1700 Webster Project

Class 32 CEQA Exemption

July, 2015

Prepared for:

City of Oakland

Bureau of Planning

250 Frank H. Ogawa Plaza, Suite 2114

Oakland, CA 94612

Prepared by:

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General Project Information

1. Project Title:	1700 Webster Street
2. Lead Agency Name and Address:	City of Oakland Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612
3. Contact Person and Phone Number:	Peterson Vollmann, Planner III (510) 238-6167 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612 pvollmann@oaklandnet.com
4. Project Location:	1700 Webster Street (the northeast corner of 17th Street and Webster Street) Assessor's Parcel No. 8-625-14-1
5. Project Sponsor's Name and Address:	1700 Webster, LLC Attn: Brent Gaulke Two Embarcadero Center, Suite 1680 San Francisco, CA 94111
6. Existing General Plan Designations:	Central Business District
7. Existing Zoning:	Central Business District Pedestrian Retail (CBD-P) along the 17th Street frontage, and Central Business District Commercial (CBD-C) within the interior of the parcel. Central Business District Height Limit 6 (no limit)
8. Requested Permits:	Regular Design Review (Planning Code §17.136.040) Tract Map (Municipal Code §16.24.020)

Project Description

Existing Setting and Neighboring Land Uses

As shown in **Figure 1**, the Project site is in the Downtown area of the City of Oakland (City). The Project site is bounded by a commercial and mixed use development immediately to the north, commercial development and a surface parking lot immediately to the east, commercial mixed-use along 17th Street to the south, and Webster Street to the west. Regional access includes Interstate 980 (I-980), approximately 0.73 mile to the west, and I-580, approximately 1.10 mile to the northeast. In addition, the 19th Street-Oakland Bay Area Rapid Transit (BART) Station is less than 0.16 mile west of the Project site on Broadway, providing daily service between San Francisco, Fremont, Millbrae, and Richmond. The area also benefits from Alameda-Contra Costa (AC) Transit bus service along Broadway.

The dominant existing land use in the area is mixed commercial and retail including restaurants, hair and nail salons, mixed used commercial and apartments, and surface parking lots. The majority of buildings in the immediate area are older, and one to two stories in height. Medium to high-rise buildings exist in all directions of the surrounding area. **Figure 2** shows the Project site in relation to neighboring land uses.

Consistent with the dominant uses in the area, the approximately 0.51-acre Project site contains one 2-story building which is currently occupied by the American Cancer Society. The American Cancer Society plans to relocate their facilities elsewhere, and the site is in contract to the Project applicants.

The Project site is within Oakland's Central Business District under the General Plan land use designation and is zoned CBD-C and CBD-P. The intent of the CBD zones is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor retail, office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.

Description of Project

The Project would demolish the existing building on the site to construct a proposed new building. The proposed Project is a 24-story, approximately 200,000 square foot, mixed-use building consisting of two-hundred and six (206) dwelling units and up to approximately 6,000 square feet of ground floor retail and/or restaurant space. The Project includes garage parking for two-hundred and six (206) vehicles.

In total, the new building would have a surface footprint of approximately 22,477 square feet (approximately 93 percent of the Project site), constructed at a floor area ratio (FAR) of 8.29. The building would be 24 stories tall, 250 feet in height to the top of the roof structure. Parapets, stairs, and elevator penthouses and mechanical structures (including emergency generators) would exceed this height by another 15 feet.

Table 1 summarizes the proposed Project, and **Figures 3 through 10** depict the Project site and the Project's proposed building plans.

Table 1: Project Development Summary	
Description	**Amount**
Building Total	
Total Lot Area	24,121 sf (0.55 acres)
Total Building Footprint Area	22,477 sf (93% lot cover)
Total Floor Area	199,990 sf (FAR = 8.3)
Building Height	250 ft. occupied space, 265 ft. to top of architecture
Number Of Dwelling Units	206
Retail Space	Up to 6,000 sf
Total Open Space	A minimum of 15,450 sf
Number of Parking Spaces	206 spaces residential, 0 commercial (not required)l
Ground Floor	
Total floor area	12,105 sf
Retail	5,100 sf
Parking/Loading	9,000 sf
Parking Stalls	18 stalls
Usable Open Space	1,000 sf
Typical Podium Parking Floor (4 total floors)	
Total floor area	0 sf
Parking	22,725 sf
Usable open space	0 sf
Parking stalls	47 per floor
Podium Floor and Roof	
Total floor area	8,535 sf
Usable open space	Up to 11,500 sf
Units	9
Typical Tower Floor (17 total floors)	
Total floor area	10,025 sf
Usable open space	119 sf
Units per floor	12 (8 each at top two Penthouse Floors)
Roof Top	
Total floor area	4,000 sf
Usable open space	Up to 3,785 sf
Units	0

In general, the building consists of a three main sections:

- The ground floor of the building fronts onto both Webster Street and 17th Street, with the primary entrance and lobby space off of 17th Street. The ground level includes approximately 6,000 square feet of retail space primarily fronting onto 17th Street, but also wrapping around the corner to provide retail frontage along Webster Street as well. The retail use would be open to the public and not restricted to on-site users. The residential entry and lobby, plus a stairwell, elevators and a leasing office are also located on the ground floor, with bicycle storage accessible from the lobby. The ground floor occupies nearly the entire surface of the lot, with an alley perpendicular to 17th Street along the northerly property boundary.
- The podium is 4 stories tall (Floors 2-5) above the ground floor. The podium is primarily a parking garage accessible to vehicles via a driveway on the ground floor at Webster Street. The parking garage includes approximately 206 parking spaces, 70 bicycle storage spaces, mechanical and trash enclosures, stairwells and elevators. Like the ground floor, the podium occupies nearly the entire surface area of the lot.
- The residential tower is 18 stories tall and is set back from 17th Street by approximately 44 feet, and from the northerly property boundary by approximately 40 feet. The tower is flush with the Webster Street frontage of the podium and the easterly podium, such that the tower presents a more narrow mass to Webster Street and is aligned in an east-west direction. The tower would hold a total of all 206 residential units, including potentially two penthouse floors at the top.

Vehicular Access and Circulation

The project site is accessible to vehicles from Webster Street where the garage entrance is located. A loading dock is also accessed from Webster Street.

Bicycle and Pedestrian Circulation

On the ground floor, pedestrian access to the residential lobby is from 17th Street, and pedestrians can also access the parking garage from Webster Street. Pedestrian linkages within the parking garage connect these floors to the rest of the building. Pedestrian circulation for residents is also be provided in the courtyards atop the podium and on the rooftop.

Bicycle parking for residents is included in the residential garage on the ground floor level and accessible form the lobby. Approximately 70 bicycles could be accommodated. A rack for approximately 7 bikes would be available to the public on the sidewalk along 17th Street.

Emergency Access

Fire Department connections are provided on each street frontage. The Fire Department connection on Webster Street is located near the garage entry and loading dock, and the Fire Department connection along 17th Street would be located at Project entrance and lobby area. Egress is provided from Webster Street directly into the west stairwell. The Project includes sprinklers in compliance with National Fire Protection Association standards

Parking and Loading.

The podium levels of the building (Floors 2 through 5) provide approximately 206 parking spaces for the Project residents, at a ratio of 1 space per residential unit. The garage is accessed from Webster Street. Additionally, 1 or 2 loading area spaces are included within the garage off of Webster Street, adjacent to the vehicular entrance.

Landscape and Design

The Project site currently contains no street trees or landscape vegetation. The Project includes new street trees along 17th Street and Webster Street, consistent in character and density with the street tree palette along 17th Street to the west. It also includes landscaping on the podium-level courtyards and on the rooftop. A mixture of raised planters, vegetated roof areas, decking pavers on pedestals, and windscreens will be provided on the podium courtyard and rooftop areas.

The Project is contemporary in design, utilizing a variety of materials including, but not limited to, cement plaster, cement panels, metal panels on the podium, stone or brick, and concrete, as well as storefront glazing and aluminum windows at the exterior street facades and vinyl windows at the interior courtyard facades. The Project will be GreenPoint rated in compliance with the City's Green Building Ordinance.

Population and Employment

Using a population generation rate established for the surrounding area of 1.87 persons per household, the Project generates up to 385 new residents. The approximately 6,000 square feet of retail space would generate approximately 12 employees. [1]

Utilities

Onsite utilities include gas, energy, domestic water, wastewater and storm drainage. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. The Project does not require any public water infrastructure improvements but will pay applicable Sewer Mitigation Fees, which would either contribute to replacing pipes to repair the local collection system, or used to perform inflow and infiltration rehabilitation projects off-site.

Project Construction

Schedule

Project construction would begin with the demolition of the existing building on the site. Demolition would involve abating any hazards present within the building, demolishing and removing the existing structure, and removing the existing foundation slabs and underground utilities. The Project would be constructed in the following general phases:

- Demolition of existing buildings and mass excavation: approximately 40 work days;
- Construction of the mixed-use building: approximately 280 work days;
- Site improvements: approximately 40 work days;
- Commissioning, testing, and final inspection: approximately 40 work days.

Project construction is estimated to take about 20 months, estimated to begin in 2015, with building occupancy planned in 2017.

Depending on the construction phase, the number of onsite construction workers could range from approximately 10 to 100 workers per day. The maximum number of workers would occur during framing,

[1] Using a standard generation rate of 500 sf per employee.

rough-in, and interior finish, as well as the exterior work during the building construction phase. The minimum number of workers would occur during the grading, excavation and site preparation.

Equipment and Staging

Typical equipment that would be used during construction would include an extendable forklift, generators, excavator, loader, dump trucks, tower crane, elevator man/material lift, and extendable lifts. There is a potential that pile drilling will be used for the foundation support. All construction equipment, employee vehicles, and import material would be staged on site or nearby.

Spoils, Debris, and Materials

Construction would require demolition and removal of the existing buildings and paved features at the project site, and all demolition material would be disposed of off-site. Grading is expected to be limited to surface preparation, utility connections and limited excavations for the foundation, footings and utility services, as no basement or sub-grade parking structure is proposed.

Figure 1
Project Location

Figure 2
Project Site

Source: Perkins & Will

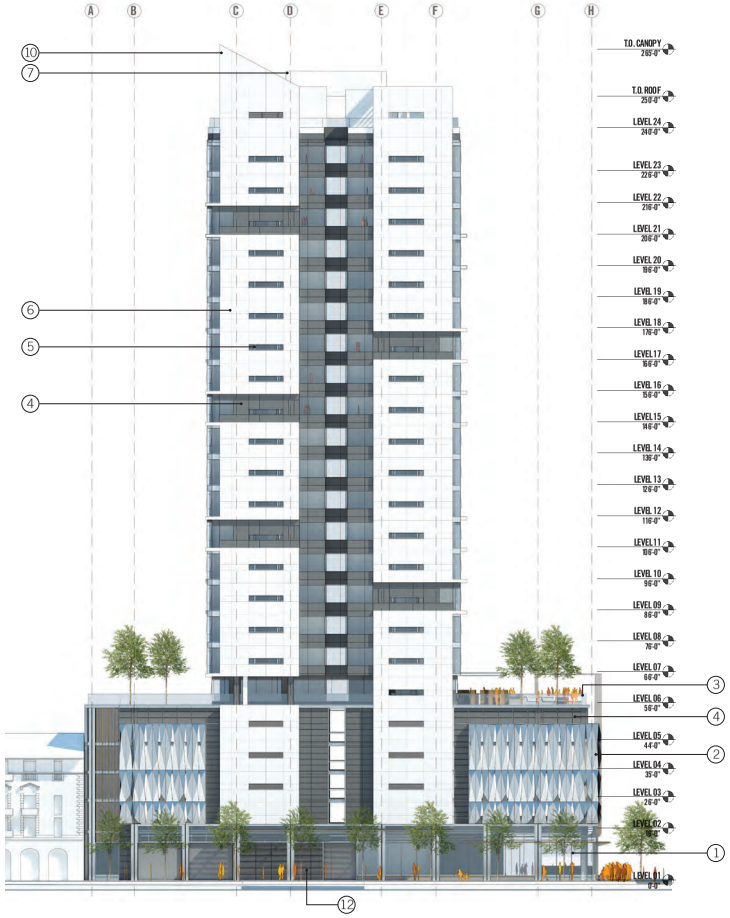
Looking Northeast (17th Street to the right and Webster Street to the left)

