# 4255 MacArthur Boulevard Project

# CEQA Analysis

***Prepared for:***

City of Oakland
Bureau of Planning
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Oakland, CA 94612

***Prepared By:***

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*March 2019*

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# I. PROJECT CHARACTERISTICS

| | |
|---|---|
| **1. Project Title:** | 4522 MacArthur Boulevard Project |
| **2. Lead Agency Name and Address:** | City of Oakland<br>Planning & Building Department<br>250 Frank H. Ogawa Plaza, Suite 2114<br>Oakland, CA 94612 |
| **3. Contact Person and Phone Number:** | Jason Madani, Planner III<br>510.238.4790<br>250 Frank H. Ogawa Plaza, Suite 2114<br>Oakland, CA 94612<br>jmadani@oaklandnet.com |
| **4. Project Location:** | 4522 MacArthur Boulevard<br>Oakland, CA 94619<br>Assessor's Parcel No. 30-1981-133 |
| **5. Project Sponsor's Name and Address:** | Phua Management<br>Mr. Bill Phua<br>638 Webster Street, Suite 300<br>Oakland, CA 94607 |
| **6. Existing General Plan Designations:** | Neighborhood Center Mixed Use |
| **7. Existing Zoning:** | Neighborhood Commercial (CN-2)<br>Height limit: 45 feet |
| **8. Requested Permits:** | Regular Design Review |

# II. BACKGROUND

The Project sponsor is proposing to construct a 20,495-square-foot four-story mixed use development to include 11 residential units over ground floor retail (for which no tenant has yet been identified). The project site is located at the northwest corner of MacArthur Boulevard and High Street in Oakland's Laurel District. Current zoning is Neighborhood Commercial (CN-2).

This California Environmental Quality Act (CEQA) Analysis evaluates the Project. The Project is eligible for CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183, which provides for streamlined review when a project is consistent with a Community or General Plan and its development density, and the impacts of projects implemented under the Plan have been analyzed in a certified program EIR. The Project is also eligible for CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183.3 for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning level decision, or by uniformly applying development policies or standards.

This analysis uses CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183 and 15183.3 to tier from the program-level analysis completed in the City of Oakland (City) General Plan Land Use and Transportation Element (LUTE) and its Environmental Impact Report (EIR)[1] and the 2010 General Plan Housing Element Update EIR and 2014 Addendum[2]—collectively referred to herein as the Program EIRs—which analyzed environmental impacts associated with adoption and implementation of the Housing Element.

The following describes the Program EIRs that constitute the previous CEQA documents considered in this CEQA Analysis. Each of the following documents is hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California, 94612, and on the City of Oakland Planning and Building Department website at http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157.

## Land Use and Transportation Element EIR

The City certified the EIR for its General Plan LUTE in 1998. The LUTE identifies policies to guide land use changes in the City and sets forth an action program to implement the land use policy through development controls and other strategies. The LUTE identifies City Corridors envisioned as mixed use urban environments (activity centers) with concentrations of commercial and civic uses linked by segments of multi-family housing. The Project site is within the key corridor along Interstate 580 (I-580) and activity district at the Laurel District neighborhood. The 1998 LUTE EIR is designated a Program EIR under CEQA Guidelines Sections 15168, 15183, and 15183.3. As such, subsequent activities under the LUTE are subject to requirements under each of the aforementioned CEQA Sections.

[1] City of Oakland, 1998. General Plan, Land Use and Transportation Element; City of Oakland, 1998. Oakland General Plan Land Use and Transportation Element EIR.

[2] City of Oakland, 2010. Oakland General Plan Housing Element; City of Oakland, 2010. Oakland General Plan Housing Element EIR.

Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as newer City Standard Conditions of Approval (SCAs), which are described below.

### Environmental Effects Summary – 1998 LUTE EIR

The 1998 LUTE EIR (including its Initial Study Checklist) determined that development consistent with the LUTE would result in impacts that would be reduced to a less than significant level with the implementation of mitigation measures and/or SCAs: aesthetics (views, architectural compatibility and shadow only); air quality (construction dust [including $PM_{10}$] and emissions Downtown, odors); cultural resources (except as noted below as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); noise (use and density incompatibilities, including from transit / transportation improvements); population and housing (induced growth, policy consistency/clean air plan); public services (except as noted below as significant);[3] and transportation/circulation (intersection operations Downtown).

Less than significant impacts were identified for the following resources in the LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions in downtown, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use projects and near transit); noise (roadway noise downtown and citywide, multifamily near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand). No impacts were identified for agricultural or forestry resources, and mineral resources.

Significant unavoidable impacts were identified for the following environmental resources in the LUTE EIR: air quality (regional emissions, roadway emissions Downtown); noise (construction noise and vibration in Downtown); public services (fire safety); transportation/circulation (roadway segment operations); wind hazards, and policy consistency (clean air plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

## Oakland Housing Element Update EIR and Addendum

The City has twice amended its General Plan to adopt updates to its Housing Element. It certified a 2010 EIR for the 2007-2014 Housing Element, and a 2014 Addendum to the 2010 EIR for the 2015-2023 Housing Element. The Housing Element identifies the City's current and projected housing needs, and sets goals, policies, and programs to address those needs, as specified by the state's Regional Housing Needs Allocation process. The Project site is identified as a Housing Opportunity Site in the 2015-2023 Housing Element and would contribute to the total number of housing units needed in the City to meet its Regional Housing Needs Allocation target. Applicable mitigation measures and SCAs identified in the 2010 Housing Element EIR and its 2014 Addendum are considered in the analysis in this document. The 2010 Housing Element Update EIR and its 2014 Addendum are designated a Program EIR under CEQA Guidelines Sections 15168, 15183, and 15183.3. As such, subsequent activities under the Housing Element that

[3] The LUTE EIR addressed effects on solid waste demand and infrastructure facilities for water, sanitary sewer, and stormwater drainage under Public Services.

involve housing are subject to requirements under each of the aforementioned CEQA Sections, which are described below.

### Environmental Effects Summary – 2010 Housing Element and 2014 Addendum

The 2010 Housing Element Update EIR (including its Initial Study) and 2014 EIR Addendum determined that housing developed pursuant to the Housing Element, which include the Project site, would result in impacts that would be reduced to a less than significant level with the implementation of mitigation measures and/or SCAs: aesthetics (visual character/quality and light/glare only); air quality (except as noted below); biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials (except as noted below, and no impacts regarding airport/airstrip hazards and emergency routes); hydrology and water quality (except as noted below); noise; public services (police and fire only); and utilities and service systems (except as noted below).

Less than significant impacts were identified for the following resources in the Housing Element EIR and Addendum: hazards and hazardous materials (emergency plans and risk via transport/disposal); hydrology and water quality (flooding/flood flows, and inundation by seiche, tsunami or mudflow); land use (except no impact regarding community division or conservation plans); population and housing (except no impact regarding growth inducement); public services and recreation (except as noted above, and no impact regarding new recreation facilities); and utilities and service systems (landfill, solid waste, and energy capacity only, and no impact regarding energy standards). No impacts were identified for agricultural or forestry resources, and mineral resources.

Significant unavoidable impacts were identified for the following environmental resources in the Housing Element EIR: air quality (toxic air contaminant exposure) and traffic delays. Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

## Standard Conditions of Approval

The City established its SCAs and Uniformly Applied Development Standards in 2008, and they have since been amended and revised several times.[4] The City's SCAs are incorporated into new and changed projects as conditions of approval regardless of a project's environmental determination. The SCAs incorporate policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection Ordinance, Stormwater Water Management and Discharge Control Ordinance, Oakland Protected Trees Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System [NPDES] permit requirements, Housing Element-related mitigation measures, California Building Code and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—e.g., **SCA AIR-1**, **SCA AIR-2**. The SCA title is also provided—i.e., **SCA AIR-1: Dust Controls – Construction Related**.

[4] The most recent revision to SCAs was published by the City of Oakland on May 1, 2018.

The City's SCAs include Environmental Protection Measures as conditions that are uniformly applied development standards that substantially mitigate environmental effects. The Conditions are incorporated into a project regardless of the project's environmental determination, pursuant, in part, to CEQA Guidelines sections 15183 and 15183.3. These Conditions are adopted as requirements the project if the project is approved, and are designed to, and will, substantially mitigate environmental effects. This analysis concludes that there are no peculiar circumstances associated with the project or its site that will result in significant environmental impacts following implementation of the SCAs. No further mitigation measures are required to reduce impacts of the project to less than significant levels.

In some instances, exactly how the SCAs identified will be achieved awaits completion of future studies, an approach that is legally permissible where SCAs are known to be feasible for the impact identified, where subsequent compliance with identified federal, state, or local regulations or requirements apply, where specific performance criteria is specified and required, and where the proposed project commits to developing measures that comply with the requirements and criteria identified.

# III. PROJECT DESCRIPTION

This section describes the proposed 4255 MacArthur Boulevard Project (Project) evaluated in this CEQA Analysis and includes a description of the Project site, existing site conditions, the proposed development, and the required project approvals.

The Project sponsor is proposing to construct a 20,495-square-foot four-story mixed use development to include 11 residential units over ground floor retail (for which no tenant has yet been identified) on a 0.25-acre parcel at 4255 MacArthur Boulevard in Oakland, California (**Figure 1**). The Project would also include open space, landscaping, and a surface parking lot accommodating 11 vehicles.

## Project Location

The approximate 0.25-acre site in Oakland's Laurel District is bounded by MacArthur Boulevard, High Street, residential uses, and commercial and retail development. The Project site consists of one parcel at 4255 MacArthur Boulevard (Assessor Parcel Number 30-1981-133). Regional access is provided by I-580. Numerous Alameda–Contra Costa Transit (AC Transit) bus routes are all within 0.25 mile of the Project site.[5]

## Existing Conditions and Surrounding Land Uses

The Project site is a fenced vacant lot currently used for private parking, which is accessible from High Street. The parcel has been previously disturbed and contains ruderal species. Existing land uses in the project area include retail and commercial development, residential, and an elevated freeway (I-580).

The Project site is a Cortese-listed property with known hazardous materials contamination. It is listed as an "Open Leaking Underground Storage Tank (LUST) Cleanup Case" with the Alameda County Department of Environmental Health (ACDEH). The site is also entered into the Underground Storage Tank Cleanup Fund's Commingled Plume Account program, administered by the State Water Resources Control Board (SWRCB), in conjunction with the upgradient Unocal site at 4276 MacArthur Boulevard.[6] Prior use of the Project site was as a gasoline service station owned by Shell Oil Company. All surface features, underground storage tanks, dispensers, and piping were removed in 2003, after which environmental clean-up work was conducted, including removal of known contaminated soil. Elevated concentrations of petroleum hydrocarbons remain in the soil and groundwater beneath the site. An Additional Investigation Work Plan has been submitted and is under evaluation by ACDEH.

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5 Routes include: 14, 57, 58L, 648, 657, 680, 805, NL, NX, NXC, NX2, and NX3

6 "Commingled Plume" is the condition that exists when groundwater contaminated with petroleum from two or more discrete unauthorized releases have mixed or encroached upon one another to the extent that the corrective action performed on one plume will necessarily affect the other. https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/commingled_plume_account/commingledplumeaccountprg.pdf

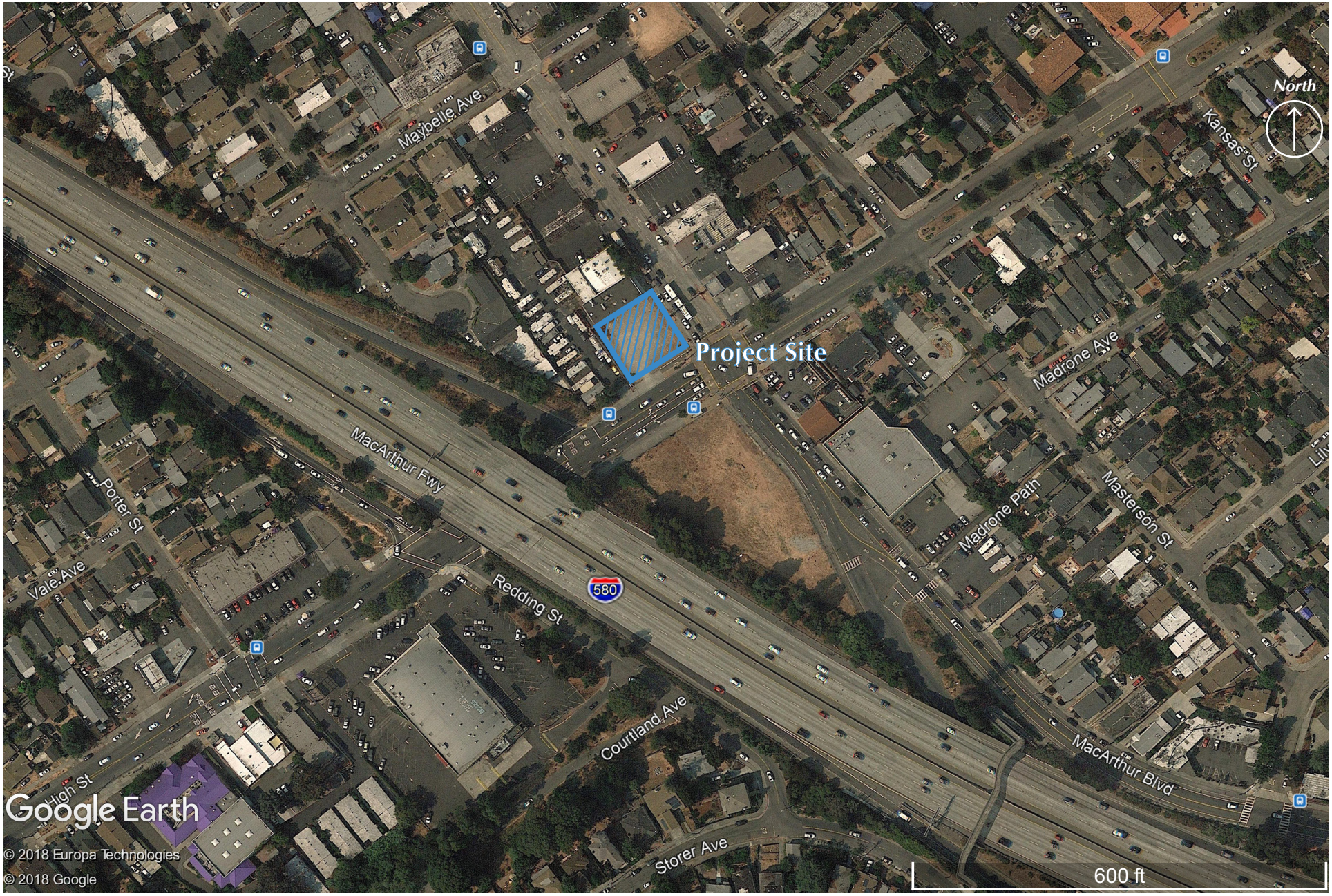


**Figure 1. Project Location**

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## General Plan and Zoning Designations

The Oakland General Plan designates the Project site and vicinity as Neighborhood Center Mixed Use, which allows commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural or entertainment uses.

