FL-4.3: Inform shoreline-property owners of the possible long-term economic threat posed by rising sea levels.
- Action FL-4.4: Stay informed of emerging scientific information on the subject of rising sea levels, especially on actions that local jurisdictions can take to prevent or mitigate this hazard.

Also:

- Action GE-2.2: Continue to enforce the grading, erosion and sedimentation ordinance by requiring, under certain conditions, grading permits and plans to control erosion and sedimentation.
- Action GE-2.3: Continue to enforce provisions under the creek protection, storm water management and discharge control ordinance designed to control erosion and sedimentation.

Moreover, implementation of the city's Grading Ordinance; Sedimentation and Erosion Control Ordinance; and Creek Protection, Stormwater Management, and Discharge Control Ordinance protects water quality and water resources in Oakland (*LUTE EIR*, page III.I-7). The project will not increase impacts on water resources or the need for additional mitigation measures beyond those included in the *LUTE* and *OSCAR Element* (policies CO-5.1 to 5.4 and 6.1 to 6.6, W3.1 to 3.3 and N7.2 and 7.6). Policies and actions provided in the "Water Resources" section of the *OSCAR Element* (Chapter 3, pages 3-12 to 3-23*)* address storm drainage facilities and the regulation of runoff, and provide flood reduction measures that would ensure new development would not worsen existing local flood hazards. No additional impacts related to hydrology and water quality are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.I-5 to III.I-10).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
9. LAND USE AND PLANNING. Would the project…				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Comments to Sections 9(a), (b) and (c):

Implementation of the safety element is not anticipated to have a negative impact related to land use and planning as it does not propose any projects, programs or actions that could reasonably be expected to physically divide an established community; conflict with applicable land use plans, policies or regulations; or conflict with any habitat conservation plan or natural community conservation plan. No additional impacts related to land use and planning are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages II.A-1 to II.A-32).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
10. 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 Sections 10(a) and (b):
Implementation of the safety element is not anticipated to have a negative impact on mineral resources as it does not propose any projects, programs or actions that could reasonably be expected to result in the loss of availability of a known valuable mineral resource or of an important mineral resource recovery site.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
11. NOISE. Would the project result in…				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Comments to Sections 11(a), (b), (c), (d), (e) and (f):
Implementation of the safety element is not anticipated to have a negative impact related to noise as it does not propose any projects, programs or actions that could reasonably be expected to expose people to or generate excessive ground-borne vibration levels or noise levels in excess of applicable state or local standards or guidelines or of the city's Noise Ordinance.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
12. POPULATION AND HOUSING. Would the project…				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments to Sections 12(a), (b) and (c):
Implementation of the safety element is not anticipated to have a negative impact related to population and housing as it does not propose any projects, programs or actions that could reasonably be expected to induce substantial population growth in the area, or to displace substantial numbers of people or of existing housing units. No additional impacts related to population and housing are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.C-1 to III.C-2).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Comments to Sections 13(a), (b), (c), (d) and (e):
Implementation of the safety element is not anticipated to have a negative impact on public services. The element does not propose any projects, programs or actions that could reasonably be expected to result in substantial physical impacts associated with the provision or expansion of public facilities related to fire protection, police protection, schools, parks or other public services. No additional impacts related to public services are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.D-20 to III.D-38).

It is possible that the safety element could motivate the city to provide additional fire stations at some point in the future. The safety element does not propose this, however, so at this point this is highly speculative. Any

concrete proposal for the construction, expansion or relocation of fire stations would be evaluated, as required, in subsequent environmental reviews should any site-specific development plans be prepared by the city.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
14. 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 Sections 14(a) and (b):
Implementation of the safety element is not anticipated to have a negative impact related to recreation as it does not propose any projects, programs or actions that could reasonably be expected to substantially increase the use of neighborhood or regional recreational facilities, or to require the construction or expansion of recreational facilities. Moreover, Chapter 4 of the *OSCAR Element* discusses recreation resources and identifies objectives to maintain, preserve, and expand parklands (pages 4-25 to 4-68). The policies provided in the *OSCAR Element* reduce recreation-related impacts and provide for funding opportunities to maintain parklands (policies REC-3.1 to 3.3, 4.1, 6.1 to 6.3, 7.1, 10.1 and 10.2). No additional impacts related to recreation are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.D-39 to III.D-44).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
15. TRANSPORTATION/TRAFFIC. Would the project…				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways ?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Comments to Sections 15(a), (b), (c), (d), (e), (f) and (g):
Implementation of the safety element is not anticipated to have a negative impact on traffic or transportation as it does not propose any projects, programs or actions that could reasonably be expected to cause a substantial increase in traffic; exceed traffic level-of-service standards; result in a change in air traffic patterns; substantially increase traffic-related hazards, result in inadequate emergency access; result in inadequate parking capacity; or interfere with alternative-transportation modes. On the contrary, the safety element contains several actions designed to improve emergency access for fire-fighting vehicles (Chapter 4, "Fire Hazards").

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
16. 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 water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Comments to Sections 16(a), (b), (c), (d), (e), (f) and (g):
Implementation of the safety element is not anticipated to have a negative impact on utilities and service systems as it does not propose any projects, programs or actions that could reasonably be expected to exceed wastewater treatment requirements; result in the construction or expansion of water, wastewater-treatment or stormwater-drainage facilities; result in insufficient water supplies or landfill capacity; or violate solid-waste related regulations. No additional impacts related to utilities and service systems are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.D-1 to III.D-20).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
17. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-				

sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Comments to Sections 17(a), (b) and (c):
Implementation of the safety element is not anticipated to degrade biological resources or the overall quality of the natural environment in Oakland; to eliminate important historic or prehistoric resources; to have environmental effects causing substantial adverse effects on humans; or to have cumulatively considerable impacts. No new impacts are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*.

RESOURCES CONSULTED

- *City of Oakland General Plan Noise Element* (September 1974)
- *City of Oakland General Plan Historic Preservation Element* (March 1994)
- *City of Oakland General Plan Open Space, Conservation, and Recreation Element* (June 1996)
- *City of Oakland General Plan Land Use and Transportation Element Notice of Preparation and Initial Study* (March 1997)
- *City of Oakland General Plan Land Use and Transportation Element Draft Environmental Impact Report* (October 1997)
- *City of Oakland General Plan Land Use and Transportation Element Final Addendum to the Draft Environmental Impact Report* (February 1998)
- *City of Oakland General Plan Land Use and Transportation Element* (March 1998)
- *City of Oakland Bicycle Master Plan* (July 1999)
- *City of Oakland Pedestrian Master Plan* (November 2002)
- *City of Oakland Public Review Draft Housing Element* (April 2003)

PREPARER OF NEGATIVE DECLARATION

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