Figure 3
Perspective Rendering of the Project

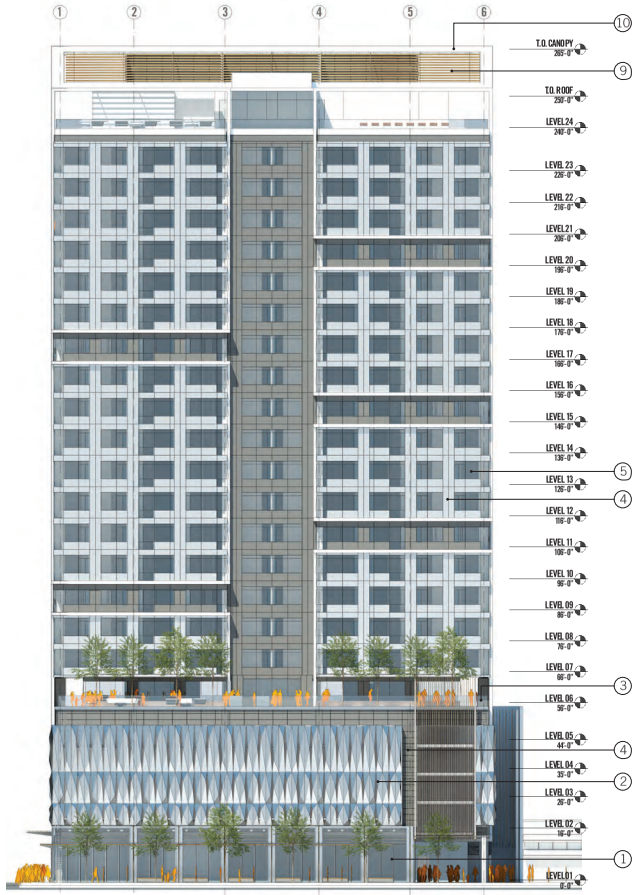
Source: Perkins & Will

Figure 4
Street Level Rendering

Source: Perkins & Will



Webster Street Elevation (East)



17th Street Elevation (South)

PERKINS+WILL

1. STOREFRONT SYSTEM
2. PARKING SCREEN - COMPOSITE/METAL/STONE
3. GLASS GUARDRAIL
4. METAL PANEL SYSTEM
5. ALUMINUM WINDOW
6. COMPOSITE PANEL SYSTEM
7. ELEVATOR ENCLOSURE
8. METAL LOUVRE SCREEN
9. ROOFTOP TRELLIS
10. ROOFTOP AWNING
11. MECHANICAL EQUIPMENT
12. PG&E CLOSETS

Figure 5
Project Elevations , Webster and 17th Street Frontages

Source: Perkins & Will

TOTAL LOT AREA	24,121 SQ FT
TOTAL BUILDING FOOTPRINT AREA	22,477 SQ FT
TOTAL FLOOR AREA	197,132
BUILDING HEIGHT	250' occ. space, 265' top of mech. penthouse
NUMBER OF DWELLING UNITS	206
NUMBER OF PARKING SPACES	206

PARKING SPACE QUANTITIES				
LEVEL				
	REGULAR & ACCESSIBLE	INTERMEDIATE	COMPACT	TOTAL
LEVEL 05	21	6	22	49
LEVEL 04	21	6	22	49
LEVEL 03	24	7	18	49
LEVEL 02	25	6	14	45
RETAIL	5	2	7	14
TOTAL	96	27	83	206
% OF TOTAL	47%	13%	40%	100%