The Project site is zoned as Neighborhood Commercial (CN-2), which is intended to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment. The building height limit in this zone is 45 feet, and the maximum allowable residential density is 1 unit per 450 square feet.

## Proposed Project

The Project sponsor is proposing to construct a 20,495-square-foot mixed use development on an approximate 10,347-square-foot (0.25-acre) site at 4255 MacArthur Boulevard in Oakland (see Figure 1). The Project would include construction of a four-story building approximately 45 feet in height along the MacArthur Boulevard frontage (**Figures 2 and 3**). The Project has been designed to accommodate residential and retail uses, with a community room and meeting room on the second floor. Surface parking for 11 vehicles would be provided (**Figures 4 – 7**). The Project would have a residential density of 1 dwelling unit per 862 square feet for a total of 11 residential units, and would include a community room for residential use. **Table 1** summarizes the development proposed for the 10,347-square-foot site.

**Table 1. Project Development Summary**

| Description | Proposed Development |
|---|---|
| Lot Area | 10,347 sf (approx. 0.25 acre) |
| Gross Building Area | 20,495 square feet |
| Floor Area Ratio | 1.98 |
| Commercial/Retail Space | 4,890 square feet |
| Dwelling Units | 11 (1 DU/860 square feet) |
| Building Height | 45 feet |
| Open Space | 850 square feet (roof) |
| Vehicle Parking Spaces | 11 |

Access to surface parking would be provided from High Street and facilitated by a new curb cut; the existing driveways and wire fencing would be removed. The Project would provide 11 vehicle parking spaces, one of which would be an accessible space. The Project site would be landscaped with a mix of trees and shrubs around the northwestern perimeter of the surface lot and would include the planting of approximately 8 new 24-inch box street trees along MacArthur Boulevard and High Street. The roof would also have a landscaped area of 850 square feet. **Figures 8 and 9** show the Project landscape and roof plans.

The Project would create approximately 0.25 acre of new impervious area and is subject to Provision C.3 of the City's Municipal Regional Stormwater Permit. As shown in **Figure 10**, 133 square feet of permeable


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## Figure 2. Elevations - MacArthur Boulevard

Source: Lung Hwa Associates

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## Figure 3. Elevations - High Street

Source: Lung Hwa Associates

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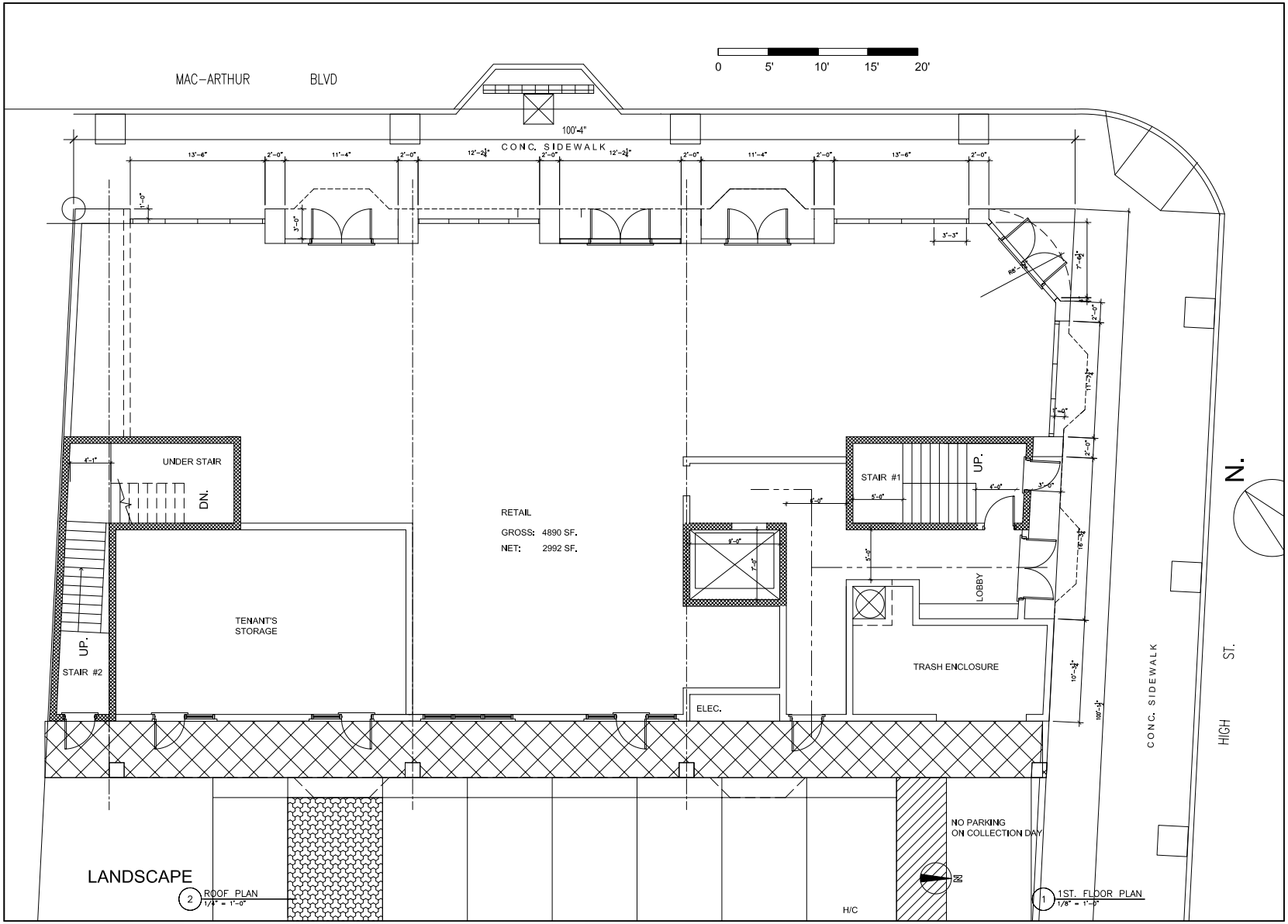


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**Figure 4. Floor Plan - First Floor**
Source: Lung Hwa Associates
*March 2019*

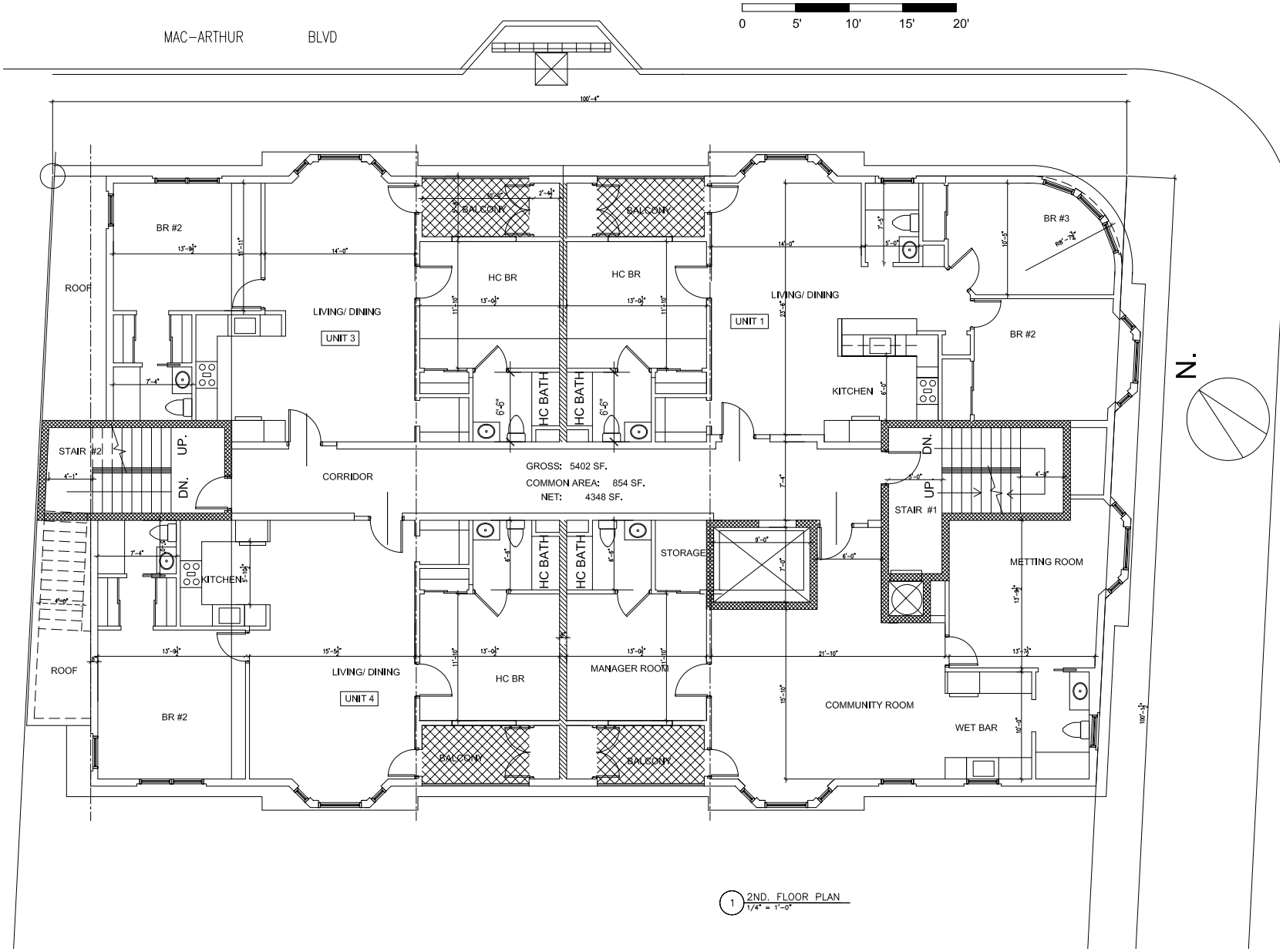


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**Figure 5. Floor Plan - Second Floor**

Source: Lung Hwa Associates

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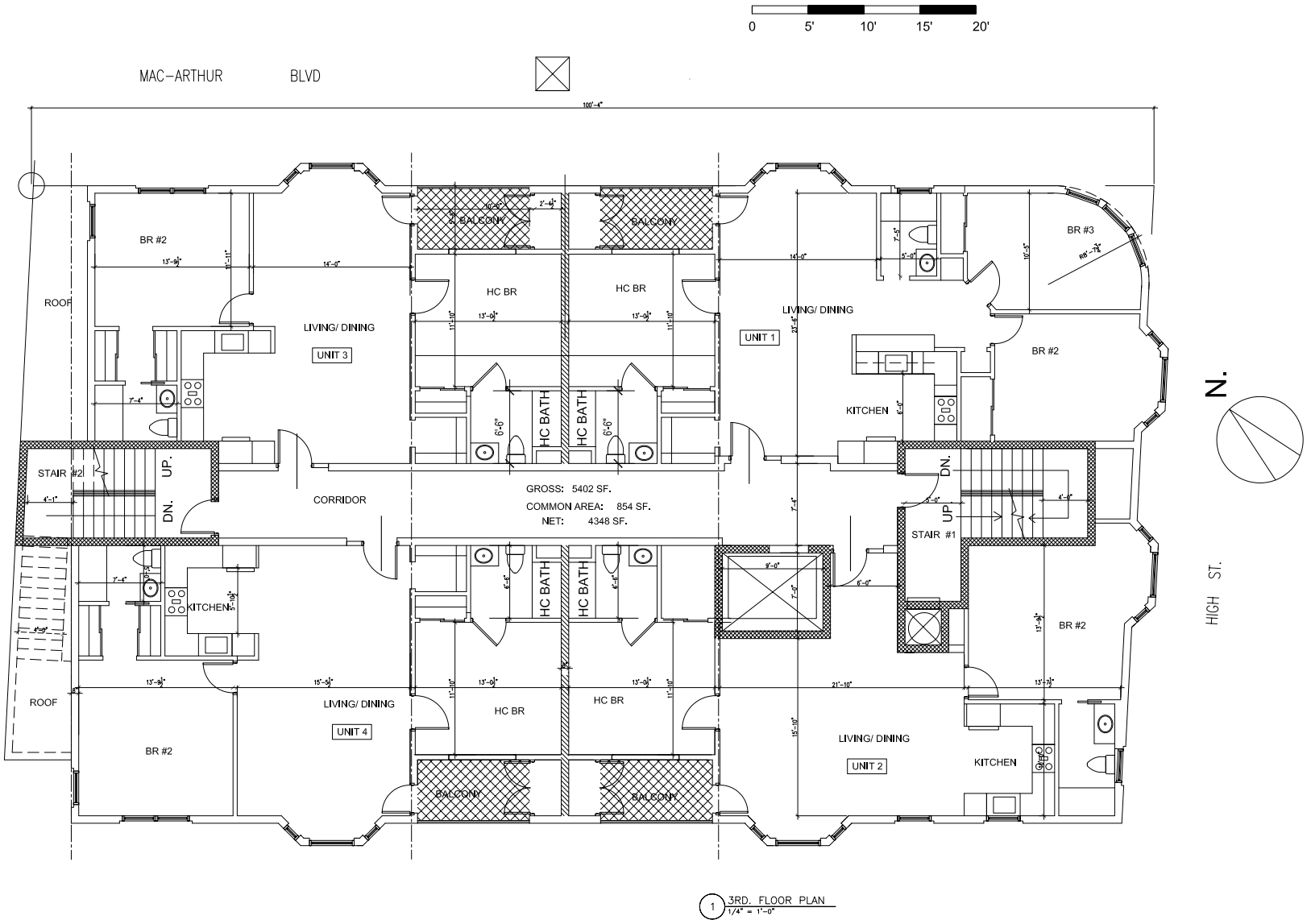


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**Figure 6. Floor Plan - Third Floor**