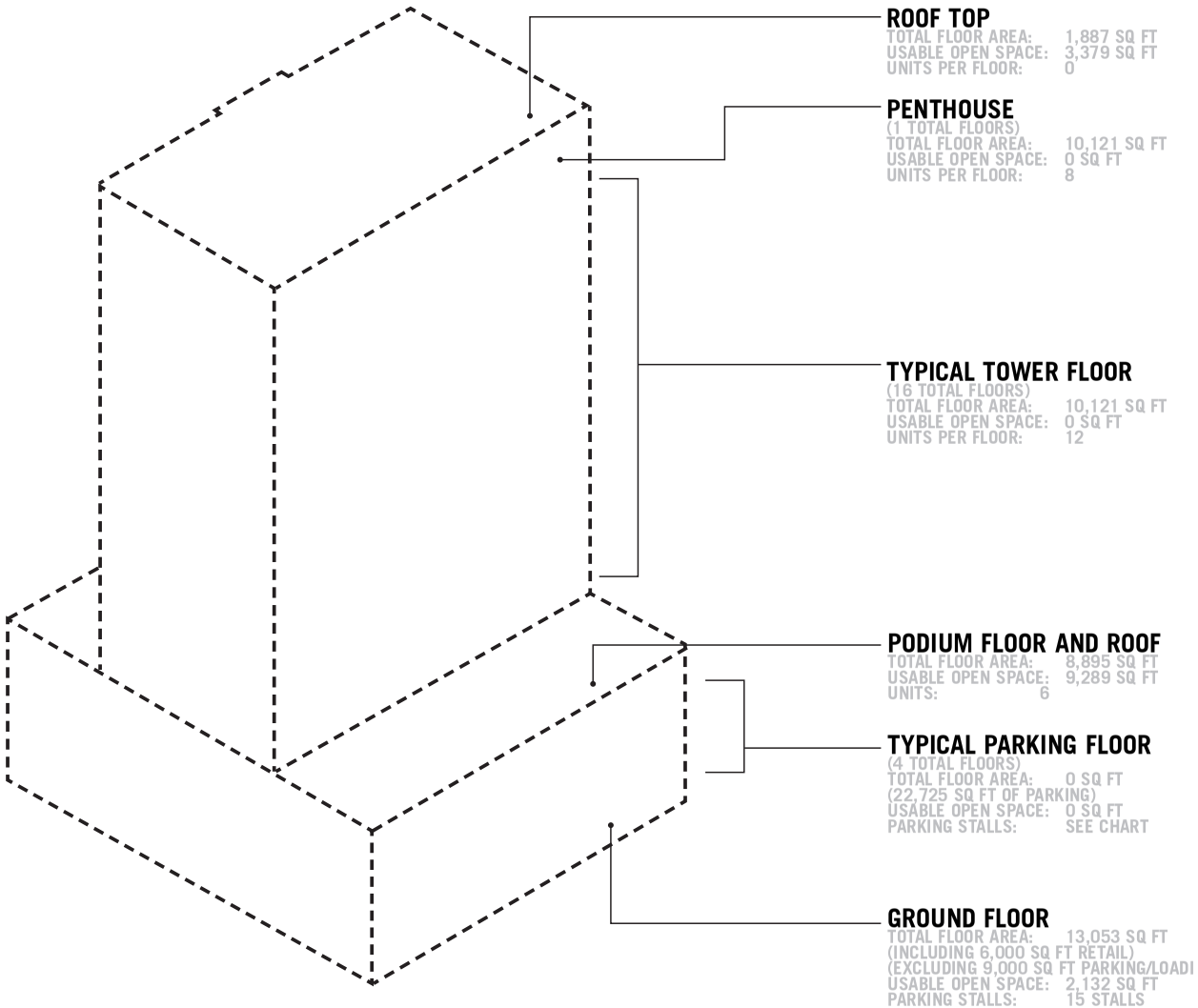


Figure 6
Building Massing

Source: Perkins & Will

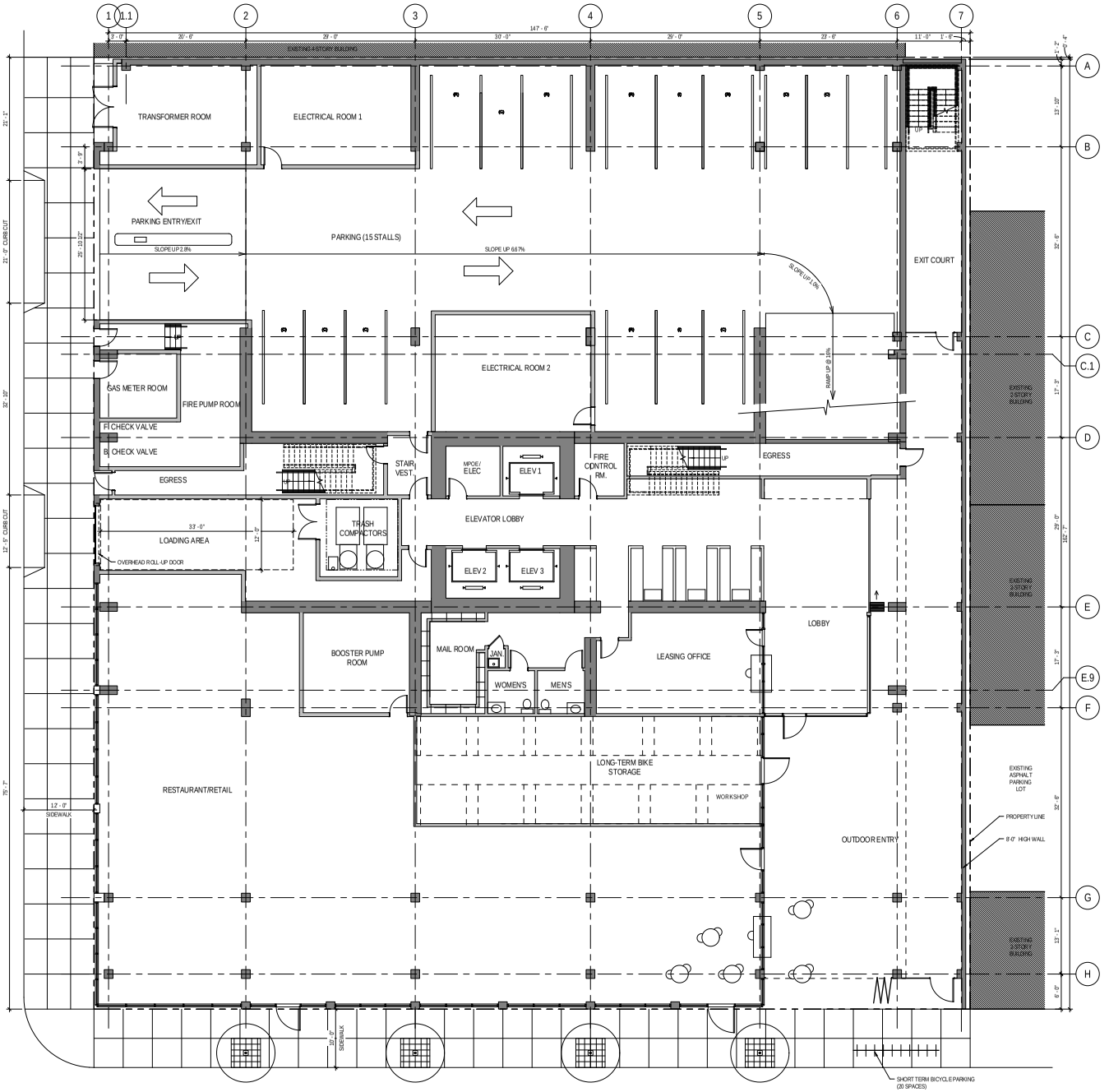


Figure 7
Floor Plan, Ground Floor

Source: Perkins & Will

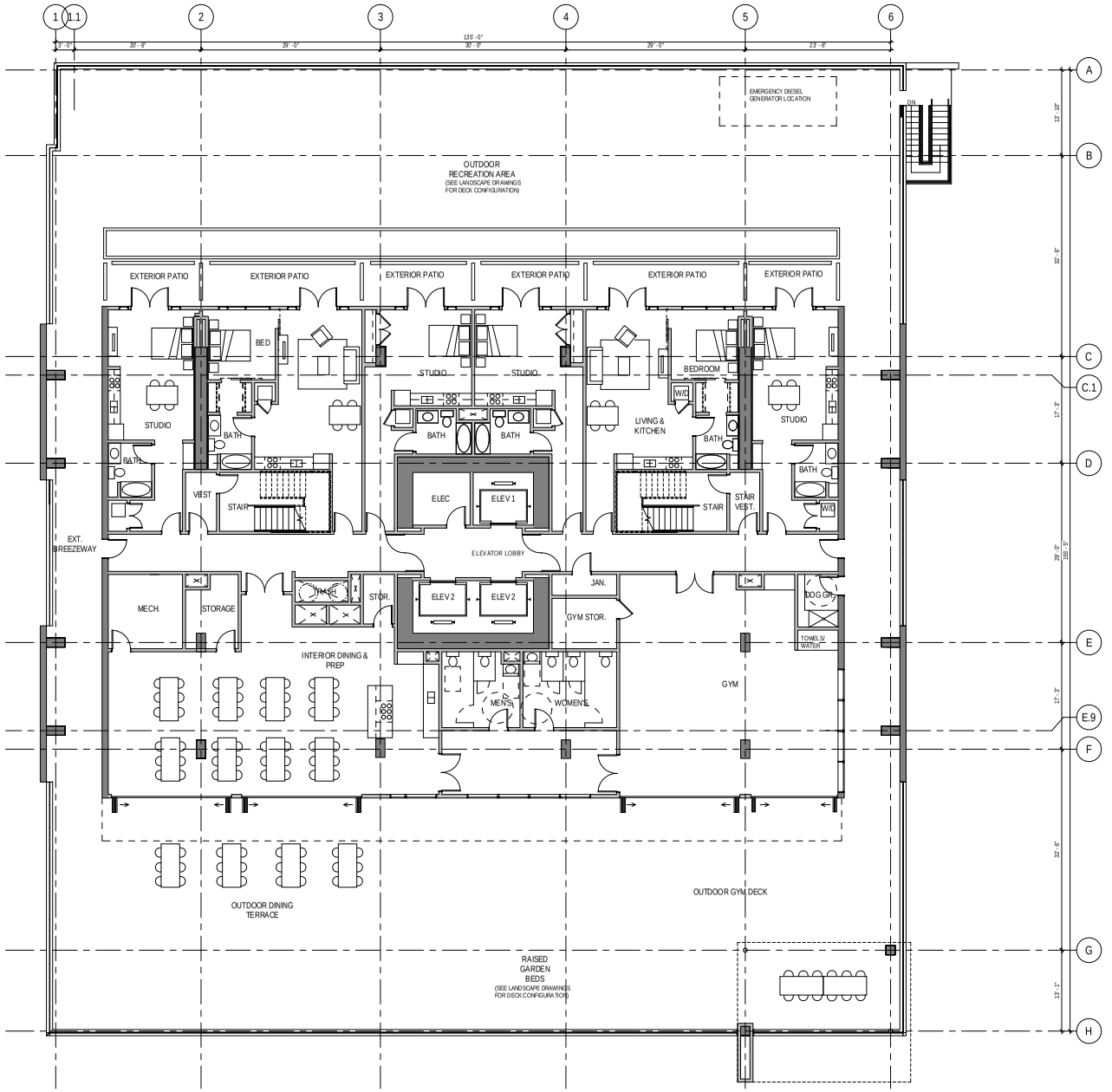


Figure 8
Floor Plans, Podium Roof (Floor 6)

Source: Perkins & Will

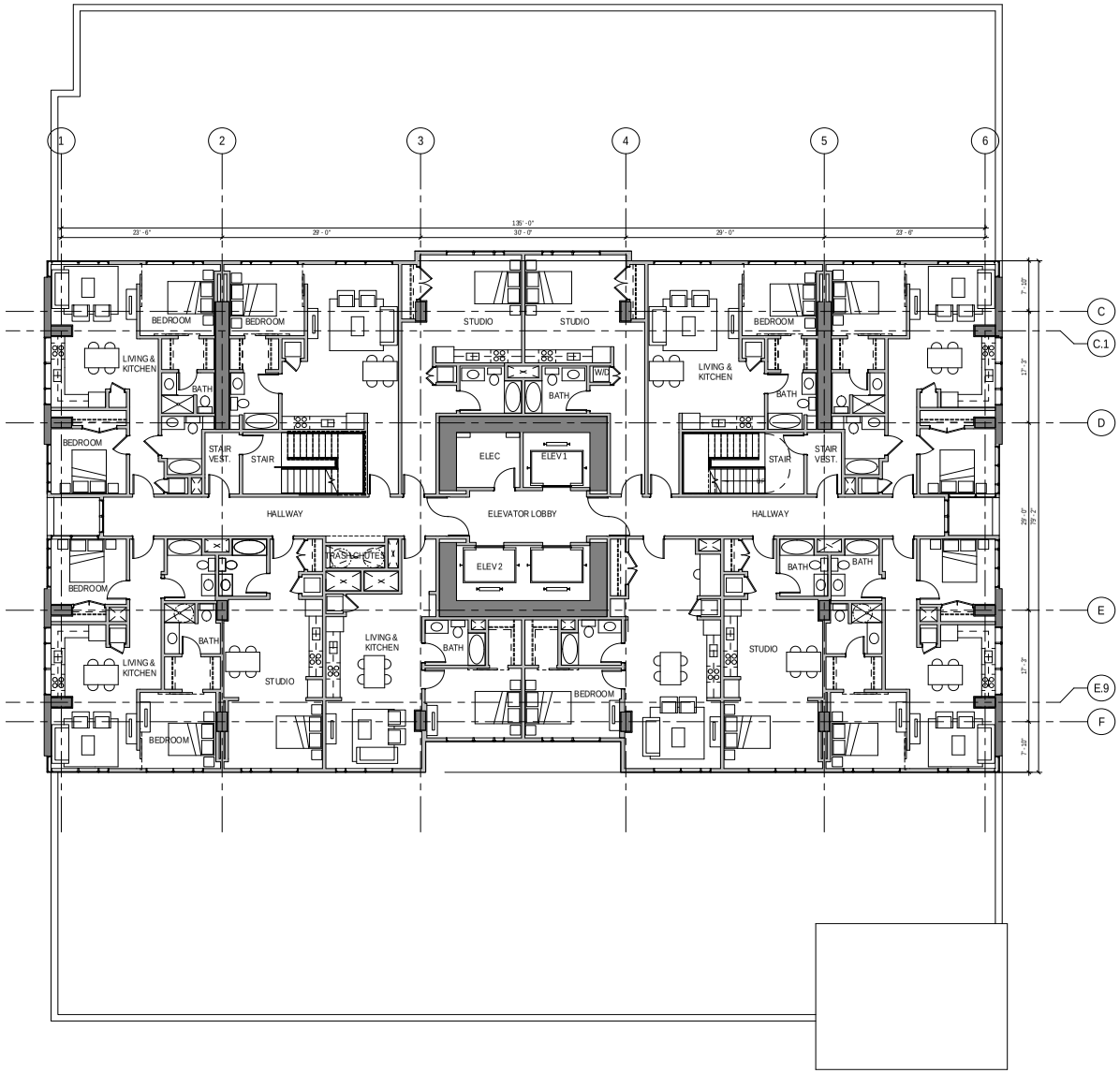


Figure 9
Floor Plans, Typical Residential Tower (Floors 7-23)

Source: Perkins & Will

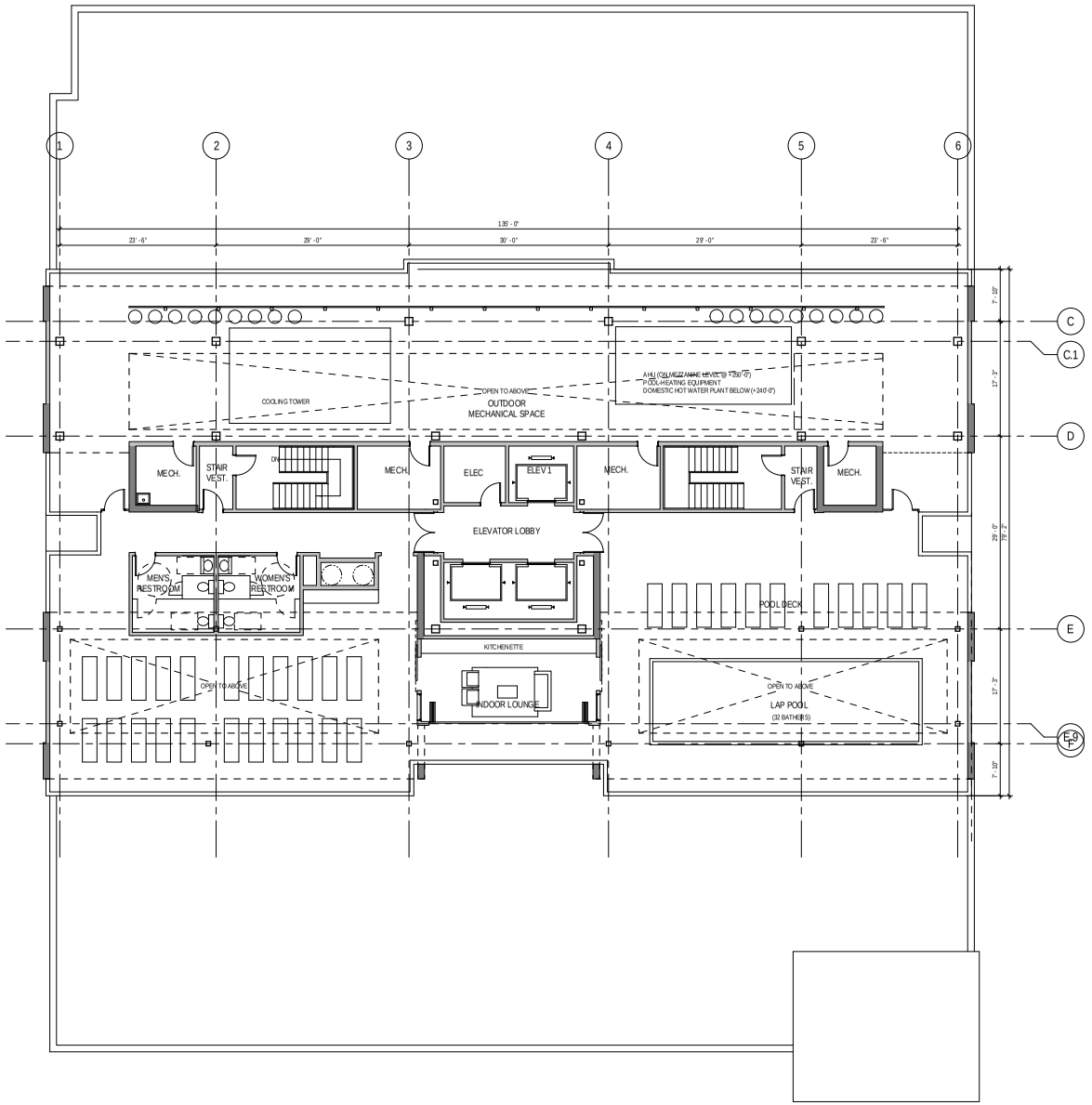


Figure 10
Floor Plan, Rooftop

Source: Perkins & Will

Categorical Exemption Criteria

Article 19 of the California Environmental Quality Act (CEQA Guidelines Sections 15300 to 15333), includes a list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt from review under CEQA.

Class 32 (In-Fill Development)

Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban infill development. CEQA Guidelines §15332 defines infill development (or Class 32 exemptions) as being applicable to projects characterized as in-fill development meeting the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

The analysis presented in the following section provides substantial evidence that the Project properly qualifies for an exemption under CEQA Guidelines §15332 as a Class 32 urban infill development, and would not have a significant effect on the environment.

Exceptions

Even if a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances, effectively nullifying a CEQA categorical exemption:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock

outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The following analysis also presents substantial evidence that there are no exceptions that apply to the Project or its site, that the Project would not have a significant effect on the environment, and that the Class 32 exemption remains applicable.

CEQA Streamlining

Community Plan Exemption

CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standard, then an EIR need not be prepared for the project solely on the basis of that impact."

The following analysis demonstrates that the Project is consistent with the development density established by existing zoning and General Plan policies for which an EIR was certified (i.e., the City of Oakland General Plan Land Use and Transportation Element EIR (1998, and the City of Oakland General Plan Housing Element and EIR (2012). As such, the analysis presents substantial evidence that, other than Project-specific effects which may be peculiar to the Project or its site, the Project's potential contribution to overall cumulatively significant effects has already been addressed as such in these prior EIRs, or will be substantially mitigated by the imposition of City of Oakland Standard Conditions of Approval (SCAs), as further described below.

Qualified Infill Exemption

CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applicable development policies. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.

The following analysis demonstrates that the Project is located in an urban area on a site that has been previously developed,; satisfies the performance standards provided in CEQA Guidelines Appendix M; and is consistent with the General Plan land use designation, density, building intensity and applicable policies

As such, this environmental review is limited to an assessment of whether the Project may cause any Project-specific effects, and relies on uniformly applicable development policies or standards to substantially mitigate cumulative effects.

City of Oakland - Standard Conditions of Approval

The City of Oakland's Uniformly Applied Development Standards adopted as Standard Conditions of Approval (Standard Conditions of Approval, or SCAs) were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code section 21083.3) and have been incrementally updated over time. The SCAs 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, Green Building Ordinance, historic/Landmark status, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects.

These SCAs are incorporated into projects as conditions of approval, regardless of the determination of a project's environmental impacts. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a project's environmental effects.

In reviewing project applications, the City determines which SCAs apply based upon the zoning district, community plan, and the type of permits/approvals required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCAs apply to a specific project. Because these SCAs are mandatory City requirements imposed on a city-wide basis, environmental analyses assume that these SCAs will be imposed and implemented by the project, and are not imposed as mitigation measures under CEQA.