Source: Lung Hwa Associates

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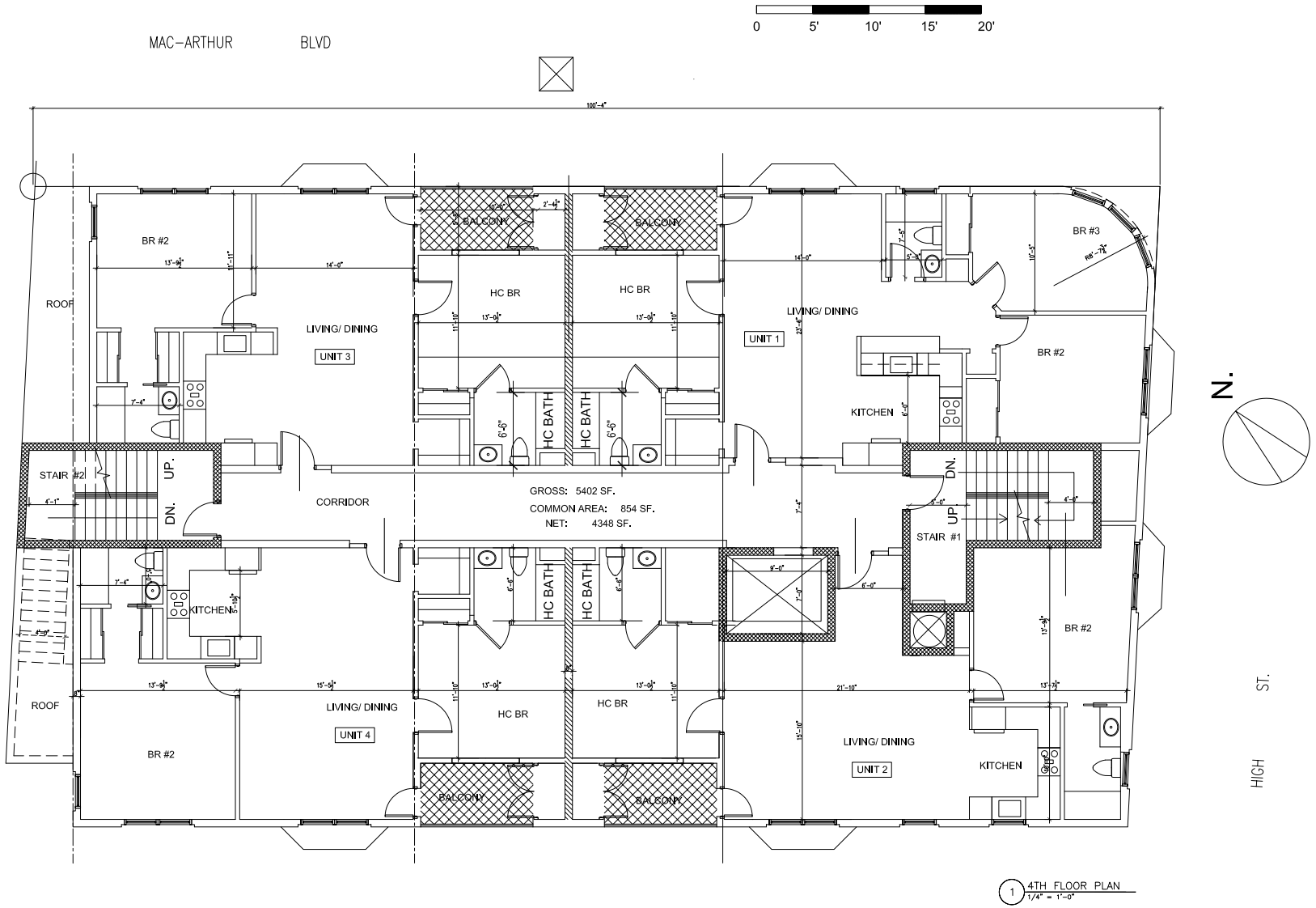


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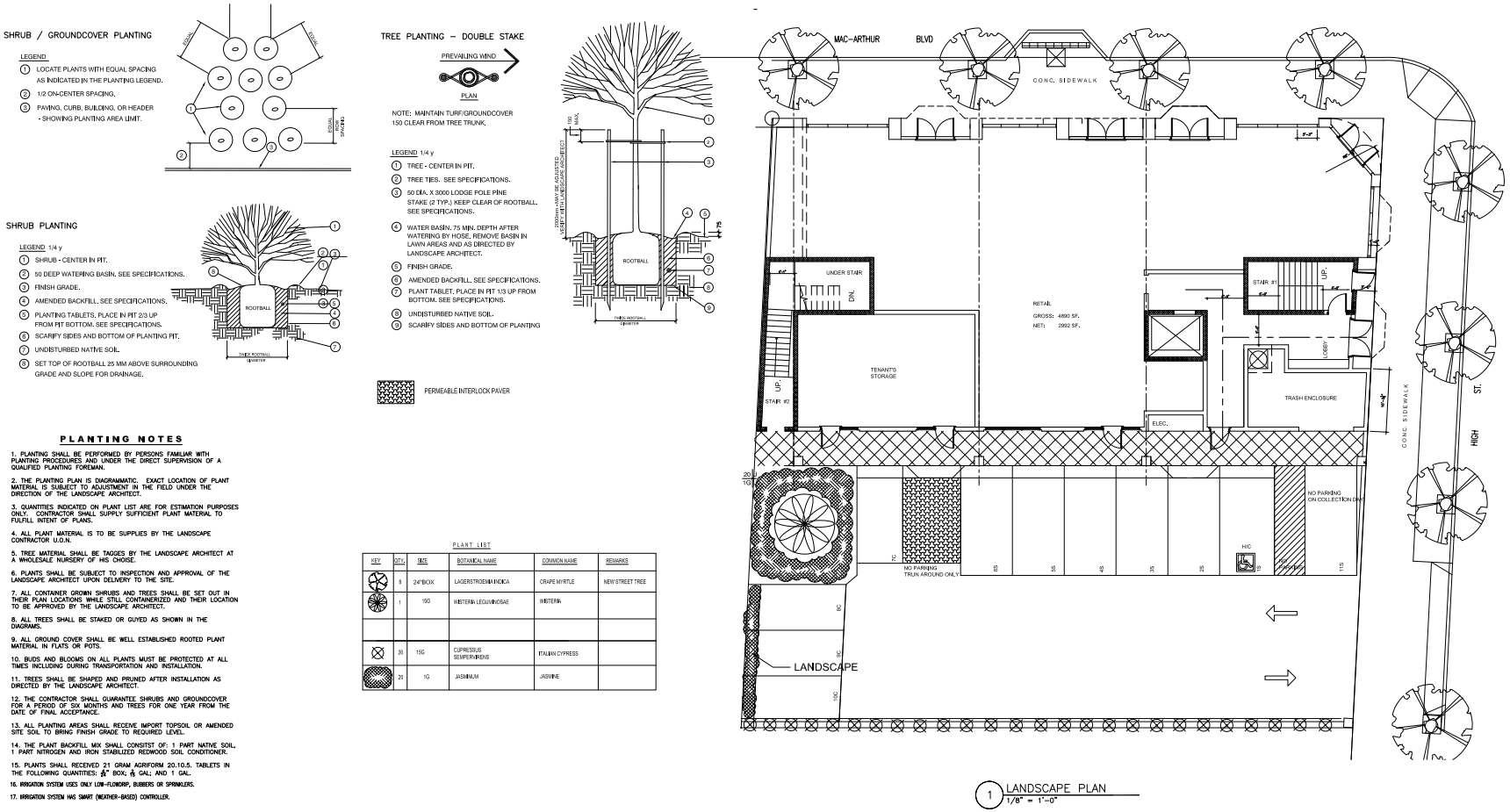
**Figure 7. Floor Plan - Fourth Floor**

Source: Lung Hwa Associates

*March 2019*




PLANT LIST

| KEY | QTY. | SIZE | BOTANICAL NAME | COMMON NAME | REMARKS |
|---|---|---|---|---|---|
| | 8 | 24"BOX | LAGERSTROEMIA INDICA | CRAPE MYRTLE | NEW STREET TREE |
| | 1 | 15G | WISTERIA LEGUMINOSAE | WISTERIA | |
| | | | | | |
| | 26 | 15G | CUPRESSUS SEMPERVIRENS | ITALIAN CYPRESS | |
| | 23 | 1G | JASMINUM | JASMINE | |

## PLANTING NOTES

1. PLANTING SHALL BE PERFORMED BY PERSONS FAMILIAR WITH PLANTING PROCEDURES AND UNDER THE DIRECT SUPERVISION OF A QUALIFIED PLANTING FOREMAN.
2. THE PLANTING PLAN IS DIAGRAMMATIC. EXACT LOCATION OF PLANT MATERIAL IS SUBJECT TO ADJUSTMENT IN THE FIELD UNDER THE DIRECTION OF THE LANDSCAPE ARCHITECT.
3. QUANTITIES INDICATED ON PLANT LIST ARE FOR ESTIMATION PURPOSES ONLY. CONTRACTOR SHALL SUPPLY SUFFICIENT PLANT MATERIAL TO FULFILL INTENT OF PLANS.
4. ALL PLANT MATERIAL IS TO BE SUPPLIES BY THE LANDSCAPE CONTRACTOR U.O.N.
5. TREE MATERIAL SHALL BE TAGGED BY THE LANDSCAPE ARCHITECT AT A WHOLESALE NURSERY OF HIS CHOISE.
6. PLANTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL OF THE LANDSCAPE ARCHITECT UPON DELIVERY TO THE SITE.
7. ALL CONTAINER GROWN SHRUBS AND TREES SHALL BE SET OUT IN THEIR PLAN LOCATIONS WHILE STILL CONTAINERIZED AND THEIR LOCATION TO BE APPROVED BY THE LANDSCAPE ARCHITECT.
8. ALL TREES SHALL BE STAKED OR GUYED AS SHOWN IN THE DIAGRAMS.
9. ALL GROUND COVER SHALL BE WELL ESTABLISHED ROOTED PLANT MATERIAL IN FLATS OR POTS.
10. BUDS AND BLOOMS ON ALL PLANTS MUST BE PROTECTED AT ALL TIMES INCLUDING DURING TRANSPORTATION AND INSTALLATION.
11. TREES SHALL BE SHAPED AND PRUNED AFTER INSTALLATION AS DIRECTED BY THE LANDSCAPE ARCHITECT.
12. THE CONTRACTOR SHALL GUARANTEE SHRUBS AND GROUNDCOVER FOR A PERIOD OF SIX MONTHS AND TREES FOR ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE.
13. ALL PLANTING AREAS SHALL RECEIVE IMPORT TOPSOIL OR AMENDED SITE SOIL TO BRING FINISH GRADE TO REQUIRED LEVEL.
14. THE PLANT BACKFILL MIX SHALL CONSITST OF: 1 PART NATIVE SOIL, 1 PART NITROGEN AND IRON STABILIZED REDWOOD SOIL CONDITIONER.
15. PLANTS SHALL RECEIVED 21 GRAM AGRIFORM 20.10.5. TABLETS IN THE FOLLOWING QUANTITIES: 1/4" BOX; 4 GAL; AND 1 GAL.
16. IRRIGATION SYSTEM USES ONLY LOW-FLOWDRP, BUBBERS OR SPRINKLERS.
17. IRRIGATION SYSTEM HAS SMART (WEATHER-BASED) CONTROLLER.

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# Figure 8. Landscape Plan

Source: Lung Hwa Associates

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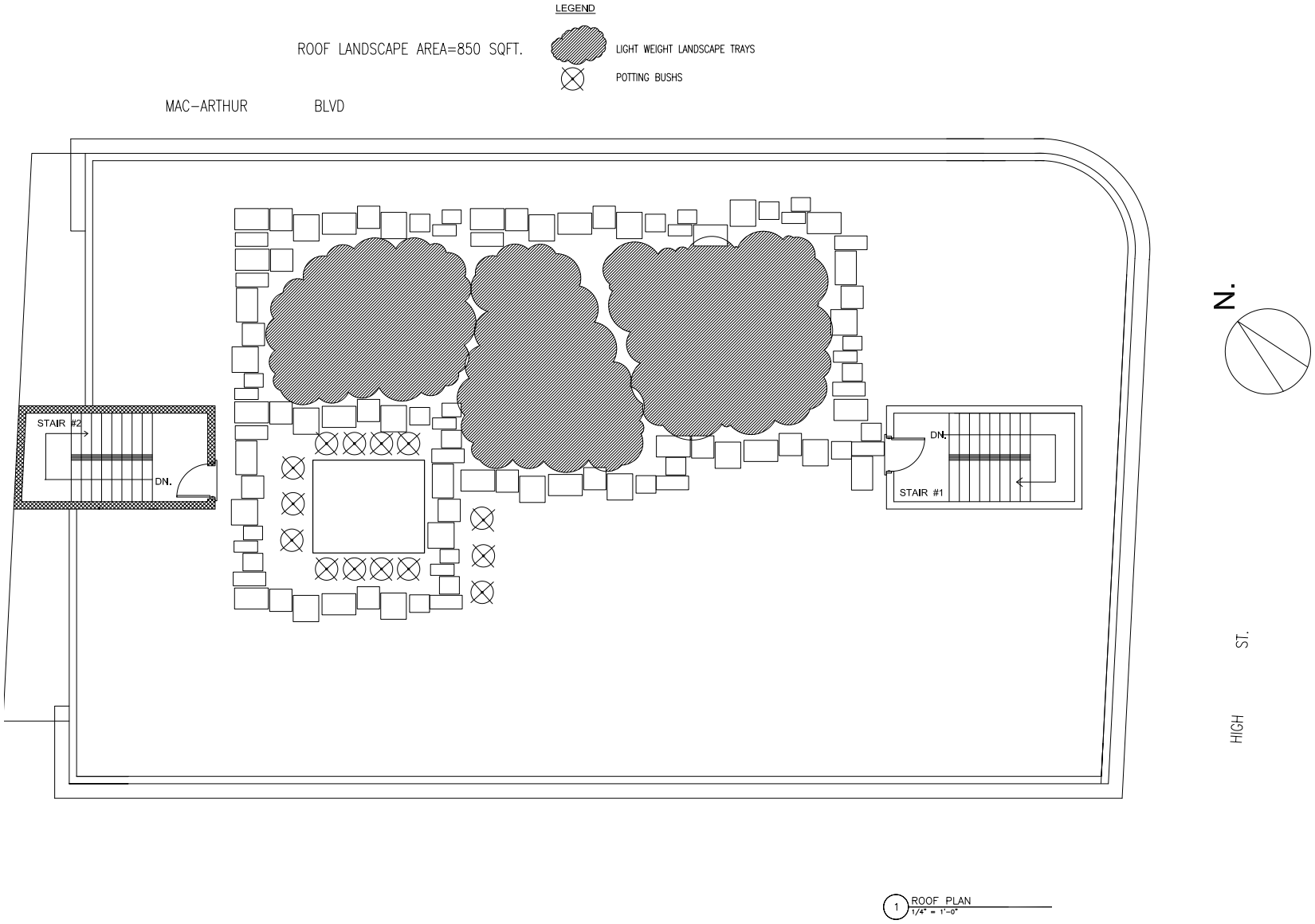


**Figure 9. Roof Plan**
Source: Lung Hwa Associates
*March 2019*

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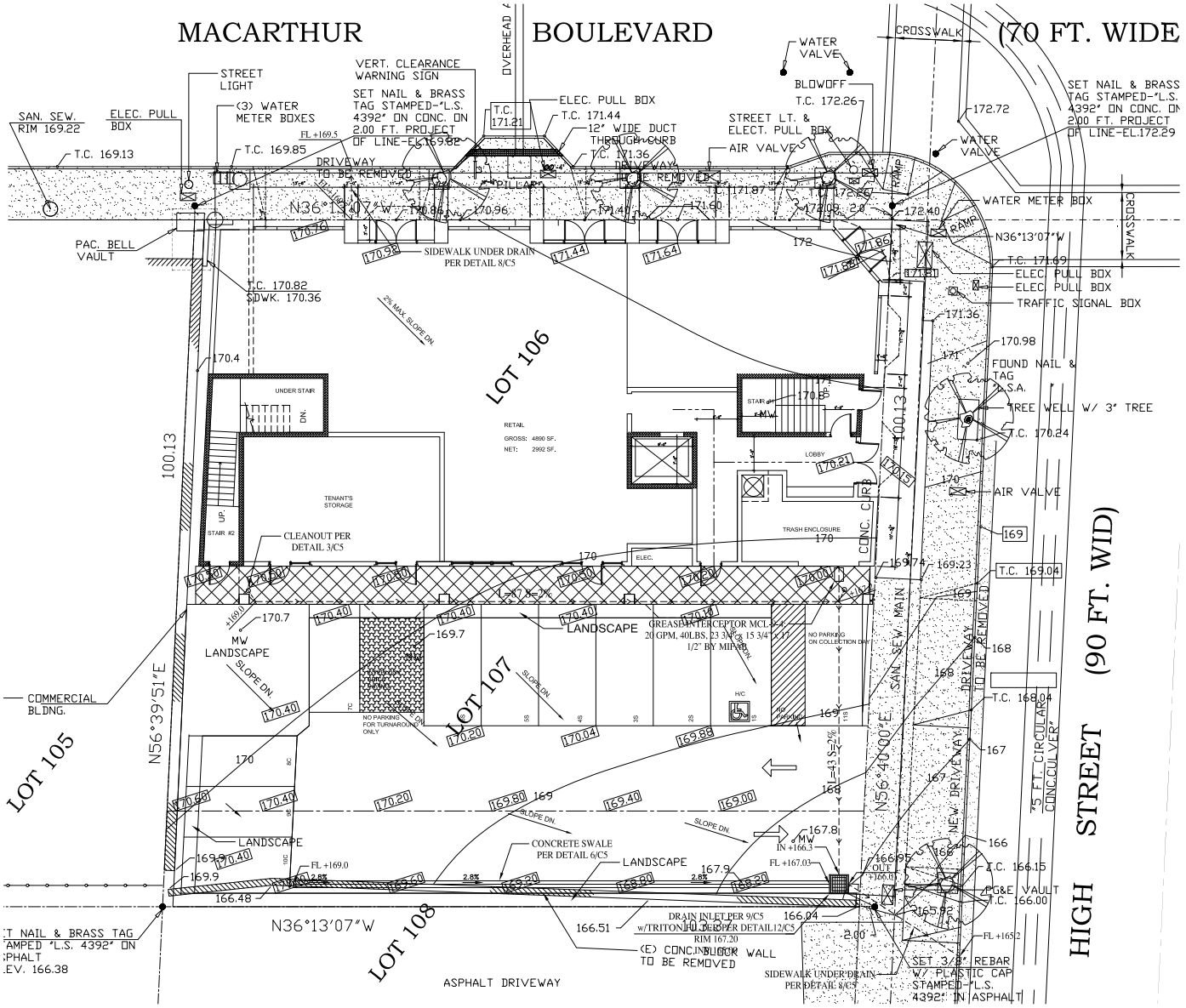


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**Figure 10. Drainage Plan**
Source: GeoTrinity Consultants
*March 2019*

interlock brick pavers would be installed in the parking area, along with a concrete swale and drain inlet to which stormwater runoff would be conveyed into an underground stormwater drainage system.

The Project includes other associated improvements such as hardscape, storm drain, and utility connections. On-site utilities would include gas, electricity, domestic water, wastewater, and storm drainage. All on-site utilities would be designed in accordance with applicable codes and current engineering practices.

### Project Construction

The Project is currently in the design phase of development and no details are as-yet available regarding the construction schedule and phasing or site grading. For the purpose of this analysis, however, the following is assumed. On-site construction work is expected to include grading, surface preparation, utility connections, and building construction, and would span approximately one year. The first month would consist of grading and site preparation. The remainder of the construction period would consist of installing utilities, building construction, site paving, and implementing the landscape plan.

Typical equipment used during construction may include an excavator, backhoe, trencher, tower crane, man hoist, forklift, gradall, and paving equipment. Staging would occur as much as possible within the project site. Street frontages and parking lanes are restricted, but will need to be used at times for deliveries and removals of materials and equipment, subject to City review and approvals.

### Project Site Issues

As noted above, the Project site is currently an Open LUST Cleanup Case with ACDEH. The prior use of the property was a gasoline service station owned by Shell Oil Company. All surface features, underground storage tanks, dispensers, and piping were removed in January and February 2003, and since that time, environmental clean-up work has been undertaken including removal of known contaminated soil.

Elevated concentrations of petroleum hydrocarbons remain in soil and groundwater beneath the site. Soil vapor investigations were completed both on-site and on adjacent properties to assess the potential for vapor intrusion to indoor air, and compiled in an updated Conceptual Site Model, describing subsurface contamination and potential human and environmental receptors that could be affected by migration of the contamination. In compliance with the request by ACDEH, an Additional Investigation Work Plan was submitted on February 28, 2018. Subsequent to approval and implementation of the Additional Investigation Work Plan and Conceptual Site Model, ACDEH may request an updated Corrective Action Plan. The Project will be required to implement all recommendations in the Additional Investigation Work Plan and the subsequent Corrective Action Plan, as required by the Alameda County Department of Environmental Health.

## Project Approvals

The Project requires the following discretionary actions/approvals, including without limitation:

### Actions by the City of Oakland

- Design Review permit for new building construction in the CN-2 zone
- Encroachment permits for work within and close to public rights-of-way (Chapter 12.08 of the Oakland Municipal Code)

- Grading permits and building permits

## Actions by Other Agencies

A number of other public agencies' approval and authorization will or may be required to implement the Project. These agencies and their approvals include:

- ACDEH – Approval of Corrective Action Plan
- East Bay Municipal Utilities District – Approval of new service requests and water meter installation.
- Regional Water Quality Control Board (RWQCB) – Acceptance of a Notice of Intent to obtain coverage under the General Construction Activity Storm Water Permit, and Notice of Termination after construction is complete. Granting of required clearances to confirm that all applicable standards, regulations, and conditions for all previous contamination at the site have been met.

# IV. SUMMARY OF FINDINGS

An evaluation of the proposed Project is provided in the CEQA Analysis below. This evaluation concludes that the Project required no additional environmental review and the Project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies for which an EIR was certified (i.e., the Program EIRs). As such, the Project would be required to comply with the applicable City of Oakland SCAs (see Attachment A for a complete list of SCAs referred to and required by this CEQA Analysis). With implementation of the applicable SCAs, the Project would not result in a substantial increase in the severity of significant impacts that were previously identified in the General Plan or any new significant impacts that were not previously identified in the Program EIRs.

In accordance with Public Resources Code Sections 21083.3 and 21094.5, and State CEQA Guidelines Sections 15183 and 15183.3, and as set forth in this CEQA Analysis, the Project qualifies for CEQA tiering/streamlining because the following findings can be made:

- **Consistency with Community Plan or Zoning (CEQA Guidelines Section 15183):** 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 Program EIRs). The Project is consistent with the LUTE and will not result in significant impacts that were not previously identified as significant project-level, cumulative, or offsite effects in the LUTE EIR.

  The Project is permitted in the zoning district where the Project site is located (CN-2) and is consistent with the bulk, density, and land use standards envisioned in the General Plan, LUTE, and the Municipal Code. The analysis presents substantial evidence that there would be no significant impacts peculiar to the Project or its site, and that the Project's potentially significant effects have already been addressed as such in the LUTE EIR, or will be substantially mitigated by the imposition of SCAs, as further described in Attachment A. No further environmental documents are required in accordance with CEQA Guidelines Section 15183.
- **Qualified Infill Exemption (CEQA Guidelines Section 15183.3):** 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.

Each of the above findings provides a separate and independent basis for CEQA compliance.

Edward Manasse, Acting Deputy Director, Bureau of Planning
Environmental Review Officer

Date

# V. PROJECT CONSISTENCY WITH COMMUNITY PLAN OR ZONING: CEQA GUIDELINES SECTION 15183

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 an EIR does need to be prepared for the project "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 standards."

The following analysis provides substantial evidence to support a conclusion that the Project qualifies for streamlined review under CEQA Guidelines Section 15183 as a project consistent with the development density established by existing zoning community plan, or general plan policies for which an EIR was certified.

*Criterion Section 15183 (a): General Plan, Community Plan, and Zoning Consistency*

**Yes** **No**

☑ ☐ **The Project is consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified.**

The Project site is within the Fruitvale Plan area, where the existing land use pattern consists of a mix of residential uses, live-work units, heavy commercial, and industrial uses. The LUTE identifies the Project area as being within an activity center along a key transit corridor (MacArthur Boulevard). Regional access is provided by I-580. Numerous Alameda–Contra Costa Transit (AC Transit) bus routes are all within 0.25 mile of the Project site.

The General Plan land use designation for the Project site is Neighborhood Center Mixed Use. The Neighborhood Center Mixed Use classification allows commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural or entertainment uses.

The Project site is zoned Neighborhood Commercial (CN-2), per the City of Oakland Planning Code Section 17.33. The intent of the CN-2 zone is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment. The maximum residential density permitted in the CN-2 zone is 1 dwelling unit per 450 square feet. The Project would provide 1 dwelling unit per 862 square feet, thereby meeting the development density standard for the CN-2 zone.

As **Table 2** demonstrates, the Project would be consistent with these relevant policies of the LUTE.

**TABLE 2: EVALUATION OF CONSISTENCY WITH GENERAL PLAN AND LUTE**

| Relevant Policies, Principles, and Guidelines of the General Plan and LUTE | Project Consistency |
|---|---|
| **Policy N1.1 Concentrating Commercial Development.** Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail. | **Consistent.** The proposed ground-floor commercial space would be accessible directly by pedestrians from the sidewalk and therefore neighborhood-oriented. |
| **Policy N1.2 Placing Public Transit Stops.** The majority of commercial development should be accessible by public transit | **Consistent.** Numerous AC Transit bus routes are all within 0.25 mile of the Project site. |
| **Policy N1.5 Designing Commercial Development.** Commercial development should be designed in a manner that is sensitive to surrounding residential uses. | **Consistent.** The design and scale of the proposed ground floor commercial space would not be visually discordant with the mixed commercial and residential character of the surrounding blocks. |
| **Policy N1.6 Reviewing Potential Nuisance Activities.** The City should closely review any proposed new commercial activities that have the potential to create public nuisance or crime problems, and should monitor those that are existing. These may include isolated commercial or industrial establishments located within residential areas, alcoholic beverage sales activities (excluding restaurants), adult entertainment, or other entertainment activities. | **Consistent.** No specific tenant has been identified for the proposed ground floor commercial space. No alcoholic beverage sales, adult entertainment, or other entertainment uses are proposed. |
| **Policy N3.2 Encouraging Infill Development.** In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland. | C**onsistent.** The Project site is surrounded by development and represents an infill development opportunity. |
| **Policy N3.10 Guiding the Development of Parking.** Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized. | **Consistent.** Eleven surface parking spaces would be provided on the Project site, which meets the City's CN-2 zone development standard for parking. |
| **Policy N7.1 Ensuring Compatible Development.** New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development. | **Consistent.** The Project's choice of materials, design features, and scale of development would be compatible with existing character of surrounding development. |
| **Policy N7.2 Defining Compatibility.** Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing lot size, predominant development type and height, scenic values, distance from public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining compatibility. These factors should be balanced with the citywide need for additional housing. | **Consistent.** The Project design would be consistent with the values that define compatibility. The Project is located near infrastructure for utilities, transit, and community services. In height, scale, and development type, the Project would be consistent with existing community character. The commercial uses would be compatible with the Neighborhood Center Mixed Use land use goals in the General Plan. |

| | |
|---|---|
| **Policy N9.7 Creating Compatible but Diverse Development.**<br>Diversity in Oakland's built environment should be as valued as the diversity in population. Regulations and permit processes should be geared toward creating compatible and attractive development, rather than "cookie cutter" development. | **Consistent.** The Project's choice of materials, design features, and scale of development would be compatible with existing character of surrounding development and is subject to Design Review approval by the City. |
| **Policy N11.4 Alleviating Public Nuisances.**<br>The City should strive to alleviate public nuisances and unsafe and illegal activities. Code Enforcement efforts should be given as high a priority as facilitating the development process. Public nuisance regulations should be designed to allow community members to use City codes to facilitate nuisance abatement in their neighborhood. | **Consistent.** The existing vacant lot would be developed to accommodate a mix of retail and residential uses. No alcoholic beverage sales, adult entertainment, or other entertainment uses are proposed. |
| **Policy C.2.1 Pursuing Environmental Cleanup.**<br>The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial areas. | **Consistent.** Prior use of the site as a gasoline service station resulted in contamination of soil and there are elevated concentrations of petroleum hydrocarbons remaining in the soil and groundwater beneath the site.<br>A Path to Closure Plan was developed for the site in fiscal year 2012/2013. Since that time, investigations and monitoring have determined that petroleum constituents remain in the soil and that the contaminant plume that exceeds water quality objectives is not stable or decreasing in extent. A Corrective Action Plan was submitted in 2015 and monitoring in 2017 revealed potential groundwater contamination.<br>An Additional Investigation Work Plan was developed to evaluate soil vapor and has been submitted for review by ACDEH. A Conceptual Site Model will be developed and describe subsurface contamination and potential human and environmental receptors that could be affected by migration of the contamination. A subsequent Corrective Action Plan would then be developed and submitted to ACDEH for review and approval.<br>The Project will be required implement the recommendations of the Corrective Action Plan to remediate the site, as well as to continue monitoring of the site and reporting to ACDEH and the Regional Water Quality Control Board.<br>The responsible parties (including the project applicant and the former property owner) for the project site cleanup are working with the ACDEH to ensure environmental cleanup of the contaminated site continues pursuant to ACDEH requirements. Monitoring of the site is anticipated to continue through 2022, after which the site will be evaluated again to determine if a No Further Action letter from the State Water Resources Control Board is warranted, indicating low-threat closure status. |

Based on the above, the Project is consistent with the development density established by existing zoning, community plan or General Plan policies for which an EIR was certified, and the Project qualifies as a Project Consistent with a Community Plan or Zoning pursuant to CEQA Guidelines Section 15183.