CEQA Exemption Checklist

The following analysis provides substantial evidence to support a conclusion that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development, and would not have a significant effect on the environment.

Criterion §15332(a): General Plan & Zoning Consistency

Yes	No	
☑	❒	The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

General Plan

The Project site's General Plan land use designation is Central Business District. The intent of the Central Business District (CBD) classification is to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance. The CBD classification includes a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

The Project is an urban high-rise residential development with ground-floor retail space, consistent with the CBD intent.

Zoning

The Project site has two zoning applicable zoning districts. Along the 17th Street frontage the site is zoned Central Business District Pedestrian Retail (CBD-P), and the interior of the parcel is zoned Central Business District Commercial (CBD-C). The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses, with upper story space available for a wide range of office and residential activities. The intent of the CBD-C zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities, with upper-story spaces intended for a wide range of residential and office or other commercial activities.

The Project provides for approximately 5,100 square feet of ground-level, pedestrian-oriented, active storefront retail use (anticipated to be a restaurant) which wraps around both the 17th Street and Webster Street frontages, with upper story residential use. The building has also specifically been designed to comply with all design standards and regulations of the Planning Code, including but not limited to the following:

- At a total of 199,990 square feet of floor area and a height of 250 feet (not including roof-top architectural elements) the Project is smaller than 200,000 square feet of new floor area and does not exceed 250 feet in height, which would otherwise require the granting of a conditional use permit pursuant to Planning Code section 17.58.030: Conditional Use Permits for Large Projects.
- At 206 residential units on a parcel of 24,121 gross square feet, the Project's residential density is approximately 117 square feet of lot area per unit, below the maximum density of 90 square feet of lot area per unit established pursuant to the Planning Code, Table 17.58.04
- The height of the ground floor level is 16 feet, meeting the minimum height of ground floor active storefront retail use of 15 feet pursuant to Planning Code Table 17.58.03.

- The Project's podium base is 5 stories tall (4 stories of parking above the ground floor) at 56 feet, and does not exceed the maximum building base height of 85 feet established pursuant to the Planning Code, Table 17.58.04.
- The floor plate for each level of the tower portion of the building is 10.250 square feet (or 43% pf the gross lot area), less than the 75% maximum per story lot coverage for floors above the base established pursuant to the Planning Code, Table 17.58.04.
- With a minimum of 15,450 square feet of usable open space (including private open space on each residential floor and rooftop open space on the podium roof and roof-top garden space) meets or exceeds the minimum usable open space rate of 75 square feet per dwelling unit pursuant to Planning Code Section 17.58.070.

Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(a) as being consistent with the General Plan and applicable zoning regulations for the site.

Criterion §15332(b): Project Location, Size & Context

Yes	No	
☑	❒	The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses

The Project is located within the incorporated limits of the City of Oakland on a site of approximately 0.55 acres in area, and is entirely surrounded by properties developed with urban land uses and/or paved public streets (see **Figure 2**). Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(b) as a site of no more than five acres substantially surrounded by urban uses.

Criterion §15332(c): Endangered, Rare of Threatened Species

Yes	No	
☑	❒	The project site has no value as habitat for endangered, rare or threatened species.

As shown at **Figure 2**, the Project site is completely covered with existing buildings and pavement. No natural vegetation (e.g., grass, shrubs or trees) exists. Consequently, the Project site does not include habitat for endangered, rare or threatened species. Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(c).

Criterion §15332(d): Traffic

Yes	No	
☑	❒	Approval of the project would not result in any significant effects relating to traffic.

A Traffic Impact Analysis (TIA) has been prepared by Fehr & Peers to evaluate the transportation-related impacts of the Project (see **Appendix A**). Based on the results of this analysis as summarized below, the Project would not result in any significant traffic or transportation-related impacts, and there is no exception to the Class 32 exemption relative to traffic or transportation criteria.

Intersection Level of Service

The TIA prepared for the Project complies with City of Oakland's *Transportation Impact Study Guidelines*. The scenarios included in the analysis include existing conditions (representing existing 2015 conditions) and existing conditions plus traffic generated by the Project. The TIA evaluates traffic operations at the following two intersections in the vicinity of the Project site**:**

- 17th Street/Webster Street, and
- 19th Street/Webster Street

Consistent with City of Oakland guidelines, these two intersections are the only locations where the Project would increase traffic volumes by 50 or more peak-hour trips, and were selected in consultation with the City of Oakland Transportation Services Department.

Existing Conditions

Traffic data, consisting of automobile turning movement, as well as pedestrian and bicycle counts, were collected on a clear day, while area schools were in normal session. The traffic data collection was conducted from 7:00 AM to 9:00 AM (weekday AM) and from 4:00 PM to 6:00 PM (weekday PM) on March 26, 2015. For each study intersection, the peak hour within each peak period was selected for evaluation. Based on the volumes and roadway configurations, the Level of Service (LOS) at the study intersections was calculated using the 2010 *Highway Capacity Manual* (HCM) methodologies. Both study intersections currently operate at LOS A during weekday AM and PM peak hours.

Project-Generated Traffic

The amount of vehicular traffic the Project would add to the local roadway network was estimated for typical weekday AM peak and PM peak hours, as shown in **Table 2.** The vehicle trip generation estimates are based on rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation* (9th Edition) with adjustments. Since the Project site is in a mixed-use urban environment in downtown Oakland where many trips are expected to be walk, bike, or transit trips, and the site is within three blocks of the 19th Street BART Station, the standard ITE- based trip generation rate has been reduced by 43 percent to account for these non-automobile trips.[2] The Project would also replace 48,000 square feet of office, so the Project's trip generation is reduced to account for the loss of existing trips generated by the existing use. As summarized in Table 2, the Project is estimated to generate about 790 daily, 36 AM peak hour, and 58 PM peak hour net trips.

[2] This reduction is consistent with City of Oakland Transportation Impact Study Guidelines and is based on the Bay Area Travel Survey (BATS) 2000 which shows that the non-automobile mode share within one-half mile of a BART Station in Alameda County is about 43 percent. A 2011 research study shows reducing ITE based trip generation using BATS data results in a more accurate estimation of trip generation for mixed use developments than just using ITE based trip generation.

Table 2: Trip Generation Summary

Land Use	Units[1]	ITE Code	Daily	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
Residential	206 DU	220[2]	1370	21	84	105	83	45	128
Restaurant	6.0 KSF	932[3]	540	27	6	33	30	15	45
Subtotal			1910	48	90	138	113	60	173
Non-Auto Reduction (-43%)[4]			-821	-20	-39	-59	-48	-26	-74
Adjusted Project Trips			1089	28	51	79	65	34	99
Existing Office									
Office	48 KSF	710[5]	529	66	9	75	12	60	72
Non-Auto Reduction (-43%)[4]			-227	-28	-4	-32	-5	-26	-31
Existing Trips			302	38	5	43	7	34	41
Net New Trips (Adjusted Project – Existing trips)			787	-10	46	36	58	0	58

1. DU = Dwelling Units, KSF = 1,000 square feet.
2. ITE Trip Generation (9th Edition) land use category 220 (Apartment):
   Daily: 6.65
   AM Peak Hour: 0.51 (20% in, 80% out)
   PM Peak Hour: 0.62 (65% in, 35% out)
3. ITE Trip Generation (9th Edition) land use category 932 (Quality Restaurant):
   Daily: 89.95
   AM Peak Hour: 5.57 (82% in, 18% out)
   PM Peak Hour: 7.49 (67% in, 33% out)
4. Reduction of 43.0% assumed based on City of Oakland Transportation Impact Study Guidelines data for development in an urban environment within 0.25 miles of a BART Station.
5. ITE Trip Generation (9th Edition) land use category 710 (General Office):
   Daily: 11.03
   AM Peak Hour: 1.56 (88% in, 12% out)
   PM Peak Hour: 1.49 (17% in, 83% out)

Tip distribution and assignments estimate how trips generated by the Project will be distributed across various travel modes and the roadway network. Based on existing travel patterns, locations of complementary land uses and results of the Alameda County Transportation Commission's (ACTC) Travel Demand Model, the trip generation by travel mode for the Project is presented in **Table 3**.

Table 3: Trip Generation By Travel Mode				
Mode	**Mode Share Adjustment Factors[1]**	**Daily**	**Weekday AM Peak Hour**	**Weekday PM Peak Hour**
Automobile	57%	1,089	79	99
Transit	30.4%	581	42	53
Bike	3.9%	74	5	7
Walk	23%	439	32	40
Total Trips		**2,183**	**158**	**199**

1. Based on *City of Oakland Transportation Impact Study Guidelines* assuming project site is in an urban environment within 0.25 miles of a BART Station.

Existing plus Project Intersection Analysis

The intersection operation results for Existing and Existing plus Project conditions are presented in **Table 4**. Both study intersections currently operate at LOS A, and would continue to operate at LOS A under Existing plus Project conditions. City of Oakland thresholds of significance for intersections located within Downtown area or that provide direct access to downtown (including the study intersections) is LOS E.

The Project would not cause a significant impact at the study intersections under Existing plus Project conditions.

Table 4: Signalized Intersection Levels Of Service							
			Existing		**Existing Plus Project**		
Intersection	**Control**	**Peak Hour**	**Delay**	**LOS**	**Delay**	**LOS**	**Significant Impact?**
17th Street/Webster Street	Signal	AM	8.9	A	9.0	A	No
		PM	9.5	A	9.5	A	No
19th Street/Webster Street	Signal	AM	8.5	A	8.5	A	No
		PM	8.8	A	8.9	A	No

Notes:

1. Signal = intersection is controlled by a traffic signal

2. For signalized intersections, average intersection delay and LOS based on the 2010 HCM method is shown.

Source: Fehr & Peers, 2015

Congestion Management Program (CMP) Evaluation

The Alameda County CMP requires assessment of impacts to regional roadways for projects that would generate more than 100 net new PM peak hour trips. As shown in Table 2, the Project would generate less than 100 net new PM peak hour trips, and does not require a CMP evaluation.

Transit Travel Time

The Project site is served by several local AC Transit bus routes along Broadway and 20th Street. Traffic generated by the Project would not result in a noticeable increase in congestion along these two corridors, and the Project would have a very minor effect on transit service within the area. The estimated increase in travel time would be within the variability in travel time already experienced by each bus on these corridors. This is a less than significant impact.

Pedestrian, Bicycle and Vehicle Safety

17th Street currently has a 10-foot sidewalk along the south side of the Project site, and occasional sign posts and parking meters adjacent to the street narrow the through passage zone to a minimum of 7.5 feet. Webster Street currently has a 12-foot sidewalk along the west side of the Project site, and occasional sign posts and parking meters adjacent to the street narrow the through passage zone to a minimum of 9 feet. The City of Oakland *Pedestrian Master Plan* (PMP) designates both 17th Street and Webster Street as neighborhood routes, and recommends 9-foot sidewalks with a 4-foot through passage zone. The Project would not alter the width of sidewalks on either Webster or 17th Street, and the sidewalks would continue to exceed the PMP recommendations.

The Project driveway on Webster Street would be about 130 feet north of 17th Street, approximately at the existing driveway location. The proposed driveway would be 21 feet in width. To ensure that the driveway provides adequate sight distance between vehicles exiting the driveway and pedestrians on the adjacent sidewalk and bicycles and vehicles on the adjacent roadway, it may be necessary to limit landscaping and/or removing on-street parking spaces adjacent to the Project driveway.

The Project would not result in permanent substantial decrease in vehicle, bicycle, and pedestrian safety. This is a less than significant impact.

Conflicts with Transportation Policy

The Project would not cause a significant impact by conflicting with adopted policies, plans, or programs supporting public transit, bicycle, or pedestrian. The City of Oakland General Plan LUTE, as well as the City's Public Transit and Alternative Mode and Complete Streets Policies, states a strong preference for encouraging the use of non-automobile transportation modes, such as transit, bicycling, and walking.

- The Project would encourage the use of non-automobile transportation modes by providing residential and restaurant uses in a walkable urban environment, with adjacent bicycle infrastructure and nearby transit service.
- The Project is consistent with both the City's *Pedestrian Master Plan* and *Bicycle Master Plan* by not making major modifications to existing pedestrian or bicycle facilities in the surrounding areas, and would not adversely affect installation of future facilities.

The Project would not conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. This is a less than significant impact.

Standard Conditions of Approval

Consistent with the City of Oakland's Standard Conditions of Approval (SCA), the Project is required to implement a Transportation Demand Management (TDM) Plan, as it would generate more than 50 PM peak hour trips. The SCA requiring a TDM Plan and potential strategies that can be implemented for the Project are described below.