Since the Project is consistent with the development assumptions for the land use classification and the site as provided under the LUTE EIR, the Project's potential contribution to cumulatively significant effects has

already been addressed in the LUTE EIR. CEQA Guidelines Section 15183 applies to the Project, which allows for streamlined environmental review. This document considers 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 address cumulative effects.

Therefore, the Project is eligible for consideration of an exemption under California Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines.

The Project also qualifies as an infill project under CEQA Guidelines Section 15183.3(b) and CEQA Guidelines Appendix M, as demonstrated in **Attachment B**.

# VI. CEQA CHECKLIST

The analysis in this CEQA Checklist provides a summary of the potential environmental impacts that may result from approval and implementation of the Project. It evaluates those potential environmental impacts in relation to the impacts evaluated in the Program EIRs.

This CEQA Checklist hereby incorporates by reference the discussion and analysis of all potential environmental impact topics as presented in the certified Program EIRs; only those environmental topics that could have a potential project-level environmental impact are included. The significance criteria have been consolidated and abbreviated in this CEQA Checklist for administrative purposes.

This CEQA Checklist provides a determination of whether the proposed Project would result in:

- Equal or Less Severity of Impact Previously Identified in the Program EIRs
- Substantial Increase in Severity of Previously Identified Significant Impact in Program EIRs
- New Significant Impact

Where the severity of the impacts of the Project would be the same as or less than the severity of the impacts described in the Program EIRs, the checkbox for Equal or Less Severity of Impact is checked. If the checkbox for Substantial Increase in Severity of Previously Identified Significant Impact or New Significant Impact were to be checked, such a check box would indicate that there are significant impacts that are either:

- peculiar to project or project site (pursuant to CEQA Guidelines Section 15183);
- not identified in the Program EIRs (per CEQA Guidelines Section 15183), including offsite and cumulative impacts (per CEQA Guidelines Section 15183);
- due to substantial new information not known at the time the Program EIRs was certified (per CEQA Guidelines Section 15183).

In such a circumstance, a new EIR would be required for the Project. None of these conditions were found for the Project, as demonstrated throughout the following CEQA Checklist.

The Project is required to comply with applicable mitigation measures identified in the Program EIRs and with City of Oakland SCAs. The Project sponsor has agreed to incorporate and/or implement the required mitigation measures and SCAs as part of the Project. This CEQA Checklist includes references to the applicable mitigation measures and SCAs.

# 1. Aesthetics, Shadow, and Wind

Would the Project:

a. Have a substantial adverse effect on a public scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings; *or* create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Sections 25980 through 25986); or cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or, cast shadow on an historical resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

d. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

e. Create winds that exceed 36 mph for more than one hour during daylight hours during the year? The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

Scenic vistas, scenic resources, visual character, and light and glare, and shadow were analyzed in the 1998 LUTE EIR, which found that the effects to these topics would be less than significant. The 1998 LUTE EIR also identified significant and unavoidable impacts regarding wind hazards for wind speeds at locations in the Downtown Showcase District. The 1998 LUTE EIR identified mitigation that is functionally equivalent to the SCAs to reduce potential effects; however, the impacts remained significant and unavoidable. The Project is not in the Downtown Showcase District and the recommended mitigation measure would not apply.

## Housing Element EIR Findings

Scenic vistas, scenic resources, visual character, and light and glare, and shadow were analyzed in the Housing Element EIR, which found that the effects to these topics would be less than significant. The Housing Element EIR cited applicable SCAs related to landscaping that would ensure visual quality effects would be less than significant, including a landscape plan for new construction, landscape requirements for street frontages and downslope lots, and landscape completion and maintenance.

## Project Analysis

The Project site is in an urbanized area. Interstate 580, a state-designated scenic highway near the Project site, offers intermittent views of Redwood Regional Park in the hills to the east.[7] These views are not available from the Project site. Development of the 4-story building proposed under the Project would not obstruct the exiting views from I-580, consistent with City of Oakland policies related to this scenic highway.[8]

The Project would unify the visual character of development in the area with the development of a mixed use building on a vacant lot in an area of existing commercial and residential uses. Consistent with the findings of the LUTE EIR, the Project's potential impacts to scenic vistas, scenic resources, visual character, and light and glare would be ***less than significant.***

Implementation of **SCA-AES-1: Trash and Blight Removal**, **SCA-AES-2: Graffiti Control**, and **SCA-AES-3: Landscape Plan**, **SCA-AES-3: Lighting**, **SCA-AES-3: Public Art for Private Development** would be required for the Project to discourage blight, graffiti defacement, and ensure continued compliance with applicable landscaping and lighting requirements. Impacts would remain less than significant with implementation of SCAs AES-1, AES-2, AES-3, AES-4, and AES-5.

Construction of the Project would result in a 45-foot-high building consistent with the height limits for the CN-2 zone. The mixed use development would not cast shadows on any public or quasi-public park, lawn, garden, open space, or historical resource as there are none adjacent to the Project site. Nor would the Project be subject to the wind analysis requirement for projects 100 feet or greater in height. There would be ***no impact*** related to shadow and wind.

## Conclusions – Aesthetics

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to aesthetics or visual resources that were not identified therein. The Program EIRs did not identify any mitigation measures related to aesthetics or visual resources that would apply to the Project and none would be needed. SCAs identified in Attachment A at the end of the CEQA checklist and related to aesthetics, would apply to the Project (SCA-AES-1: Trash and Blight Removal, SCA-AES-2: Graffiti Control, and SCA-AES-3: Landscape Plan, SCA-AES-4: Lighting, SCA-AES-5: Public Art for Private Development).

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[7] California Department of Transportation. California Scenic Highway Mapping System. Website accessed January 10, 2019 at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

[8] *Specific Policy Related to the MacArthur Freeway 3*: Panoramic vistas and interesting views now available to the motorist should not be obliterated by new structures.

## 2. Air Quality

Would the Project:

a. During project construction result in average daily emissions of 54 pounds per day of ROG, $NO_x$, or $PM_{2.5}$ or 82 pounds per day of $PM_{10}$; during project operation result in average daily emissions of 54 pounds per day of ROG, $NO_x$, or $PM_{2.5}$, or 82 pounds per day of $PM_{10}$; result in maximum annual emissions of 10 tons per year of ROG, $NO_x$, or $PM_{2.5}$, or 15 tons per year of $PM_{10}$; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation, expose sensitive receptors to substantial levels of TACs under project conditions, resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average $PM_{2.5}$ of greater than 0.3 micrograms per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average $PM_{2.5}$ of greater than 0.8 micrograms per cubic meter; or expose new sensitive receptors to substantial ambient levels of TACs resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average $PM_{2.5}$ of greater than 0.8 microgram per cubic meter.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR identified Transportation Control Measures as recommended by the Bay Area Air Quality Management District as mitigation measures that would address operational emissions effects for projects in Downtown and the Coliseum Showcase District. Implementation of the LUTE would not be consistent with population and vehicle miles traveled (VMT) assumptions used in air quality planning, and would result in unavoidable cumulative effects related to increased criteria pollutants from increased traffic regionally. Transportation Control Measures were also recommended for large new developments to reduce these impacts; these measures would not apply to the Project. The 1998 LUTE EIR did not quantify or address cumulative health risks.

### Housing Element EIR Findings

The Housing Element Update EIR found that impacts related to criteria air pollutants would be less than significant. Potential impacts related to diesel particulate matter from mobile and stationary sources were identified and the Housing Element EIR required an SCA to reduce each site's exposure to diesel particulate matter through the installation of air filtration systems or other equivalent measures to reduce indoor diesel particulate matter to acceptable levels and to reduce potential impacts to less than significant. Significant and unavoidable impacts were identified regarding cumulative health risks from TACs emitted locally from stationary sources after implementation of the SCA recommending project-specific health risk assessments.

## Project Analysis

### *Criteria Pollutants*

**Construction-period Emissions**

Construction activities associated with the Project would generate fugitive dust in the short-term. Construction activities may result in significant quantities of fugitive dust emissions, including $PM_{10}$ and $PM_{2.5}$, on a temporary and intermittent basis during the construction period. The construction emissions screening criteria for low-rise apartment use is 240 dwelling units and 277,000 square feet for retail use. Construction activities associated with the Project would also generate short-term emissions of criteria pollutants, but these emissions would not exceed City significance thresholds as the Project's commercial spaces are well below the construction criteria pollutant screening sizes for the associated land uses. Construction-related emissions are not peculiar because the Project would use standard construction equipment such as loaders, backhoes, cranes, and haul trucks, similar to other projects under construction in Oakland, and the site's proximity to sensitive receptors is typical of other project sites in this urbanized area.

Implementation of **SCA-AIR-1: Dust Controls – Construction Related** and **SCA-AIR-2: Criteria Air Pollutant Controls – Construction Related** will be required to ensure reductions in construction-period fugitive dust and criteria pollutant emissions. Compliance with the requirements found under the City Municipal Code (Section 15.36.100; Dust Control Measures) will also be required. As described under SCA-AIR-2, enhanced controls for construction emissions would be implemented for the Project. Implementation of SCA-AIR-1, SCA-AIR-2, and compliance with the City's Dust Control Measures would ensure ***less than significant*** impacts related to construction-period fugitive dust and criteria pollutants.

**Operational Emissions**

The Project would not include a backup generator and therefore would not introduce any stationary sources of air pollution. The applicable screening size threshold for operational emissions of criteria pollutants for low-rise apartment use is 451 dwelling units and 83,000 square feet for retail use. The residential and retails uses are well below the operational criteria pollutant screening sizes for those land uses. The Project would not exceed applicable operational screening level sizes for criteria pollutants, and thus would not exceed the City thresholds. Impacts related to operational criteria pollutant emissions would be ***less than significant***.

### *Toxic Air Contaminants*

**Construction-period Emissions**

Construction activities associated with the Project would generate construction-related TAC emissions, specifically diesel particulate matter, from on-road haul trucks and off-road equipment exhaust emissions, resulting in increased cancer risk or non-cancer health concerns for nearby sensitive receptors. Due to the variable nature of construction activity, the generation of TAC emissions would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. As noted above, construction-related emissions are not peculiar because the Project would use standard construction equipment such as loaders, backhoes, cranes, and haul trucks, similar to other projects under construction in Oakland and the site's proximity to sensitive receptors is typical of other project sites in this urbanized area.

Implementation of SCA-AIR-2: Criteria Air Pollutant Controls – Construction Related will be required for the Project to ensure reductions in construction-period TAC emissions. Effective implementation of SCA-AIR-2 would reduce TAC emissions and resultant exposure to health risks below City significance thresholds for cancer and $PM_{2.5}$ exposure. Implementation of SCA-AIR-2 (for construction-related air pollution controls) would also reduce health risks to sensitive receptors from temporary construction emissions of diesel particulate matter. Implementation of SCA-AIR-1 Dust Controls – Construction Related would also reduce health risks to sensitive receptors from temporary construction emissions of diesel particulate matter. Impacts would therefore be ***less than significant***. There is nothing particular or unusual about the Project that would cause it to generate uncharacteristically high diesel particulate matter and $PM_{2.5}$ emissions during construction.

### Operational Emissions

The Project would construct new residential uses within 1,000 feet of roadway sources (I-580) of TACs, but would not include an emergency generator on-site. The commercial uses associated with the Project are not anticipated to result in significant ground-level concentrations of TACs. Implementation of **SCA-AIR-3: Exposure to Air Pollution (Toxic Air Contaminants)** will be applicable to the Project and require incorporation of identified health risk reduction measures or a health risk assessment demonstrating that the health risk is at or below acceptable levels. Implementation of SCA-AIR-3 would reduce exposure to TACs, resulting in ***less than significant*** impacts.

The Project would not otherwise have the potential to act as a substantial source of health risk to others.

### *Odors*

Sensitive receptors are located adjacent to the rear of the Project site. The potential exists for the Project to produce objectionable odors which could result in odor complaints. The Project's commercial uses would be subject to the Performance Standards regarding odors in Chapter 120 of the Planning Code. Therefore, impacts would be ***less than significant***.

## Conclusions – Air Quality

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to air quality that were not identified therein. SCAs identified in Attachment A at the end of the CEQA checklist and related to air quality would apply to the Project (SCA-AIR-1: Dust Controls – Construction Related, SCA-AIR-2: Criteria Air Pollutant Controls – Construction Related, and SCA-AIR-3: Exposure to Air Pollution [Toxic Air Contaminants]).

## 3. Biological Resources

Would the Project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

d. Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

e. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code [OMC] Chapter 12.36) by removal of protected trees under certain circumstances; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

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

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR determined that impacts on biological resources would be less than significant.

### Housing Element EIR Findings

The Housing Element identified less than significant impacts on biological resources.

### Project Analysis

The approximately 10,347-square-foot Project site is located in an urban setting on a vacant site that was previously used as a gas station facility. As such, the Project site provides no natural habitat for special status species, wildlife corridors, or riparian or sensitive habitat. The site contains ruderal species and there is one small street tree along the High Street perimeter of the site, which is anticipated to be removed. The Project site would be landscaped with a mix of trees and shrubs around the northwestern perimeter of the surface

parking lot and would include the planting of approximately 8 new 24-inch box street trees along MacArthur Boulevard and High Street (see Figure 3). **SCA BIO-1: Tree Removal During Bird Breeding Season** would apply to the Project and would reduce the potential for impacts to nesting birds. Impacts on biological resources would be ***less than significant.***

There are no open sections of any creek near the Project area and the Creek Protection Ordinance does not apply to the Project. There are no wetlands or sensitive natural communities associated with the site, and the Project would not conflict with any local plans or ordinances, including the Tree Protection Ordinance.

## Conclusions – Biological Resources

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to biological resources that were not identified therein. The Program EIRs did not identify any mitigation measures related to biological resources, and none would be needed for the Project. SCAs identified in Attachment A at the end of the CEQA checklist and related to biological resources would apply to the Project (SCA BIO-1: Tree Removal During Bird Breeding Season).

# 4. Cultural Resources

Would the Project:

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

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

d. Disturb any human remains, including those interred outside of formal cemeteries;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

## Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR found that excavation of development sites consistent with the LUTE could unearth archaeological resources, some of which could have scientific or cultural importance. The LUTE EIR identified mitigation measures to reduce the potentially significant impacts on archaeological resources paleontological resources and human remains to less than significant. These mitigation measures are now incorporated into the applicable City SCAs, as described below:

G.2. Establish criteria and procedures for determining when ground-disturbing activities should be subject to special conditions to safeguard potential archaeological resources.