SCA #25: Parking and Transportation Demand Management (*Prior to issuance of a final inspection of the building permit*). The project applicant shall submit a Transportation and Parking Demand Management (TDM) plan for review and approval by the City. The intent of the TDM plan shall be to reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable consistent with the potential traffic and parking impacts of the project.

The TDM goal shall be to achieve the following project vehicle trip reductions (VTR):

- Projects generating 50 to 99 net new AM or PM peak hour vehicle trips: 10 percent VTR
- Projects generating 100 or more net new AM or PM peak hour vehicle trips: 20 percent VTR

The TDM plan shall include strategies to increase pedestrian, bicycle, transit, and carpool use, and reduce parking demand. All four modes of travel shall be considered, as appropriate. VTR strategies to consider include, but are not limited to, the following:

a. Inclusion of additional long term and short term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan, and Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.

b. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping.

c. Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.

d. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.

e. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.

f. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).

g. Provision of a transit subsidy to employees or residents, determined by the project sponsor and subject to review by the City, if the employees or residents use transit or commute by other alternative modes.

h. Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle or streetcar service; and 3) Establishment of new shuttle or streetcar service. The amount of contribution would be based upon the cost of establishing new shuttle service.

i. Guaranteed ride home program for employees, either through 511.org or through separate program.

j. Pre-tax commuter benefits (commuter checks) for employees.

k. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.

l. Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools.

m. Distribution of information concerning alternative transportation options.

n. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

o. Parking management strategies; including attendant/valet parking and shared parking spaces.

p. Requiring tenants to provide opportunities and the ability to work off-site.

q. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the

worksite (e.g., working four, ten hour days; allowing employees to work from home two days per week).

r. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy proposed based on published research or guidelines. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.

The project applicant shall implement the approved TDM Plan on an ongoing basis. For projects that generate 100 or more net new AM or PM peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City.

Consistent with the City of Oakland's requirements, the Project should consider including the following strategies as part of the required TDM program:

- Implement Recommendations 1 to improve the pedestrian environment in the Project vicinity.
- Unbundle the cost of parking from the cost of housing where residents pay separately for their parking spaces.
- Designate dedicated on-site parking spaces for car-sharing.
- Provide long-term and short-term bicycle parking beyond the minimum required by City of Oakland Planning Code.
- Provide all new residents and employees with information on the various transportation options available.
- Provide residents and employees with free or partially subsidized transit passes, which may include providing Clipper Cards with pre-loaded value, enrolling in AC Transit EasyPass program, or other measures.

With implementation of required SCA, the Project will not conflict with adopted policies, plans, or programs supporting public transit, bicycle, or pedestrian, including those of the General Plan LUTE, the City's Transit First policy, and the Alternative Mode and Complete Streets policies.

Construction-Period Impacts

During the construction period, temporary and intermittent transportation impacts may result from truck movements as well as construction worker vehicles to and from the Project site. The construction-related traffic may temporary reduce capacities of roadways in the Project vicinity because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. Truck traffic that occurs during the weekday peak commute hours (7:00 to 9:00 AM and 4:00 to 6:00 PM) may result in worse LOS and higher delays at study intersections during the construction period. Also, if parking of construction workers' vehicles cannot be accommodated within the Project site, it would temporarily increase parking occupancy levels in the area. Potential construction activity along the Webster Street and 17th Street frontages, especially in the public right-of-way, could also result in temporary closure of sidewalks and prohibition of on-street parking.

Standard Conditions of Approval

SCA #33: Construction Traffic and Parking (*Prior to the issuance of a demolition, grading or building permit*). The Project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this Project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

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

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

c. Location of construction staging areas for materials, equipment, and vehicles at an approved location.

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

e. Provision for accommodation of pedestrian flow.

f. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.

g. Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.

h. Any heavy equipment brought to the construction site shall be transported by truck, where feasible.

i. No materials or equipment shall be stored on the traveled roadway at any time.

j. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.

k. All equipment shall be equipped with mufflers.

l. Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

This SCA requires a Construction Traffic Management Plan be developed to address potentially significant impacts during the Project's construction. With implementation of this SCA the Project's construction traffic would not result in a substantial adverse effect and the impact will be less than significant.

Changes in Air Traffic Patterns

The Oakland International Airport is located about eight miles south of the Project site. The Project would increase density and increase building heights at the Project site. However, building heights are not expected to interfere with current flight patterns of Oakland International Airport or other nearby airports. Therefore, the proposed Project would not result in changes in air traffic patterns. This is a less than significant impact, and no mitigation measures are required.

Criterion §15332(d): Noise

Yes	No	
☑	❒	Approval of the project would not result in any significant effects relating to noise.

The analysis and conclusions described under this environmental topic is derived from an Environmental Noise Study prepared by Rosen, Goldberg, Der & Lewitz dated May 22, 2015 (see **Appendix B**).[3] The Noise Study included both short-term and long-term noise measurements at the Project site to quantify existing noise levels. Measurements included two long-term (24-hour) noise monitors and short-term (15-minute) measurements at five locations. The measurement locations were chosen to represent the traffic noise exposure at the Project building facades closest to the major roadways, as well as the noise exposure at existing nearby residences that are potentially affected by Project-generated noise. Long-term noise measurements along 17th Street and Webster Street also documented the day/night variation in traffic noise from the two roadways.

Construction Noise

Construction is expected to occur over a period of roughly 20 months. The noisiest activities (demolition, excavation and foundation) will occur during the first phases. The later phases of construction include many activities that will occur indoors and are, therefore, much quieter. Typical noise levels from the loudest types of construction equipment likely to be used at the site generate noise levels in the range of 80 to 89 dBA at a distance of 50 feet. Since the Project site is as near as 1 foot from the nearest residential property line to the north, construction activity could generate noise levels greater than 100 dBA at this nearest residential property lines when the equipment is at its nearest point. Piles are expected as part of the building's structural support, but the piles will be pre-drilled as per SCA #38, below.

Construction activities are expected to generate noise levels at residential properties that are in excess of the Noise Ordinance standard of 65 dBA for construction lasting more than 10 days. This is the case for residences that border the site on the north side, as well as residences across 17th & Webster Streets that have line of sight to the site. Construction activities are also expected to generate noise levels at commercial properties that are in excess of the Noise Ordinance standard of 70 dBA for construction lasting more than 10 days. This is the case for commercial properties that border the site on the north and east side, as well as commercial properties across 17th & Webster Streets that have line of sight to the site.

Standard Conditions of Approval

The following SCA's will be applicable to the Project during its construction period:

SCA #27: 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.

[3] The RGDL Noise Study was conducted for an earlier Project design concept that was larger than the currently proposed Project, but the analysis and conclusions remain valid.

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:

   i. 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.

   ii. 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.

g. Applicant shall use temporary power poles instead of generators where feasible.

SCA #28: 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 the Planning and Zoning Division and the Building Services Division 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. Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered 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, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

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 use other measures as determined by the City to provide equivalent noise reduction.

d. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

SCA #29: 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 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 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.

SCA #38: 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 Planning and Zoning Division and the Building Services Division 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. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. 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 implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

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 implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

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

Implementation of the City of Oakland's SCAs will lessen the impacts of construction period noise. SCA #27 provides reasonable limits on the days and hours of construction to avoid generating noise when it would be most objectionable to neighboring residences. SCA #28 requires that the Project applicant prepare and implement a noise reduction program that addresses noise attenuation measures for equipment and tools. SCA #29 provides measures to respond to and track construction noise complaints. SCA #38 requires that a qualified acoustical consultant prepare a plan for site specific noise attenuation measures to provide the maximum feasible noise attenuation. SCA #38 is relevant for this project because construction noise is expected to exceed 90 dBA at residential property lines. Measures such as an 8 to 12 foot high solid plywood walls would provide a noticeable reduction in noise (5 dBA) at first floor

receivers when construction equipment is at or below ground level. With implementation of required SCAs, the Project's construction noise will not violate the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, and will not generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise, and the impact will be less than significant.

Groundborne Vibration

Construction activities will also generate groundborne vibration. Vibration effects are typically limited to land uses that are very close to the site. Ground vibration levels for the various types of construction equipment that may be used at the site (pile drivers and vibratory rollers) could potentially generate vibration levels of between 0.21 to up to 1.58 inches per second peak particle velocity (PPV). The City has adopted the Federal Transit Administration's (FTA 2006) recommended construction vibration damage criteria which include a threshold of 0.20 inches per second PPV for non-engineered timber and masonry buildings. Other, less restrictive, criteria are recommended for engineered and reinforced buildings. Since the nearest neighboring residential buildings are less than one foot from the Project footprint, vibration levels could exceed the PPV 0.20 in/sec threshold. Based on calculations using a standard attenuation rate of ground vibration, the threshold could be exceeded by pile driving or if heavy equipment is used along property line near adjacent buildings (i.e. when a vibratory roller is within 26 feet of an adjacent building, or when a large bulldozer or hoe ram is within 15 feet of an adjacent building). Piles are expected as part of the building's structural support, but the piles will be pre-drilled as per SCA #38, below.

Standard Conditions of Approval

The following SCA applies to the Project as it involves construction that is adjacent to a CEQA historic resource and/or a potentially designated historic property (PDHP):

> **SCA #38: Pile Driving and Other Extreme Noise Generators** (see above).
>
> **SCA #57: Vibrations Adjacent to Historic Structures.** *Prior to issuance of a demolition, grading or building permit.* The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the Historic Structure and design means and methods of construction that shall be utilized to not exceed the thresholds.

The following additional measures, carried out in furtherance of SCA #38 (above), would minimize potential adverse vibration effects from Project-related construction activities:

- The noise reduction program required by SCA #38 (Pile Driving and Other Extreme Noise Generators) should be supplemented to include measures to reduce potential adverse effects of vibration on adjacent properties. The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration that could damage nearby existing structures, and design means and methods of construction that shall be utilized to not exceed the thresholds. Measures could include limiting the types of equipment or the manner that equipment can operate within certain distances of existing buildings. For example, vibratory rollers used for compaction may need to be operated without the vibration feature within some pre-determined distance of some property lines. Vibration monitoring could be used to help determine the appropriate setback distances and to verify that damage threshold levels are not exceeded.

With implementation of the required SCAs, the Project's construction vibrations will not expose persons to or generate groundborne vibration that exceeds City criteria, and the impact will be less than significant.

Operational Noise

The Project would not generate a significant increase in traffic noise on roadways near the site. The maximum increase in traffic noise is projected to be less than the City of Oakland's 5 dBA threshold, and thus a less than significant impact.

Other operational noise from the Project will be from mechanical equipment associated with ventilation or refrigeration (for commercial uses), the loading dock on Webster Street, and vehicles entering and exiting the parking garage from Webster Street. The current entrance to the parking garage for the existing building has an alarm to alert pedestrians that a car will be exiting the garage. The alarm generates increased noise levels of up to 5 dBA for just under 3 seconds. Mechanical noise associated with any heating, ventilation or air conditioning systems, noise that occurs within the loading dock area, and any warning alarm at the parking garage (similar to existing conditions) will be subject to SCA #31 (below) which requires that noise levels conform to the standards in the City's Planning Code and Municipal Code.

Standard Conditions of Approval

SCA #31: Operational Noise-General. *Ongoing*. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

With implementation of the required SCA, the Project will not generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise and is not expected to generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the Project vicinity, and the impact will be less than significant.

Noise Exposure

Based on the results of noise measurements taken at the site, the existing Ldn at the corner of 17th Street and Webster Street is 67 dBA. With predicted increase in future traffic, the noise level at this location may increase to an Ldn of 68 dBA. Tis noise level is at the upper end of the conditionally acceptable range of the City's noise and land use compatibility standards for residential land use. According to these guidelines, projects exposed to noise levels in this range may be undertaken only after a detailed analysis of noise-reduction requirements is conducted, and if necessary noise mitigating features are included in the design. Conventional construction will usually suffice as long as it incorporates air-conditioning or forced fresh-air-supply systems, though it will likely require that project occupants maintain their windows closed.

Standard Conditions of Approval

SCA #30: Interior Noise. *Prior to issuance of a building permit and Certificate of Occupancy.* 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), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

a. Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and

b. Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.

c. Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:

   i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis**.**

   ii. Prohibition of Z-duct construction.

SCA #30 requires that projects of this type achieve an acceptable interior noise level with sound-rated assemblies as recommended by a qualified acoustical engineer, based on the specific building design and layout. With the implementation of SCA #30, the Project will not expose persons to interior Ldn or CNEL greater than 45 dBA per California Noise Insulation Standards (CCR Part 2, Title 24), nor would it be exposed Project to community noise levels in conflict with the land use compatibility guidelines of the Oakland General Plan, and the impact will be less than significant.