(*Now* ***SCA-CUL-1: Archaeological and Paleontological Resources–Discovery During Construction****,* ***SCA-CUL-2: Human Remains–Discovery During Construction****, and* ***SCA #34: Archaeologically Sensitive Areas – Pre-Construction Measures.***)

## Housing Element EIR Findings

The Housing Element EIR found potentially significant impacts on existing or undiscovered cultural resources would be reduced to a level of less than significant with implementation of City SCAs related to property relocation, vibrations and adjacent historic structures, archaeological resources, human remains, and paleontological resources.

## Project Analysis

### *Historical Resources*

The Project site is a vacant lot and there are no buildings on the site. There are no historic resources in the immediate vicinity of the Project site. Therefore, the Project would not have any direct or indirect impacts on historical resources.

### *Archaeological Resources*

The Project site in urbanized Oakland, has been previously developed, and is surrounded by other urban development. The Project area has low paleontological sensitivity; however, fossils could be discovered during excavation, and the inadvertent discovery of archaeological resources and human remains during ground-disturbing activities could occur. Implementation of **SCA-CUL-1: Archaeological and Paleontological Resources–Discovery During Construction** and **SCA-CUL-2: Human Remains–Discovery During Construction** will be required for the Project to ensure that appropriate procedures would be followed in the event of accidental discovery of archaeological resources, paleontological resources, or human remains to minimize potential risks of impact during Project construction. With required implementation of these SCAs, potential adverse effect on as-yet undiscovered archaeological and/or historic resources would be less than significant.

## Conclusions – Cultural Resources

Consistent with the requirements of CEQA, this document is required to determine whether the Project would have a significant impact, in consideration of implementation of applicable mitigation measures from the Program EIRs. In some instances, exactly how the identified mitigation measures will be implemented and achieved awaits completion of future studies. This approach is legally permissible where mitigation measures and are known to be feasible, where subsequent compliance with identified federal, state, or local regulations or requirements apply, where specific performance criteria is specified and required, and where the Project commits to implementing measures that comply with the requirements and criteria identified.

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to historic or cultural resources that were not identified therein. Mitigation Measure G.2 identified in the LUTE EIR pertaining to historic resources apply to the Project, which has been incorporated into City SCAs related to cultural resources (SCA-CUL-1: Archaeological and Paleontological Resources–Discovery During Construction and SCA-CUL-2: Human Remains–Discovery During Construction), will apply to the Project as identified in Attachment A.

# 5. Geology, Soils, and Geohazards

Would the Project:

a. Expose people or structures to substantial risk of loss, injury, or death involving:

- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
- Strong seismic ground shaking;
- Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or
- Landslides; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property; result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

## Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR determined that impacts related to geology, soils, and geohazards would be less than significant.

## Housing Element EIR Findings

The Housing Element EIR identified that impacts related to geology, soils, and geohazards would be less than significant with required implementation of SCAs requiring best management practices, mandating site-specific studies and requiring setbacks, and regulating design and setting of future development within the City.

## Project Analysis

### *Earthquake fault, Ground Shaking and Seismic-related Ground Failure, Landslides*

No faults have been identified on the Project site or in the vicinity, and the site is not within an Alquist-Priolo zone. As is true for the Bay Area region, the Project site is susceptible to very strong seismic ground shaking. The Association of Bay Area Governments (ABAG) Liquefaction Susceptibility Map indicates the site has low potential for liquefaction.[9] These hazards are fully addressed through compliance with the California Building Code, as well as the seismic requirements of the City of Oakland Building Code and **SCA-GEO-1: Construction-Related Permits**. A geotechnical investigation and soils report will be required pursuant to City **SCA-GEO-2: Seismic Hazards Zones** to address the geologic hazard potential.

[9] ABAG Resilience Program. Interactive Seismic Hazards Zone Map. Website accessed January 29, 2018 at: http://gis.abag.ca.gov/website/Hazards/?hlyr=cgsLiqZones.

The Project site is relatively flat and would not be subject to instability resulting from a landslide. There would be ***no impact*** related to landslide hazard.

### *Expansive Soils, Erosion or Loss of Topsoil*

Construction activities could result in soil erosion or the loss of topsoil at the site. Implementation of **SCA-HYDRO-1: Erosion and Sedimentation Control Measures for Construction** would be required for the Project to reduce the risk of soil erosion to a level of ***less than significant***.

### *Other Geology and Soils Hazards*

There are no known wells, pits, swamps, mounds, tank vaults, or unmarked sewer lines located below the surface of the site that would be disturbed by Project development, and there is no evidence to suggest that the site had been previously used as a landfill. The site would continue to be served by existing municipal sewage systems. There would be ***no impact*** related to this topic.

## Conclusions – Geology and Soils

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to geology and soils that were not identified therein. The Program EIRs did not identify any mitigation measures related to geology, soils, and geohazards, and none would be needed for the Project. Adherence to existing regulatory requirements and City SCAs will be required for the Project. SCAs identified in Attachment A at the end of the CEQA checklist and related to obtaining construction-related permits, liquefaction hazards, and construction-related soil erosion, would apply to the Project (SCA-GEO-1: Construction-Related Permits, SCA-GEO-2: Seismic Hazards Zone, and SCA-HYDRO-1: Erosion and Sedimentation Control Measures for Construction).

## 6. Greenhouse Gases and Climate Change

Would the Project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically:

- For a project involving a land use development, produce total emissions of more than 1,100 metric tons of $CO_2e$ annually AND more than 4.6 metric tons of $CO_2e$ per service population annually. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed BOTH the 1,100 metric tons threshold and the 4.6 metric tons threshold.
- Accordingly, the impact would be considered less than significant if the project's emissions are below EITHER of these thresholds; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

Greenhouse gas (GHG) emissions and climate change were not expressly addressed in the 1998 LUTE EIR.

### Housing Element EIR Findings

The Housing Element Update EIR identified less than significant GHG impacts and no mitigation measures were necessary.

### Project Analysis

The City of Oakland considers GHG impacts, by their nature, to be cumulative impacts because one project by itself cannot cause global climate change. The City's threshold of significance for GHGs would be exceeded if the Project's emissions exceed 1,100 metric tons carbon dioxide equivalent ($MTCO_2e$) per year *and* the efficiency threshold of 4.6 $MTCO_2e$ per service population per year.

Construction and operation of the Project would contribute additional sources of GHG emissions, primarily through consumption of fuel for transportation and energy usage on an ongoing basis. The Project is not anticipated to include stationary sources of GHGs that would generate emissions approaching the stationary source threshold of 10,000 $MTCO_2e$ per year. Any new stationary sources would be subject to the Bay Area Air Quality Management District (BAAQMD) requirement for New Source Review, and BAAQMD may impose conditions that would lead to emissions reductions from any new stationary sources that may be proposed.

The Project would not exceed BAAQMD screening levels for operational GHG emissions (78 dwelling units for low-rise apartments and 277,000 square feet for retail/commercial use) and therefore the Project would not be expected to exceed City of Oakland GHG significance thresholds (i.e., produce emissions of

more than 1,100 $MTCO_2e$ per year or 4.6 $MTCO_2e$ per service population per year). The Project would be consistent with the City of Oakland's GHG Reduction Strategy and impacts would be ***less than significant***.

Pursuant to BAAQMD screening criteria for GHG emissions, a project located in a community with an adopted qualified GHG Reduction Strategy may be considered less than significant if it is consistent with the GHG Reduction Strategy. The City of Oakland Energy and Climate Action Plan was adopted on December 4, 2012, to address the issues of energy use and climate change. The purpose of the Energy and Climate Action Plan is to identify and prioritize actions the City can take to reduce energy use and GHG emissions. This plan recommends GHG reduction actions, and establishes a framework for coordinating implementation, as well as monitoring and reporting on progress. The goal of the City's Energy and Climate Action Plan is to reduce 2005 GHG emissions by 36% in 15 years.

The Project would comply with the Oakland Energy and Climate Action Plan, current City Sustainability Programs, and General Plan policies and regulations regarding GHG reductions as well as other local, regional, and statewide plans, policies, and regulations that are related to the reduction of GHG emissions. The impact of the Project would be ***less than significant***.

## Conclusions – Greenhouse Gas Emissions

Based on an examination of the above GHG analysis, implementation of the Project would not result in any new significant impact related to GHG emission or inconsistencies with policies and programs intended to reduce GHG emissions. The Project would not result in significant on-site, off-site, or cumulative effects related to GHG emissions, even though these effects were not fully addressed in the Program EIRs.

## 7. Hazards and Hazardous Materials

Would the Project:

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

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

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

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

e. Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the Project Area; or be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the Project Area?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

g. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR found effects regarding hazards and hazardous materials including risk of upset in school proximity and emergency response/evacuation plans would be less than significant with implementation of mitigation measures. The LUTE EIR's mitigation measures require preparation and implementation of site-specific health and safety plans to reduce potentially significant effects from hazardous substance exposure of workers and the public. This mitigation measure is now incorporated into the applicable City SCA as described below:

M5. Hazards to construction workers and the general public during demolition and construction shall be mitigated by the preparation and implementation of site-specific health and safety plans, as recommended by the Occupational Safety and Health Administration.

(*Now SCA HAZ-3: Site Contamination.*)

## Housing Element EIR Findings

The Housing Element EIR also found effects regarding hazards and hazardous materials including risk of upset in school proximity and emergency response/evacuation plans would be less than significant.

Impacts associated with hazardous materials transport, use, and disposal were found to be less than significant based on required compliance with the Municipal Code and City of Oakland SCAs. Compliance with City of Oakland SCAs require preparation and implementation of site-specific health and safety plans, a Phase I and Phase II Environmental Site Assessment and implementation of recommended remediation as may be included. SCAs also require site review by the Fire Services Division, assessment for and implementation of best management practices for lead-based paint/coatings, asbestos, or polycholorinated biphenyl occurrence, best management practices for soil and groundwater hazards, and implementation of vegetation management plans. Provisions of the City of Oakland Municipal Code ensure that hazardous building materials and/or contaminated soils and/or groundwater would be properly identified, handled, removed, and/or remediated; would protect the health and safety of construction workers on sites where hazardous materials have been identified; and would reduce impacts associated with wildland fires to a level of less than significant.

## Project Analysis

The Project site is currently listed as an Open Cleanup Case with the County Department of Environmental Health. The site is also listed on the Underground Storage Tank (UST) Cleanup Fund's Commingled Plume Account program in conjunction with the upgradient Unocal site at 4276 MacArthur Boulevard. Prior use of the site as a gasoline service station resulted in contamination of soil, and elevated concentrations of petroleum hydrocarbons remain in the soil and groundwater beneath the site.[10]

In June 1985, three borings and one groundwater monitoring well were installed at the site adjacent to the USTs. The initial leak was reported in July 1985 and cleanup activities began in December 1985 and continued through March 2011, as described in **Table 3**.

[10] Information provided in this section was gathered from the California State Water Resources GeoTracker website and is publicly available at: https://geotracker.waterboards.ca.gov/

**Table 3. Cleanup Action Report for 4255 MacArthur Boulevard Site**

| Action Type | Begin Date | End Date | Phase | Contaminant Mass Removed | Description |
|---|---|---|---|---|---|
| Free Product Removal | 3/1/2003 | 3/1/2011 | Liquid Waste | 29 Pounds | An estimated 28.53 pounds of free product was removed from monitoring wells Mw-2, MW-3, and MW-4 by bailing and the use of absorbent canisters. |
| Excavation | 1/10/2003 | 2/20/2003 | Soil | | During the 2003 tank removal, approximately 875 cubic yards of contaminated soil was removed from the site. |
| Dual Phase Extraction | 11/1/2000 | 9/30/2003 | Soil Vapor | 26 Pounds | Mobile dual-phase vacuum extraction was conducted using a vacuum truck from November 2000 to September 2003. |
| Pump & Treat (P&T) Groundwater | 4/1/1999 | 9/15/2003 | Water, Water | 15 Pounds | Monthly groundwater extraction using a vacuum truck was conducted from April 1999 until September 2003. |
| Soil Vapor Extraction (Sve) | 8/1/1997 | 8/30/1997 | Soil Vapor | | Short-term soil vapor extraction test using horizontal wells HW-1 through HW-4 and monitoring wells MW-2 and MW-3. |
| Excavation | 11/1/1995 | 11/30/1995 | Soil | | Approximately 68 cubic yards of soil was excavated for off-site disposal from the area of the piping and dispensers. |
| Free Product Removal | 3/1/1994 | 3/1/1997 | Liquid Waste | 20 Pounds | An estimated total of 19.6 pounds of free product was removed from monitoring wells by bailing. |
| Excavation | 12/1/1985 | 12/31/1985 | Soil | | Approximately 938 cubic yards of hydrocarbon-impacted soil was disposed off-site during replacement of the USTs. |

*Source: SWRCB GeoTracker case history for site. Accessed August 2, 2018, via: https://geotracker.waterboards.ca.gov*

Total petroleum hydrocarbons as gasoline were detected as high as 15,800 milligrams per square kilogram in soil samples collected near the USTs. After the removal and replacement of the USTs, approximately 810 cubic yards of hydrocarbon impacted soil was excavated and transported off-site for disposal. Total petroleum hydrocarbons as gasoline and benzene were detected in soils as high as 22,000 milligrams per square kilogram and 500 milligrams per square kilogram, respectively, indicating an unauthorized release from the UST at this site. All surface features, underground storage tanks, dispensers, and piping were removed in January and February 2003, and environmental clean-up efforts have continued, including removal of known contaminated soil.

A Path to Closure Plan was developed for the site in fiscal year 2012/2013. Since that time, investigations and monitoring have determined that petroleum constituents remain in the soil and that the contaminant plume that exceeds water quality objectives is not stable or decreasing in extent. A Corrective Action Plan was submitted in 2015 and monitoring in 2017 revealed elevated concentrations of petroleum hydrocarbons remain in soil and groundwater beneath the site. Soil vapor investigations were completed both on-site and on adjacent properties to assess the potential for vapor intrusion to indoor air. Results were compiled in an updated Conceptual Site Model, describing subsurface contamination and potential human and environmental receptors that could be affected by migration of the contamination. An Additional Investigation Work Plan was developed to evaluate soil vapor and submitted for review by ACDEH on February 28, 2018. An August 2018 Soil/Gas Investigation Report, completed by AECOM and submitted to ACDEH, determined that, based on monitoring data, there is no adverse vapor intrusion risk to future on-site development plans or the adjacent mobile home park.[11] Subsequent to approval and implementation of the Additional Investigation Work Plan and Conceptual Site Model, ACDEH may request an updated Corrective Action Plan.

The Project will be required to implement the recommendations of the Corrective Action Plan to remediate the site, as well as to continue monitoring the site and reporting to ACDEH and the Regional Water Quality Control Board. Implementation of the recommendations and requirements of these studies, under the jurisdiction of ACDEH, will ensure that impacts related to hazardous materials would be ***less than significant***.