Criterion §15332(d): Air Quality

Yes	No	
☑	❒	Approval of the project would not result in any significant effects relating to air quality.

In May 2011, the Bay Area Air Quality Management District (BAAQMD) released an update to its CEQA Guidelines, an advisory document that provides lead agencies, consultants and project applicants with uniform procedures for addressing air quality in environmental documents.[4] The updated guidelines were challenged, and the Alameda County Superior Court ordered the BAAQMD to set aside its recommended thresholds of these Guidelines until it complied with CEQA requirements. In view of this court order, the BAAQMD ceased recommending that their thresholds be used as a generally applicable measure of a project's significant air quality impacts, and instead recommended that lead agencies determine appropriate air quality thresholds of significance based on substantial evidence in the record. The BAAQMD has not yet taken action to reinstate the CEQA thresholds or otherwise respond to the Court of Appeal decision. The ultimate outcome of this litigation is still uncertain.

However, in accordance with state CEQA guidelines and in the absence of specific agency thresholds, the City of Oakland must make significance determinations based on the substantial evidence in the record for each project. The significance thresholds for this project have been adopted by the City of Oakland, based on the substantial evidence as contained in the May 2011 BAAQMD CEQA Guidelines document.

Construction Emissions

The 2011 BAAQMD CEQA Guidelines contain screening criteria at Table 3-1, which the City of Oakland has determined to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts related to emissions during construction. If all of the screening criteria are

4 Bay Area Air Quality Management District (BAAQMD) *CEQA Guidelines*, May 2011

met by a proposed project, quantification of the project's air pollutant emissions is not necessary to make a determination that the impact will be below the thresholds of significance.

According to Table 3-1 of the May 2011 BAAQMD CEQA Guidelines, the screening criteria for high-rise residential projects indicates that apartment projects of 249 units or condominium projects of 252 units or less would result in a less-than-significant impact due to criteria air pollutant and precursor emissions, provided that all Basic construction mitigation measures would be included in the project design and implemented during construction; that demolition activities would be conducted consistent with District Regulation 11, Rule regarding asbestos demolition; and that there would be no unusual or extensive construction efforts that might generate greater emissions that would be considered typical. The Project, at 206 residential units in a high-rise building would be lower than the BAAQMD CEQA Guidelines screening levels for air pollutants from construction activities, and not expected to have a significant effect.

Standard Condition of Approval

The City of Oakland considers implementation of effective and comprehensive dust control measures as recommended by the BAAQMD as the threshold of significance for fugitive dust emissions (both PM10 and PM2.5). The Project will be required to implement construction period dust control measures pursuant to the following City SCA, and to comply with the requirements found under the City Municipal Code (Section 15.36.100; Dust Control Measures). Furthermore, to reduce the potential for asbestos-laden dust emissions, the Project is required to implement SCA Air-3.

SCA I: Construction-Related Air Pollution Controls -Dust and Equipment Emissions (*Ongoing throughout demolition, grading, and/or construction*). During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

BASIC (Applies to ALL construction sites)

a. Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). 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. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d. 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.

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

f. Limit vehicle speeds on unpaved roads to 15 miles per hour.

g. Idling times shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.

h. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

i. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

ENHANCED: All "Basic" controls listed above plus the following controls (given that the Project involves a demolition permit):

h. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

i. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.

j. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

k. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).

l. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

m. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind-blown dust. Wind breaks must have a maximum 50 percent air porosity.

n. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

o. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

p. All trucks and equipment, including tires, shall be washed off prior to leaving the site.

q. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

r. Minimize the idling time of diesel-powered construction equipment to two minutes.

s. The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.

t. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).

u. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.

v. Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

w. At all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed.

SCA #41: 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.

Required implementation of these standard conditions of approval would ensure that impacts related to construction-period emissions of criteria air pollutant and precursor emissions remains at a less than significant level.

Operational Emissions

The City of Oakland has also determined that the 2011 BAAQMD CEQA Guidelines Table 3-1 provides a conservative indication of whether a proposed project could result in potentially significant air quality impacts related to operational emissions. If the operational screening criteria are met by a proposed project, quantification of the project's air pollutant emissions is not necessary to make a determination that the impact will be below the thresholds of significance. According to Table 3-1 of the May 2011 BAAQMD CEQA Guidelines, the screening criteria for high-rise residential projects indicates that apartment or condominium projects of 510 or less would result in less-than-significant emissions of operational criteria pollutants. The Project, at 206 residential units in a high-rise building would be lower than the screening levels for operational emissions of criteria air pollutants, and not expected to have a significant effect.

The Project is greater than 70 feet in height and is therefore required to incorporate a back-up diesel generator for elevator safety. Based on BAAQMD stationary source emission permit requirements, the generator will not be permitted unless its toxic air emissions are proven to be below the threshold level of a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0 and would not result in a significant impact.

Carbon Monoxide

The BAAQMD CEQA Guidelines, as used by the City of Oakland indicate that a project would result in a less than significant impact to localized CO concentrations if the project is consistent with an applicable congestion management program, if project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, and if the project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited. The Project does not cause any inconsistencies with the applicable CMP, does not generate substantial traffic that would exceed any of the applicable CO threshold criteria, and would not result in a significant impact pertaining to CO emissions.

Exposure to Toxic Air Contaminants

The Project would introduce new sensitive receptors (residents) to the site. A preliminary screening level analysis was completed to assess the impacts of nearby sources of toxic air contaminants (TACs) on the Project's new residential sensitive receptors (see **Appendix C**).[5] The Project site is within 1,000 feet of Telegraph Avenue, Broadway, Franklin, Webster, Harrison, and Thomas L Berkley Way (each identified as a high volume roadway with an excess of 10,000 ADT), and a total of thirteen (13) identified stationary TAC sources.

[5] Lamphier-Gregory, May 2015

Based on the results of the preliminary screening level analysis, the mobile sources within 1,000 feet of the Project site would generate a combined cancer risk of 34 in a million[6], and the cumulative stationary sources (primarily diesel generators) generate a potential combined cancer risk of 62 in a million[7], for a combined cumulative total cancer risk of 96 in a million, just below the health risk standard of cumulative cancer risk of 100 in one million. Additionally, the site is exposed to a cumulative annual average PM2.5 concentration of approximately 0.74 micrograms per cubic meter, not exceeding the cumulative PM2.5 cumulative concentration threshold 0.8 microgram per cubic meter.

Since the sum of impacts from available cumulative sources is below threshold levels, the cumulative health risk impact would be considered less than significant. However, of the 13 identified stationary TAC source within 1,000 feet of the site, five of these sources are reported by the BAAQMD as having "no data". In these instances, it does not mean that these sources generate no TAC emissions, only that the data is not available from the Stationary Source Screening Tool. Because the screening level cancer risk and PM2.5 concentrations are so close to the threshold levels, it is possible that data from these five additional sources would cause the thresholds to be exceeded.

Standard Conditions of Approval

Because the Project involves a new residential facility, is located within 1,000' of roadway with significant traffic (at least 10,000 vehicles/day) and stationary pollutant source requiring a permit from BAAQMD (such as a diesel generator); and potentially may exceed the health risk screening criteria, the Project should be conditioned to implement the following health risk reduction measures:

SCA B1: Exposure to Air Pollution (Toxic Air Contaminants) - Health Risk Reduction Measures *(Prior to approval of construction-related permit)*. The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:

I. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with the California Air Resources Board (CARB) and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. OR -

II. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

a. Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents, and other sensitive populations, in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.

b. Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.

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6 CA Environmental Health Tracking Program, available at http://www.ehib.org/traffic_tool.jsp

7 Data from BAAQMD Stationary Source Screening Tool, Alameda County 2012

c. The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods, if feasible.

d. Sensitive receptors shall not be located on the ground floor, if feasible.

e. Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (Pinus nigra var. maritima), Cypress (X Cupressocyparis leylandii), hybrid popular (Populus deltoids X trichocarpa) and Redwood (Sequoia sempervirens).

f. Within the project site, sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.

g. Within the project site, existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.

h. Within the project site, emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: 1) Installing electrical hook-ups for diesel trucks at loading docks, 2) Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards, 3) Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels, 4) Prohibiting trucks from idling for more than two minutes, 5) Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

SCA B2: Maintenance of Health Risk Reduction Measures (*Ongoing*). The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

The presence of high volume arterial roadways and numerous stationary sources of toxic air contaminants is not an unusual circumstance within urban environments such as downtown Oakland, and there is nothing unique or particular about the Project site related to its exposure to these emission sources. Furthermore, the required implementation of City of Oakland SCAs B1 and B2 (above) will ensure that Project residents will not be exposed to toxic air emissions that exceed acceptable thresholds, and the Project would not result in any significant effects relating air quality. Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(d) regarding air quality.

Criterion §15332(d): Water Quality

Yes	No	
☑	❒	Approval of the project would not result in any significant effects relating to water quality.

The Project is located within a highly urbanized environment and there are no lakes, creeks or other surface waters in the immediate proximity. Lake Merritt (the nearest surface water body) is more than 1,000 feet to the east and separated from the Project site by urban development and the nearby Snow Park. The Project does not have the potential to directly affect the water quality of any surface water bodies. Construction of the Project will involve demolition, grading and construction, all of which could result in erosion and/or sedimentation of downstream receiving waters.

Standard Conditions of Approval

Because the Project will require a grading permit, the following SCA shall apply:

SCA #55: 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.

a. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. 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.

b. 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.

c. (*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.

Because the Project will create or replace 10,000 square feet or more of impervious surface, the following SCAs will apply:

SCA #80. Post-Construction Stormwater 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 Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

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

   i. All proposed impervious surface on the site;

   ii. Anticipated directional flows of on-site stormwater runoff; and

   iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and

   iv. Source control measures to limit the potential for stormwater pollution;

   v. Stormwater treatment measures to remove pollutants from stormwater runoff; and

   vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.

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

   i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and

ii. 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 and/or the range of pollutants expected to be generated by the project.

iii. 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 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.

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

SCA #81. 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.

Since the Project will only disturb approximately 0.55 acres of land (i.e., less than 1 acre of developed or undeveloped land), the Project is not required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) or to obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB).

Required implementation of City of Oakland SCAs pertaining to water quality (above) will ensure that the Project will not have a significant impact on water quality. Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(d) regarding water quality.

Exceptions to Categorical Exemptions Checklist

In addition to investigating the applicability of CEQA Guidelines §15332 (Class 32), this technical report also assess whether any of the exceptions to qualifying for the Class 32 categorical exemption for an Infill Project are present. The following analysis compares the criteria of CEQA Guidelines §15300.2 (Exceptions) to the Project

Criterion 15300.2(a): Location

Yes No

❒	☑	Is there an exception to the Class 32 exemption for the project due to its location in a particularly sensitive environment, such that the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies?

This possible exception applies only to CEQA exemptions under Classes 3, 4, 5, 6 or 11. Since the Project qualifies as a Class 32 Urban Infill exemption, this criterion is not applicable. However, there are no environmental resources of hazardous or critical concern that are designated, precisely mapped or officially adopted in the vicinity of the Project site, or that could be adversely affected by the Project

Criterion 15300.2(b): Cumulative Impact

Yes	No	
❒	☑	Is there an exception to the Class 32 exemption for the project due to significant cumulative impacts of successive projects of the same type and in the same place, over time?

Community Plan Exemption

The City of Oakland completed an update of the General Plan Land Use and Transportation Element (LUTE) in March 1998. The LUTE includes the City's current Land Use and Transportation Diagram as well as strategies, policies, and priorities for Oakland's development and enhancement during a two decade period. The EIR certified for the LUTE is used to simplify the task of preparing environmental documents on later projects that occur as a result of LUTE implementation. Cumulative environmental effects identified in the LUTE's EIR as significant unavoidable and significant but which can be reduced to less than significant levels through mitigation are limited to the topics of aesthetics/winds, cultural resources, hazards/hazardous materials, land use/planning, population/housing, and public services. As demonstrated under Criterion §15332(a): General Plan & Zoning Consistency (above), the Project is consistent with the development density established by existing zoning and General Plan policies for the site, and there are no peculiar aspects, other than those evaluated herein, that would increase the severity of any of the previously identified significant cumulative effects in the LUTE EIR.

The City of Oakland's 2015-2023 Housing Element indicates that there are as many as 10,400 new housing units that are allowable within the Downtown under current zoning designations, with a likely number of 4,310 housing units to be developed within the Downtown without rezoning or further General Plan Amendments, through opportunity sites and with projects either built, under construction, approved or in predevelopment. Although not specifically identified as an individual Housing Opportunity Site under the Housing Element, the Project site does meet the Housing Elements criteria of sites suitable for new housing development, including:

- It is an underutilized site with outmoded facilities and/or marginal existing use;
- It is within Downtown, which accounts for the largest number of potential housing units, as the densities of permitted development are higher than most other areas;
- It is located along one of the City's major commercial corridors (Webster Street), and utilizes ground floor commercial space with housing above, as encouraged by zoning and development guidelines to maximize residents' access to services including retail opportunities, transportation alternatives and

civic activities, while reducing the need for automobiles, thus increasing the sustainability of such development; and

- It is within one of the City's six designated Priority Development Areas (PDAs), specifically the Downtown/Jack London area between 12th and 19th Street.

Since the Project is consistent with the development assumptions for the site as provided under the LUTE EIR, and within the overall range of development within the downtown as assumed in the Housing Element EIR, the Project's potential contribution to cumulatively significant effects has already been addressed in these prior EIRs. Therefore, consistent with CEQA Guidelines Section 15183 which allows for streamlined environmental review, this document needs only to consider whether there are Project-specific effects peculiar to the Project or its site, and relies on the streamlining provisions of CEQA Guidelines Section 15183 to not re-consider cumulative effects.

Qualified Infill Exemption

The following information demonstrates that the Project is eligible for permit streamlining pursuant to CEQA Guidelines Section 15183.3 as a qualified infill project.

Urban Site

The Project site is located in an urban area on a site that has been previously developed and that adjoins other existing urban uses on all sides, as described in the Project Description, above.

Sustainable Communities Strategy

The adopted Plan Bay Area (2013) serves as the sustainable communities' strategy for the Bay Area. As defined by Plan Bay Area, Priority Development Areas (PDAs) are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. The Downtown/jack London Square District form 12th Street to 19th Street is considered a PDA. The Project is consistent with the General Plan land use designation, density, building intensity and applicable land use policies for this area.

Performance Standards

As demonstrated below, the Project satisfies the applicable performance standards provided in CEQA Guidelines Appendix M:

- Because the Project's predominant use is residential, the Project is not required to include on-site renewable power generation as a performance standard measure.
- As described under Criterion 15300.2(e): Hazardous Waste Sites (below), the Project site is not listed in regulatory databases compiled pursuant to Section 65962.5 of the Government Code.
- The Project is required to comply with City of Oakland SCAs that provide for the protection of public health from sources of air pollution (see further discussion under Criterion §15332(d): Air Quality, above).
- The Project site is well-served by multiple transit providers, including Alameda-Contra Costa County Transit District (AC Transit) routes 12, 51A, 851, and the free Broadway Shuttle. The Project site is also within ½-mile of the 19th Street BART station. Broadway qualifies as a "High Quality Transit Corridor," as defined by Section II of CEQA, with fixed route bus service at intervals no longer than 15 minutes during peak commute hours. The AC Transit Line 51A runs along Broadway in the Project vicinity, and

has service intervals no longer than 15 minutes during peak commute hours. Other bus routes in the project vicinity further satisfy this criterion.

Consistent with CEQA Guidelines Section 15183.3(b) which allows streamlining for qualified infill projects, this environmental document is limiting to topics applicable to project-level review only. Cumulative level effects of infill development have been addressed in other planning level decisions of the Housing Element and the Land Use and Transportation Element of the General Plan, or by uniformly applicable development policies (SCAs) which mitigate such impacts.

Based on the streamlining provisions of CEQA Guidelines Sections 15183 and 15183.3, the Project's cumulative effect would be less than significant, and an exception under CEQA Guidelines Sec. 15300.2(c) regarding cumulative effects does not apply to the Project.

Criterion 15300.2(c): Significant Effect

Yes	No	
❒	☑	Is there an exception to the Class 32 exemption for the project because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances?

There are no known unusual circumstances applicable to the Project or its site which may result in a significant effect on the environment (see also the further discussion under Criterion 2[e] regarding Hazardous Materials, below). Therefore, the exception under CEQA Guidelines Sec. 15300.2(c) does not apply to the Project.

Criterion 15300.2(d): Scenic Highway

Yes	No	
❒	☑	Is there an exception to the Class 32 exemption for the project because project may result in damage to scenic resources including but not limited to, trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway?

The Project site has no trees, rock outcroppings or similar visual resources, and is not visible from a state scenic highway. The nearest scenic highway, the Macarthur Freeway (I-580) is located approximately 1 mile east-northeast, and the Project site is not visible from that freeway. Given these facts, the exception under CEQA Guidelines §15300.2(d) does not apply to the Project.

Criterion 15300.2(e): Hazardous Waste Sites

Yes	No	
❒	☑	Is there an exception to the Class 32 exemption for the project because the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code?

A Phase I Environmental Site Assessment (ESA) and a limited Phase II ESA has been prepared for the site (see **Appendix D**).[8] Based on the results and investigations conducted pursuant to the Phase I study, the Project site is not identified on any list compiled pursuant to Section 65962.5 of the Government Code or any other list compiled for purposes related to identifying the prior release of hazardous materials that, as a result of such a listing, would create a significant hazard to the public or the environment and no exception to the Class 32 exemption is present under this criteria.

The Project site is listed on the California HAZNET database, which maintains a list of hazardous waste manifests received by the California Department of Toxic Substances Control. The Project site is listed on this database due to asbestos abatement activities completed between 1995 and 2012. The site is not listed on any other databases, and in the absence of information indicating a spill or release from the site, the fact that the site has generated hazardous waste does not indicate that the environmental status of the site has been affected by this activity such that it would create a significant hazard to the public or the environment.

This Phase I and limited Phase II assessment also revealed the following information regarding the site.

Potential Underground Storage Tank

A gasoline and oil service station was historically located in the southwestern portion of the Project site. Records detailing the removal of the former service station were not obtained during the investigation, and it is unclear whether the former underground storage tanks (UST) were removed from the Project site prior to construction of the existing building. A geophysical survey was conducted to search for USTs in the right-of-way surrounding the southwestern portion of the site, and the survey did not identify geophysical anomalies representative of buried USTs. However, USTs could still exist beneath the Project site structure.

Standard Conditions of Approval

The Project will be required to implement all applicable City of Oakland Standard Conditions of Approval, including but not limited to the following, to address potentially hazardous conditions related to the possible presence of an UST below the site:

SCA #61: Site Review by the Fire Services Division (*Prior to the issuance of demolition, grading or building permit*). The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

SCA #62: Phase I and/or Phase II Reports (*Prior to issuance of a demolition, grading, or building permit*). Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

SCA #64: Environmental Site Assessment Reports Remediation (*Prior to issuance of a demolition, grading, or building permit*). If the environmental site assessment reports recommend remedial action, the project applicant shall:

a. Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after

[8] GeoDesign, Inc., *Environmental Services Report* for 1700 Webster Street Site, Oakland, CA., February 17, 2015

construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.

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

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

Previous use of the site as a former gasoline and oil service station is not an unusual circumstance for properties within downtown Oakland, nor is it unusual for a former UST to have remained underground when construction of the new building occurred. These conditions are prevalent throughout Oakland and other urban centers and as such, do not represent an exception to the CEQA exemption under CEQA Guidelines Sec. 15300.2(c). With required implementation of identified SCAs and required compliance with local, State and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater that may be associated with the UST, the hazard to the public or the environment from the potential presence of an UST is less than significant.

Soil and Groundwater Quality

The limited Phase II ESA also revealed gasoline-related impacts to Project site soil and groundwater at concentrations greater than corresponding Tier 1 ESLs. PCE and nickel were also identified in groundwater at the Project site at concentrations greater than their Tier 1 ESLs. The presence of nickel in groundwater could be attributed to regional background conditions, and the presence of PCE could be related to an off-site source, but would require additional investigation to evaluate this possibility.

Arsenic, barium, beryllium, cadmium, chromium, copper, lead, silver, thallium, vanadium and zinc were also detected in groundwater samples at concentrations greater than their corresponding Tier 1 ESLs. However, these ESL exceedances are likely related to turbidity associated with the groundwater sample collection method, as they were not detected at concentrations greater than Tier 1 ESLs in the nearby monitoring well that was sampled during our investigation.

The Project site is adjoined by Douglas Parking Company and Prentiss Property sites, which are included on the Alameda County CS database due to gasoline-related impacts to soil and groundwater. HVOC impacts were also identified in soil and groundwater at the Prentiss Property. The Douglas Parking Company site is currently listed as "undergoing remediation and monitoring." In 2000, Alameda County closed their file on the Prentiss Property, citing the absence of an on-site contaminant source. Gasoline- and/or HVOC-related impacts still remain at these sites.

Based on the results of the limited Phase II ESA and available online information related to the Douglas Parking Company and Prentiss Property sites, it appears that the contamination identified at the Project site comingles with, and could be related to, the contamination located beneath the adjoining properties. Shallow soil impacts identified at the Project site during the investigation indicate that the former gas and oil service area may have contributed to the groundwater contamination beneath the Project site and/or the adjoining property to the north.

Based on the low levels of gasoline and VOCs detected in preliminary sub-slab vapor samples collected beneath the Project site structure, contamination does not appear to pose an immediate threat to public health, safety, or the environment at this time. However, the Phase I and limited Phase II ESA recommends that contamination at the Project site should be addressed with oversight from the Alameda County

Environmental Health Department (which serves as the California RWQCB local oversight program in Oakland) prior to commencing redevelopment activities.

Standard Conditions of Approval

The Project will be required to implement all applicable City of Oakland Standard Conditions of Approval, including but not limited to SCAs 61, 62 and 64 identified above, and the following additional SCAs that specifically address potentially hazardous conditions related to soil and groundwater contamination:

SCA #68: Best Management Practices for Soil and Groundwater Hazards (*Ongoing throughout demolition, grading, and construction activities*). The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.

a. Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.

b. Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources

c. Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.

SCA #69: Radon or Vapor Intrusion from Soil or Groundwater Sources (*Ongoing*). The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.

Concentrations of gasoline-related contaminants in the soil related to previous uses of the site and/or from adjoining properties at concentrations greater than corresponding Tier 1 ESLs is not an unusual circumstance for properties within downtown Oakland. These conditions are prevalent throughout Oakland and other urban centers and as such, do not represent an exception to the CEQA exemption under CEQA Guidelines Sec. 15300.2(c). With required implementation of identified SCAs and required compliance with local, State and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater, the hazard to the public or the environment from the potential presence of an UST is less than significant.

Hazardous Building Materials

The hazardous building materials survey of the existing building revealed that asbestos-containing materials (ACM) was identified in several areas of the site during previous ACM surveys and during their recent survey. No PCB-containing light ballasts or transformers were observed during the survey, and no mercury-containing thermostats were observed during the survey. However, several fluorescent lamps which could contain mercury were observed. Painted surfaces observed throughout the Project site structure appeared in good condition. Accordingly, California regulations regarding removal or stabilization of lead-based paint prior to demolition would not apply. Accordingly, paint samples were not collected at the project site.

Standard Conditions of Approval

The Project will be required to implement all applicable City of Oakland Standard Conditions of Approval, including but not limited to the following SCAs that specifically address the presence of hazardous building materials:

SCA #63: 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 to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

SCA #65: 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 to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

SCA #66: Other Materials Classified as Hazardous Waste (*Prior to issuance of any demolition, grading or building permit*). If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

SCA #67: 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.

The presence of now-known hazardous building materials in buildings that are 50 years of age is not an unusual circumstance for properties within downtown Oakland. These conditions are prevalent throughout Oakland and other urban centers and as such, do not represent an exception to the CEQA exemption under CEQA Guidelines Sec. 15300.2(c). With required implementation of identified SCAs and required compliance with local, State and federal regulations for treatment, remediation or disposal of such hazardous building materials, hazard to the public or the environment from the presence and removal of such materials is less than significant.

Given the above facts, the exception under CEQA Guidelines §15300.2(e) does not apply to the Project.

Criterion 15300.2(f): Historical Resources

Yes	No	
❒	☑	Is there an exception to the Class 32 exemption for the project because the project may cause a substantial adverse change in the significance of a historical resource?

Historic Building

An assessment of the historic significance of the existing building was assessed by Architecture & History LLC, and their report is included in **Appendix E**.[9] Based on this assessment, the existing building at 1700 Webster Street was designed by Oakland-based architect Harry A. Bruno. Mr. Bruno was a reasonably well-known architect, but this building does not appear to be individually significant as an example of Bruno's work. The building was constructed for the Title Insurance and Trust Company in 1965, exactly 50 years ago. The builder was the Pacific Company, based in Berkeley. The building does not appear to have changed much since construction.