The parties responsible for the Project site cleanup (including the Project applicant and the former property owner) are working with the ACDEH to ensure environmental cleanup of the contaminated site continues pursuant to ACDEH requirements. Cleanup activities are anticipated to continue through 2022, after which the site will be evaluated again to determine if a No Further Action letter from the SWRCB is warranted, indicating low-threat closure status. The Project will be required to implement **SCA HAZ-1: Regulatory Permits and Authorizations from Other Agencies** and submit to the City evidence of approved permits/authorizations from ACDEH, SWRCB, and RWQCB as applicable, along with evidence demonstrating compliance with regulatory permit/authorization conditions of approval.

The Project will be required to follow all applicable laws and regulations related to transportation, use, and storage of all hazardous materials, as well as to safeguard workers and the general public. The Project will also be required to implement **SCA HAZ-2: Hazardous Materials Related to Construction**, which requires use of best management practices during construction to minimize potential negative effects on groundwater, soils, and human health; **SCA HAZ-3: Hazardous Building Materials and Site Contamination**, which requires an erosion and sedimentation control plan, environmental site assessment, a health and safety plan, and use of best management practices for contaminated sites to minimize potential soil and groundwater hazards; and **SCA-HAZ-4: Hazardous Materials Business Plan**, which provides information to employees on hazardous materials and emergency response.

[11] Available through GeoTracker case history for the site at: http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/4453262567/T0600101261.PDF

## Conclusions – Hazards and Hazardous Materials

Consistent with the requirements of CEQA, this document is required to determine whether the Project would have a significant impact, in consideration of implementation of applicable SCAs and/or mitigation measures from the Program EIRs. In some instances, exactly how the identified SCAs or mitigation measures will be implemented and achieved awaits completion of future studies. This approach is legally permissible where mitigation measures or SCAs are known to be feasible, where subsequent compliance with identified federal, state, or local regulations or requirements apply, where specific performance criteria is specified and required, and where the Project commits to implementing measures that comply with the requirements and criteria identified.

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to hazards and hazardous materials that were not identified in the Program EIRs. Adherence to existing regulatory requirements and City SCAs will be required for the Project. SCAs identified in Attachment A at the end of the CEQA checklist would apply to the Project (SCA-HAZ-1: Regulatory Permits and Authorizations from Other Agencies, SCA-HAZ-2: Hazardous Materials Related to Construction, SCA-HAZ-3: Hazardous Building Materials and Site Contamination, SCA-HAZ-4: Hazardous Materials Business Plan).

## 8. Hydrology and Water Quality

Would the Project:

a. Violate any water quality standards or waste discharge requirements;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted);

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Result in substantial erosion or siltation on or off site that would affect the quality of receiving waters;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

d. Create or contribute substantial runoff which would be an additional source of polluted runoff;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

e. Otherwise substantially degrade water quality;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

f. Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

g. Result in substantial flooding on or off site; Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows; or expose people or structures to a substantial risk of loss, injury, or death involving flooding.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

h. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on or off site; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

i. Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

## Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR found impacts related to hydrology or water quality would be less than significant, primarily given required adherence to existing regulatory requirements. The LUTE EIR acknowledged that areas considered under that EIR could potentially occur within a 100-year flood boundary. Adherence to existing regulatory requirements that are incorporated in the City's SCAs would address potentially significant effects regarding flooding.

## Housing Element EIR Findings

The Housing Element EIR found less than significant impacts on hydrology and water quality, primarily given required adherence to existing regulatory requirements, many of which are incorporated in the City's SCAs. The Housing Element EIR also found less than significant impacts related to flooding and risks from flooding.

## Project Analysis

The Project is in a highly urbanized environment and there are no lakes or creeks in the immediate proximity.

Development of the Project would involve construction activities (e.g., grading) on an approximately 0.25-acre site that could result in erosion and/or sedimentation of downstream receiving waters. Implementation of **SCA-HYDRO-1: Erosion and Sedimentation Control Measures for Construction** would be required for the Project to reduce the risk of soil erosion to a level of ***less than significant***.

Under the existing condition, the entire Project site is pervious surface area. Development of the Project would create approximately 0.25 acre of new impervious area and therefore is subject to NPDES, Provision C.3 of the Municipal Regional Stormwater Permit. The requirements for compliance are set forth in **SCA-HYDRO-2: Site Design Measures to Reduce Stormwater Runoff** and **SCA-HYDRO-3: Source Control Measures to Limit Stormwater Pollution**.

The Project would capture stormwater runoff by directing roof runoff and runoff from sidewalks, walkways, driveways, and uncovered parking lots into a concrete swale and drain inlet, which would convey stormwater runoff into an underground stormwater drainage system (see Figure 10). The Project would also implement best management practices for stormwater pollution prevention. Approximately 133 square feet of permeable interlock brick pavers would also be installed in the parking area. The Project would not substantially alter drainage patterns or increase the flow of runoff. Implementation of SCAs HYDRO-2 and HYDRO-3 would reduce the impacts related to stormwater runoff to a level of ***less than significant***.

The Project is not within a 100-year flood zone and does not consist of housing or present a risk for flooding or redirection of flood flows.[12] Therefore, there would be no impact related to flooding.

## Conclusions – Hydrology and Water Quality

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the

[12] Federal Emergency Management Agency, 2009. Flood Insurance Rate Map, Alameda County, California and Incorporated Areas, Panel 87 of 725, Map Number 06001C0087G, accessed April 9, 2018.

Program EIRs, nor would it result in new significant impacts related to hydrology and water quality that were not identified therein. The Program EIRs did not identify any mitigation measures for significant impacts related to hydrology and water quality, and none would be necessary for the Project. Adherence to existing regulatory requirements and City SCAs is required for the Project. SCAs identified in Attachment A at the end of the CEQA checklist and related to hydrology and water quality would apply to the Project (SCA-HYDRO-1: Erosion and Sedimentation Control Measures for Construction, SCA-HYDRO-2: Site Design Measures to Reduce Stormwater Runoff, and SCA-HYDRO-3: Source Control Measures to Limit Stormwater Pollution).

## 9. Land Use, Plans, and Policies

Would the Project:

a. Physically divide an established community;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Result in a fundamental conflict between adjacent or nearby land uses; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR found impacts related to land use, plans, and policies would be less than significant, and no mitigation measures were warranted.

### Housing Element EIR Findings

The Housing Element EIR found impacts related to land use, plans, and policies would be less than significant and no mitigation measures were warranted.

### Project Analysis

The Project site's General Plan land use classification is Neighborhood Center Mixed Use; its zoning is CN-2. As described in Section V and Table 2 of this document, the Project is consistent with the General Plan, the LUTE, the zoning designation, and the Planning Code requirements of Section 17. Therefore, the Project would be consistent with the land use plans and policies for the site.

### Conclusions – Land Use

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to land uses, plans, or policies that were not identified therein. The Program EIRs did not identify any mitigation measures for significant impacts related to land uses, plans, or policies, and none would be necessary for the Project. No SCAs are required for the Project.

## 10. Noise

Would the Project:

a. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommended measures to reduce potential impacts?

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code Section 8.18.020) regarding persistent construction-related noise;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

d. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3-dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

e. Expose persons to interior $L_{dn}$ or CNEL greater than 45 dBA for per California Noise Insulation Standards (CCR Part 2, Title 24);

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

f. Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

g. Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]); or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

h. During either project construction or project operation expose persons to or generate ground-borne vibration that exceeds the criteria established by the Federal Transit Administration (FTA).

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

## Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR identified mitigation measures to address potential noise conflicts between different land uses, none of which would apply to the project. These measures included requirements for the City to establish design requirements for large-scale commercial development to provide a buffer from residential uses and to rezone mixed residential nonresidential neighborhoods, as well as other strategies and policies to reduce conflicts. Regarding construction noise, the LUTE EIR identified a significant and unavoidable construction noise and vibration impact in Downtown, even after the incorporation of mitigation measures.

## Housing Element EIR Findings

The Housing Element EIR identified potentially significant impacts related to construction noise and operational noise. After implementation of SCAs requiring restrictions on noise-generating activities, reductions in noise levels from construction activities, notification of construction activities and complaint procedures, retention of a structural engineer to determine potentially damaging vibration thresholds, and inclusion of project design measures to reduce interior noise and groundborne vibration to acceptable levels within the buildings, these impacts would be reduced to a level of less than significant. Traffic and airport noise impacts were determined to be less than significant.

## Project Analysis

Project construction would generate noise from activities such as site grading, foundation work, and framing. These construction activities would generate noise levels that could conflict with the City of Oakland Noise Ordinance on a short-term and temporary basis. There is nothing unique or peculiar about the Project's construction activities that would substantially increase the level of significance of construction noise impacts over those identified in the LUTE EIR, or result in new significant construction noise impacts not previously identified. Construction noise would not violate the City of Oakland Noise Ordinance or the City of Oakland nuisance standards regarding persistent construction-related noise, and the following SCAs will be implemented as required by the City of Oakland in conjunction with its issuance of building and other applicable permits: **SCA-NOS-1: Construction Days/Hours, SCA-NOS-2: Construction Noise, SCA-NOS-3: Extreme Construction Noise**, and **SCA-NOS-4: Construction Noise Complaints**. These SCAs are comprehensive in their content and for practical purposes represent all feasible measures available to reduce construction noise. Impacts from construction noise would be ***less than significant***.

Operation of the Project would generate noise from new sources such as heating, ventilation, and air conditioning equipment, and from commercial uses. Noise from increased residential and commercial traffic, would also be generated; however, there is nothing unique or peculiar about the Project's operational activities that would substantially increase the level of significance of operational noise impacts over those identified in the LUTE EIR, or result in new significant operational noise impacts not previously identified. All future uses will be required to adhere to City of Oakland Planning Code regulations. Implementation of the following SCA will be required by the City of Oakland in conjunction with its issuance of building and other applicable permits: **SCA-NOS-5: Operational Noise**. The Project would not generate operational noise in violation of the City of Oakland Noise Ordinance, based upon required compliance with City of Oakland operational noise standards including for noise generated by the rooftop mechanical equipment (e.g., heating, ventilating, air conditioning, and refrigeration equipment) and delivery trucks, and require the incorporation of noise reduction measures

## Conclusions – Noise

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to noise that were not identified therein. Mitigation measures identified in the LUTE EIR would not apply to the Project as they are recommendations for the City to implement. Adherence to existing regulatory requirements and City SCAs is required for the Project. SCAs identified in Attachment A at the end of the CEQA checklist and related to reducing noise effects would also apply to the Project (SCA-NOS-1: Construction Days/Hours, SCA-NOS-2: Construction Noise, SCA-NOS-3: Extreme Construction Noise, SCA-NOS-4: Construction Noise Complaints, and SCA-NOS-5: Operational Noise).

# 11. Population and Housing

Would the Project:

a. Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element; or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

## Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR found less than significant impacts related to population, housing, and potentially significant impacts related to employment. The LUTE EIR identified mitigation requiring the City to develop a database of vacant and underutilized parcels to address unanticipated employment growth (compared to regional ABAG projections); no other mitigation was warranted.

## Housing Element EIR Findings

The Housing Element EIR found less than significant impacts related to population, housing, and employment and no mitigation measures were warranted.

## Project Analysis

The Project involves construction of a mixed use building, which would include 11 residential units over ground floor retail use, on a vacant lot. The minor increase in the number of residents and employees in the area would not induce population growth and would not displace existing housing or people. The impact of the Project would be *less than significant*.

## Conclusions – Population and Housing

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to population and housing that were not identified therein. The mitigation related to unanticipated employment growth (compared to regional ABAG projections) as identified in the LUTE EIR would not apply to the Project as it is a recommendation for the City to implement, and no SCAs would be required.

## 12. Public Services, Parks, and Recreation Facilities

Would the Project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

- Fire protection;
- Police protection;
- Schools; or
- Other public facilities;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR identified a significant and unavoidable impact for fire safety, with mitigation measures pertaining to construction of a fire station the North Oakland Hills area; the LUTE EIR identified additional significant impacts related to public services, and identified mitigation measures that are functionally equivalent to the SCAs to reduce potential effects to less than significant. Mitigation for potentially significant impacts related to police and fire protection, schools, and libraries are specific policies or strategies for the City to implement—such as considering the availability of police and fire protection services, park and recreation services, schools, and library services during review of major land use or policy decisions—and specific to Oakland Unified School District—such as reassigning students among district schools to account for changing population and new development.

### Housing Element EIR Findings

The Housing Element EIR found less than significant impacts related to schools, libraries, and parks. Potentially significant impacts on police and fire facilities and services were reduced to a level of less than significant with implementation of SCAs requiring Fire Services Division Approval to ensure that the site design and fire safety features of the project adequately address fire hazards, spark arrestors on construction equipment to further reduce the risk of construction-period fires, as well as the mitigation identified in the LUTE.

## Project Analysis

The Project involves construction of a new mixed use building on a vacant lot. The minor increase in the number of residents and employees in the area would not substantially increase the demand for public services. The impact of the Project would be *less than significant*.

## Conclusions – Public Services and Recreation

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to public services or park and recreational facilities that were not identified therein. Mitigation measures identified in the LUTE EIR would not apply to the Project as they are recommendations for the City to implement, and no SCAs would be required.

## 13. Transportation and Circulation

Would the Project:

a. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities (except for automobile level of service or other measures of vehicle delay);

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Cause substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure);

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

### Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR identified significant and unavoidable traffic impacts at intersections and/or roadway segments throughout the City. However, the LUTE EIR did not identify an impact at those intersections or roadway segments that could potentially be affected by the proposed Project (i.e., High Street and MacArthur Boulevard).

### Housing Element EIR Findings

The Housing Element EIR also found significant and unavoidable traffic impacts at numerous intersections and roadway segments. Other transportation/circulation impacts identified in the Housing Element EIR were found to be reduced to less than significant with adherence to the City SCAs. However, the Housing Element EIR did not identify an impact at the intersections and roadway segments potentially affected by the Project.

### Project Analysis

Fehr and Peers prepared a Preliminary Transportation Impact Review for the Project (**Attachment C**). A summary of the report findings is included below.

The Preliminary Transportation Impact Review found that the Project would generate about 7 new AM peak hour automobile trips and 20 new PM peak hour automobile trips on a typical weekday. The daily trip generation for the Project is estimated at 50 residential trips and 150 retail trips, for a total of 200 new daily vehicle trips.

#### *Conflict with a Plan, Ordinance, or Policy (Criterion a)*

As analyzed below, the Project would not conflict with adopted transportation policies, plans, or ordinances addressing the safety or performance of the circulation system, and would be required to comply with **SCA-TRANS-1: Transportation and Parking Demand Management**. The Project would be consistent with

polices, plans, and programs supporting public transit, bicycle, and pedestrian uses. Impacts would be ***less than significant***.