The building was assigned an Oakland Cultural Heritage Survey (OCHS) rating of F3 in 1997, which means that the property was less than 45 years old and not located in a historic district when it was originally surveyed. The building is now 50 years old. The building is not currently a Designated Historic Property (local landmark or Heritage Property). It is not within the boundaries a Designated Historic District. Furthermore, the building is not located within Areas of Primary or Secondary Importance. It is not listed in the California Register of Historical Resources or the National Register of Historic Places. Since the current building on the Project site does not meet the criteria for listing in the California Register of Historical Resources nor is a resource previously identified in Oakland's Local Register of Historic Resources, it is not a historic resource under CEQA, therefore there would not be any impacts to historic resources if the building were demolished to accommodate new construction on the site.

Given these facts, the exception under CEQA Guidelines §15300.2(d) regarding impacts to an historic building does not apply to the Project.

Historic Object

A newspaper ad announcing the Title Company's move to the new building appearing in 1965 indicated that a mural was painted for the building by artist Robert C. Rishell, depicting early East Bay history. That mural still exists, and is located on an interior wall of the building. The mural is not visible from the street or the building lobby, and is not accessible to the general public.

Robert Clifford Rishell lived in the Oakland hills, and was the son of former Oakland mayor Clifford E. Rishell (Mayor 1949-1961). He was a graduate of the California College of Arts and Crafts (B.A. and M.A.) and received adult school teaching credential from University of California, Berkeley. He was a member of the Society of Western artists and studied under prominent artists of the time, including Xavier Martinez. He was influenced to paint California's deserts by friend and artist Jimmy Swinnerton, and became friends with another desert painter, John W. Hilton. His notoriety as an artist brought him an invitation to become a member of the Bohemian Club. In 1974, he was commissioned to paint the official gubernatorial portrait of Ronald Reagan, which is now on display in the California State Capitol Museum. Rishell's paintings show a stark contrast of light and shadow, and are quite distinctive. His works were

[9] Architecture and History, May _, 2015, *Historic Resource Assessment of 1700 Webster Street,* Oakland California

included in the collections of Ronald Reagan and Barry Goldwater. Mr. Rishell was also instrumental in founding the Oakland Museum, and remained active in its support the rest of his life. [10]

The mural at 1700 Webster Street does not appear similar to his more well know works, nor does it display the distinctive stark contrast of light and shadow for which much of his work is known. However, the mural is considered a significant art work,[11] and possibly an historic object as being significant in the cultural annals of California and potentially meeting criteria for listing on the CRHR as being associated with the life of a person important to local, California, or national history (Criterion 2); and representing the work of a master, or possessing high artistic values (Criterion 3). The mural is not visible from the street or the building lobby, is in a location not accessible to the general public, and cannot be appreciated or perceived by the general public from the exterior. Therefore, the mural is not a character-defining feature of the building.

Preservation

Based on the potential that the Robert Rishell mural inside the building at 1700 Webster Street may be an historic object, the Project applicant has committed to preserving the mural by donating it to the Oakland Museum or other appropriate public or art institution. The mural appears to be painted on canvas, and then was applied to the wall. Removal of the mural without incurring damage appears quite feasible based on initial inspection by an art conservator. The mural's historic characteristic relates only to the artist and is not associated with the building in which it was placed. Relocation of the mural would not materially damage it and would not result in "substantial adverse change" to the significance of this art object. With the applicant's commitment to preserve the mural, the proposed project would not cause a "substantial adverse change" in the significance of a historical object and the exception under CEQA Guidelines §15300.2(d) regarding impacts to historic resources would not apply.

Effects on Adjacent Historic Structures

The Project site is located across the street from the 17th Street Commercial Historic District. The 17th Street Commercial District encompasses the portion of 17th Street between Franklin and Harrison Streets (to the east), and the south side of 17th Street between Harrison and Webster Streets (to the south). The District is characterized by long, narrow commercial buildings constructed of brick or reinforced concrete with long bands of storefront windows at the ground level. The buildings within the District were constructed between 1923 and 1927. In 1984, the District was determined eligible for listing in the National Register as an "extremely cohesive group of low-rise commercial structures" that represents a "monument to the 1920s speculative building boom." Individual contributing buildings to the 17th Street Historic District include:

- The Elvin Building at 350-370 17th Street, a 1926 store and office building, three stories in height (PDHP, OCHS Rating is Cb-1+).
- The A.B. Noffsinger Building 300-320 17th Street/1701 Harrison Street, a 1924 decorative brick store building, one story in height (PDHP, OCHS Rating is Cb-1+)

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[10] http://www.bodegabayheritagegallery.com/Rishell_Robert_.htm

[11] Personal observations by Mr. Timothy Drescher, Ph.D., an independent scholar who has been studying, documenting, and photographing community murals since 1972. He authored S*an Francisco Bay Area Murals: Communities Create Their Muses*, 1904–1997 (3rd ed., 1998), as well as numerous articles about murals and community arts. Mr. Drescher has taught at San Francisco State University for over two decades, and served as co-editor of the magazine *Community Murals* from 1976–1987.

- The Robert A. Howden Building at 325-43 17th Street/1628-30 Webster Street, a 1925 commercial building, two stories in height (Local Register - Landmark, OCHS Rating is A1+).
- The W.G. Gilmour Building at 351-73 17th Street/1635 Webster, a 1924 Mediterranean Revival store and office building, two stories in height (PDHP, OCHS Rating is C1+).

Other historic resources in the immediate vicinity include the following buildings:

- 1711–39 Webster, a 1924 decorative brick garage and store building, two stories in height (Local Register, OCHS Rating is D3).
- 1830 Webster/337-343 19th Street, a 1928 store and office building, two stories in height (PDHP, OCHS Rating is Dc3).
- 351-61 19th Street, a 1946 Art Deco store building, one story in height (Local Register, OCHS Rating is F3).
- 1732-36 Webster Street, a 1926–27 Renaissance Revival apartment building called the Mentone Arms, four stories in height (Local Register, OCHS Rating is B+3).

The Project would not materially impair any of the adjacent historic resources, either within the same block or in adjacent blocks. While the Project would be considerably taller than the existing building stock surrounding the site and would cast shadows on nearby historic resources, the extent of the shadows would not render those historic resources ineligible for inclusion in any federal, state or local registers. Construction of the Project's new building would not impair either individually significant or Historic District contributors such that the significance of these resources would be materially impaired. The Project is new construction located adjacent to and near individually significant historic resources, but not within the boundaries of the 17th Street Commercial Historic District, and would not result in removal of any character-defining features of the nearby Districts. The Project is larger in scale than the buildings in the surrounding area, but the design of the podium levels of the Project are generally compatible with the overall character of the area.

Standard Conditions of Approval

The following SCA applies to all projects that involve construction adjacent to a CEQA historic resource or a PDHP, and would specifically apply to the Project:

> **SCA #57: Vibrations to Adjacent Historic Structures** (*Prior to issuance of a demolition, grading or building permit*). The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the historic building(s) and design means and methods of construction that shall be utilized to not exceed the thresholds.

With required implementation of SCA Cultural-1, potential adverse effect on adjacent historic resources will be less than significant, and the exception under CEQA Guidelines §15300.2(e) does not apply.

Archaeologic Resources

No archaeological research, investigations or database searches have been conducted for the property. The Project site is located within an urbanized portion of the downtown, has been previously developed and is surrounded by other urban development and is thus not considered unique. However, archaeological studies have been conducted for areas that are not far removed from the site.[12] These studies indicate that the general area is potentially sensitive for archaeological and buried sites that are

[12] City of Oakland, Broadway-Valdez Specific Plan EIR, 2014.

not visible due to urban development, that the area is identified as having low to moderate paleontological sensitivity and it is possible that fossils could be discovered during excavation, and that the inadvertent discovery of human remains during ground-disturbing activities cannot be entirely discounted.

Standard Conditions of Approval

The City's SCAs relevant to archaeological or paleontological historic resources that might be impacted by the Project are listed below. All applicable SCAs would be adopted as part of the Project to eliminate significant impacts to cultural and historic resources.

SCA #52: Archaeological Resources (*Ongoing throughout demolition, grading, and/or construction*). 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.

a. 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.

c. 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.

d. If 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.

e. 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 shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

SCA #53: 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.

SCA #54: 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. 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.

Implementation of these SCAs would ensure that any resources that may be discovered are recovered and that appropriate procedures are followed in the event of accidental discovery to minimize potential risk of impact on archaeological resources to a less-than-significant level. With required implementation of these SCAs, potential adverse effect on as-yet undiscovered historic resources will be less than significant, and the exception under CEQA Guidelines §15300.2(e) does not apply.

Criterion 15300.2: Other Potential Effects

Yes	No	
❒	☑	Is there an exception to the Class 32 exemption for the project because the project may result in substantial adverse impacts other than those discussed above?

Based on City of Oakland threshold criteria, the following additional analyses of potential adverse effects pertaining to new buildings within the downtown area of Oakland were also considered.

Wind

Under City of Oakland thresholds of significance, a project would have a significant impact if it were to create winds that exceed 36 mph, for more than one hour during daylight hours, during the year. A wind analysis is required since the project's height is 100 feet or greater and because it is located in Downtown. The wind analysis must consider the Project's contribution to wind impacts to on- and off-site public and private spaces. Only impacts to public spaces (on- and off-site) and off-site private spaces are considered CEQA impacts.

A wind analysis has been prepared for the Project (RWDI, July 2015, see **Appendix F**) using a wind tunnel test on a 1:400 (1" = 33') scale model of the Project site and its surroundings. The mean wind speed profile and turbulence of the natural wind approaching the modelled area were simulated in RWDI's boundary-layer wind tunnel. The model was instrumented with 48 wind speed sensors to measure mean and gust wind speeds at a full-scale height of approximately 5 ft. These measurements were recorded for 36 equally incremented wind directions. Wind statistics from the Metropolitan Oakland International Airport were combined with the wind tunnel data in order to predict the frequency of occurrence of full-scale wind speeds. The full-scale wind predictions were then compared with industry standards/RWDI recommendations for pedestrian comfort (11 mph), and City of Oakland's thresholds for pedestrian wind-related safety (36 mph).

Based on the wind model results, wind speeds are generally low under existing conditions, with wind speeds averaging 9.4 mph for the measurement locations. The highest existing wind speeds occur near the intersection of 19th and Harrison Streets, due to the accelerations of the prevailing westerly winds

around an existing tower. Existing wind speeds at most test locations are below the "comfort" range of 11 mph.

For the existing plus Project configuration, the model indicates that wind speeds would remain similar to existing conditions, and that wind speeds would remain below 11 mph on average at the majority of sensor locations. The average wind speed for all test locations would be slightly increased from 9.1 mph to 10.4 mph. The highest wind speed (16 mph) would occur at the intersection of 19th and Harrison Streets, similar to the existing conditions. The 11 mph "comfort range" would be exceeded 9.7% of the time, which is a minor increase relative to existing conditions.

Of the 46 locations that were tested under existing condition, no locations currently exceed the City of Oakland's 36 mph criterion. Similarly, no locations would exceed the threshold under existing plus Project configuration. The Project's potential wind impacts would be less than significant and the exception to a CEQA exemption under CEQA Guidelines §15300.2 does not apply.

Shadows

Under City of Oakland thresholds of significance, a project would have a significant shadow impact if it were to introduce landscape that would cast substantial shadows on existing solar collectors; if it were to cast a shadow that substantially impairs the function of a building using passive solar energy; if it were to cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or if it were to cast a shadow on an historic resource 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 designation as an historic resource.

A shadow study has been prepared for the Project (Perkins & Will, 2015, see **Appendix G**), projecting shadows that would be cast by the building at 9:00 a.m., 12:00 p.m., and 3:00 p.m. for the Spring Equinox, Summer Solstice, Fall Equinox, and Winter Solstice, based on City Guidelines. These shadow studies demonstrate that the Project will cast morning shadows throughout the year along the length of the 17th Street Historic Commercial District, but these shadows will not materially impair any of the physical character-defining features of the District or of any of the individual contribution buildings. The Project will also cast shadows across the face of adjacent Mentone Arms building at 1732 Webster, but again these shadows will not materially impair any of the physical character-defining features of this historic buildings. Finally, the Project will cast late afternoon shadows during the winter season that will reach Snow Park. However, the Project's shadows cast onto Snow Park will fall within the same shadow as those cast by existing tall buildings at 1800 and 1901 Harrison Street and will not substantially impair the beneficial use of this park. The Project will have less than significant shadow impacts, and the exception under CEQA Guidelines §15300.2 does not apply.