### Transit Safety and Performance

Development of the Project would not result in a conflict with any plans, policies, or ordinances pertaining to the performance of the transit system. No changes to the bus routes operating in the Project vicinity are proposed, and the Project would not modify access between the Project site and transit facilities.

### Roadway Safety and Performance

Development of the Project would slightly increase vehicular traffic in the vicinity; however, the increase in Project-generated traffic would be fully accommodated by existing roadways.

The Project would provide automobile access via a single driveway on High Street. The Project driveway and parking aisle provide adequate sight distance between automobiles entering and exiting the facility, pedestrians on the adjacent sidewalks, and automobiles on High Street and MacArthur Boulevard.

#### Adequate Emergency Access

Emergency access would be provided via the driveway on High Street. Emergency vehicles from the nearest fire station (less than 0.25 mile from the Project site on High Street) would access the site from High Street and MacArthur Boulevard. Development of the Project would not result in inadequate emergency access.

#### Construction-Period Impacts

Construction activities associated with the Project could potentially temporarily disrupt transportation, bicycle, and pedestrian movement, as well as reduce parking availability in the Project area. Compliance with **SCA-TRANS-2: Construction Activity in the Public Right-of-Way** would ensure these impacts would be less than significant.

### Bicycle Lane Safety and Performance

The Project site plan does not show the location of proposed long-term or short-term bicycle spaces; therefore, the site plan does not meet the Code requirements for bicycle parking. The Preliminary Transportation Impact Review includes the following recommendation to ensure project compliance with bicycle parking standards outlined in Planning Code Section 17.117.

> **Recommendation 1:** Review the final Project site plan to ensure that the Project provides at least four short-term and four long-term bicycle spaces. Bicycle parking should be consistent with the location and design requirements outlined in Planning Code Section 17.117.

Additionally, the Project will be required to implement **SCA-TRANS-3: Bicycle Parking**.

### Pedestrian Safety

The Project would provide pedestrian access to the commercial space through entrances on MacArthur Boulevard and in the parking lot on the west side of the building. The Project would provide pedestrian access to the residential unit through a ground floor lobby with entrances located in the surface parking lot and on High Street, approximately 40 feet west of MacArthur Boulevard. Two staircases would also provide access to the residential units, one of which would be accessed from the ground floor lobby and directly from High Street, and the other would be directly accessed through the surface parking at the northwest

corner of the Project. The Project does not propose changes to the existing pedestrian facilities (sidewalks along High Street and MacArthur Boulevard).

### *Vehicle Miles Traveled (Criterion b)*

The proposed Project would generate more than 100 vehicle trips per day and therefore does not meet the Small Project screening criterion.

The Project would satisfy Near Transit Station screening criterion, but would not meet the Low-VMT Area criterion, as detailed below.

#### Low-VMT Area

As shown in **Table 4**, the 2020 average daily VMT per capita for residential uses in transportation analysis zone (TAZ) 906 (the TAZ in which the Project site is located) is 11.7, and the 2040 average daily VMT per capita is 11.3—both of which are below the regional average minus 15%.

**Table 4: Daily Vehicle Miles Traveled Per Capita and Per Worker**

| | Bay Area | | | | Transportation Analysis Zone 906 | |
|---|---|---|---|---|---|---|
| | 2020 | | 2040 | | | |
| Land Use | Regional Average | Regional Average minus 15% | Regional Average | Regional Average minus 15% | 2020 | 2040 |
| Residential | 15.0 | 12.8 | 13.8 | 11.7 | 11.7 | 11.3 |
| Commercial | 21.8 | 18.5 | 20.3 | 17.3 | 26.8 | 21.7 |

*Source: Fehr and Peers Preliminary Transportation Impact Review included as Attachment C.*

The 2020 average daily VMT per worker for commercial uses in TAZ 906 is 26.8, and the 2040 average daily VMT per worker is 21.7—both of which are above the regional average minus 15%. Therefore, the Project would not meet the Low-VMT Area criterion.

#### Near Transit Stations

The Project would be adjacent to frequent bus service along MacArthur Boulevard and High Street. The Project would also meet the following conditions:

- The Project has a FAR of 1.98, which is greater than 0.75.
- The Project includes 11 on-site parking spaces, which does not exceed the City of Oakland Municipal Code Section 117.116.090 requirements.
- The Project is within the Transportation Oriented Development Corridors Priority Development Area as defined by Plan Bay Area, and is therefore consistent with the region's Sustainable Communities Strategy.

The Project would satisfy the Near Transit Stations criterion and Project impacts on VMT would be ***less than significant***. SCA-TRANS-4: Plug-in Electrical Vehicle Charging will be required to ensure that the Project meets the requirements of Chapter 15.04 of the City's Municipal Code.

### *Additional Automobile Travel (Criterion c)*

The Project as proposed would construct a new mixed use building and no roadway modifications or additions are planned as part of the Project. There would be ***no impact***.

## Conclusions – Transportation/Traffic

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to transportation and traffic that were not identified therein. The Program EIRs did not identify any mitigation measures for significant impacts related to at those intersections or roadway segments that could potentially be affected by the proposed Project (i.e., High Street and MacArthur Boulevard), and none would be necessary. SCAs identified in Attachment A at the end of the CEQA checklist and related to transportation and traffic would apply to the Project (SCA-TRANS-1: Transportation and Parking Demand Management, SCA-TRANS-2: Construction Activity in the Public Right-of-Way, SCA-TRANS-3: Bicycle Parking, and SCA-TRANS-4: Plug-in Electric Vehicle Charging).

## 14. Utilities and Service Systems

Would the Project:

a. Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

b. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

d. Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

e. Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

f. Violate applicable federal, state, and local statutes and regulations related to solid waste;

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

g. Violate applicable federal, state and local statutes and regulations relating to energy standards; or

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

h. Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.

☒ Impact of Equal or Less Severity than Previously Identified in Program EIRs

## Land Use and Transportation Element EIR Findings

The 1998 LUTE EIR identified significant effects related to water, wastewater, or stormwater facilities, solid waste, and energy and identified mitigation measures that reduced the effects to less than significant. The mitigation not specific to recommended City policies or strategies is now incorporated into the applicable City SCAs and includes requiring project-specific drainage improvements. These mitigation measures are now incorporated into the applicable City SCAs, as described below:

D.3-2a. Review major new development proposals to determine projected water, wastewater, and storm drainage loads compared with available water, sewer, and storm drain capacity. Where appropriate, determine appropriate capital improvement requirements, fiscal impacts, and funding sources prior to project approval.

(*Now* ***SCA-UTIL-4: Sanitary Sewer System****, and* ***UTIL-5: Storm Drain System.***)

D.3-2b. Require major new developments to include a combination of on- site and off-site drainage improvements to ensure that such projects do not create downstream erosion or flood hazards, or adversely impact the City's ability to manage stormwater runoff.

(*Now* ***SCA-HYDRO-2: NPDES C.3 Site Design Measures to Reduce Stormwater Runoff*** *and* ***SCA-UTIL-5: Storm Drain System.***)

## Housing Element EIR Findings

The Housing Element EIR identified significant effects related to wastewater treatment and capacity, as well as stormwater facilities, which were reduced to less than significant with implementation of SCAs requiring the replacement or rehabilitation of existing sewer systems to reduce inflow and infiltration and that new project-specific wastewater systems be constructed to prevent infiltration and inflow to the maximum extent feasible, site design measures for post-construction stormwater management, and implementation of a post-construction stormwater management plan. Impacts related to solid waste and energy were less than significant.

## Project Analysis

The Project involves construction of a new mixed use building on a vacant lot served by all utilities. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. The Project would not generate substantial additional wastewater or require a substantial increase in the supply of potable water. Construction and operation of the Project would connect with existing utilities and drainage and would not require additional utility services or require new stormwater drainage facilities. The Project site would also be served by the landfill that currently serves the Project area. The impact on utilities and service systems would be ***less than significant***.

Implementation of **SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling**, **SCA-UTIL-2: Underground Utilities**, **SCA-UTIL-3: Recycling Collection and Storage Space**, **SCA-UTIL-4: Sanitary Sewer System**, **SCA-UTIL-5: Storm Drain System**, and **SCA-UTIL-6: Water Efficient Landscape Ordinance** will be required for the Project to address increased demand and potential impacts on utilities and services systems.

**Energy.** While not a specific checklist item, the CEQA Guidelines recommend assessment of a Project's energy use. The Project would be considered to have a significant impact related to energy use if it would violate applicable federal, state, and local statutes and regulations relating to energy standards or if energy use increases resulting from the Project would trigger the need or expanded off-site energy facilities that would have a significant environmental impact.

Pacific Gas and Electric infrastructure for electricity and natural gas would be extended onto the Project site as a part of the Project, the specifics of which would be determined in consultation with Pacific Gas and Electric prior to installation. However, as a relatively small project on a site zoned for such development, off-site improvements to energy facilities would not be required to support the Project. Additionally, the Project would result in the consumption of fuel for construction vehicles and equipment and for resident and visitor vehicles accessing the site during operation of the site.

The Project will be required by the City to implement **SCA-UTIL-7: Green Building Requirements** and to comply with all standards of Title 24 of the California Code of Regulations and CALGreen standards, as applicable, aimed at the incorporation of energy-conserving design and construction. This Project is anticipated to have similar energy requirements as other similar modern developments in the vicinity.

As a result, although the Project would incrementally increase energy consumption, it would comply with all applicable regulations and energy standards, and would not result in a significant impact related to the provision of energy services.

## Conclusions – Utilities and Service Systems

Based on an examination of the analysis, findings, and conclusions of the Program EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Program EIRs, nor would it result in new significant impacts related to utilities and service systems that were not identified therein. SCAs identified in Attachment A at the end of the CEQA checklist and related to utilities and service systems would apply to the Project (SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling, SCA-UTIL-2: Underground Utilities, SCA-UTIL-3: Recycling Collection and Storage Space, SCA-UTIL-4: Sanitary Sewer System, SCA-UTIL-5: Storm Drain System, SCA-UTIL-6: Water Efficient Landscape Ordinance, and SCA-UTIL-7: Green Building Requirements).

## ACRONYMS AND TERMS

| | |
|---|---|
| ABAG | Association of Bay Area Governments |
| AC Transit | Alameda–Contra Costa Transit District |
| ACDEH | Alameda County Department of Environmental Health |
| BAAQMD | Bay Area Air Quality Management District |
| CEQA | California Environmental Quality Act |
| City | City of Oakland |
| EIR | Environmental Impact Report |
| GHG | greenhouse gas |
| I-580 | Interstate 580 |
| LUST | leaking underground storage tank |
| LUTE | Land Use and Transportation Element |
| $MTCO_2e$ | metric tons carbon dioxide equivalent |
| $NO_x$ | oxides of nitrogen |
| NPDES | National Pollution Discharge Elimination System |
| OMC | Oakland Municipal Code |
| $PM_{2.5}$ | particulate matter, 2.5 micrometers or less |
| $PM_{10}$ | particulate matter, 10 micrometers or less |
| RWQCB | Regional Water Quality Control Board |
| SCA | Standard Condition of Approval |
| SWRCB | State Water Resources Control Board |
| TAC | toxic air contaminant |
| TAZ | transportation analysis zone |
| VMT | vehicle miles traveled |

# ATTACHMENT A: 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.

All SCAs identified in the CEQA Analysis—which are consistent with the measures and conditions presented in the General Plan—are included herein. To the extent that any SCA identified in the CEQA Analysis was inadvertently omitted, it is automatically incorporated herein by reference.

The first column identifies the SCA applicable to that topic in the CEQA Analysis.

The second column identifies the monitoring schedule or timing applicable to the Project.

The third column names the party responsible for monitoring the required action for the Project.

In addition to the SCAs identified and discussed in the CEQA Analysis, other SCAs that are applicable to the Project are included herein.

The Project sponsor is responsible for compliance with any recommendations in approved technical reports and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific SCA, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the SCAs will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the Project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—e.g., **SCA AIR-1**, **SCA AIR-2**. The SCA title and the SCA number that corresponds to the City's master SCA list are also provided in the Appendix listing—e.g., **SCA AIR-1: Dust Controls – Construction Related; #21**).

**Table A-1. City of Oakland Standard SCAs Required for the Project**

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| ***Aesthetics, Shadow, and Wind*** | | | |
| **SCA-AES-1: Trash and Blight Removal (#16)**<br>The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users. | Ongoing | N/A | Bureau of Building |
| **SCA-AES-2: Graffiti Control (#17)**<br>a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:<br>i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.<br>ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.<br>iii. Use of paint with anti-graffiti coating.<br>iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).<br>v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.<br>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:<br>i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.<br>ii. Covering with new paint to match the color of the surrounding surface.<br>iii. Replacing with new surfacing (with City permits if required). | Ongoing | N/A | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| **SCA-AES-3: Landscape Plan (#18)**<br>*a. Landscape Plan Required*<br>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan. | Prior to approval of construction-related permit | Bureau of Planning | N/A |
| *b. Landscape Installation*<br>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid. | Prior to building permit final | Bureau of Planning | Bureau of Building |
| *c. Landscape Maintenance*<br>All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced. | Ongoing | N/A | Bureau of Building |
| **SCA-AES-4: Lighting (#19)**<br>Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. | Prior to building permit final | N/A | Bureau of Building |
| **SCA-AES-5: Public Art for Private Development (#20)**<br>The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.<br>The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an | *Payment of in-lieu fees and/or plans showing fulfillment of public art requirement*: Prior to Issuance of Building permit.<br>*Installation of art/cultural space*: Prior to | Bureau of Planning | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.<br><br>Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval. | Issuance of a Certificate of Occupancy | | |
| ***Air Quality*** | | | |
| **SCA-AIR-1: Dust Controls – Construction Related (#21)**<br><br>The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:<br>a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.<br>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).<br>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.<br>e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.<br>f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.<br>g. 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. | During construction | N/A | Bureau of Building |
| **SCA-AIR-2: Criteria Air Pollutant Controls – Construction Related (#22)**<br><br>The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:<br>a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two 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 | During construction | N/A | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| access points.<br>b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").<br>c. 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. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.<br>d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.<br>e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.<br>f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met. | | | |
| **SCA-AIR-3: Exposure to Air Pollution (Toxic Air Contaminants). (#24)**<br>*a. Health Risk Reduction Measures*<br>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:<br>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and 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 that the health risk exceeds acceptable levels, | Prior to Approval of Construction-Related Permit | Bureau of Planning | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|

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:

- 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.
- Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- 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 be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
- Sensitive receptors shall be located on the upper floors of buildings, if feasible.
- 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*).
- Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through

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| implementing the following measures, if feasible:<br>• Installing electrical hook-ups for diesel trucks at loading docks.<br>• Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.<br>• Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.<br>• Prohibiting trucks from idling for more than two minutes.<br>• 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. | | | |
| *b. Maintenance of Health Risk Reduction Measures*<br>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. | Ongoing | N/A | Bureau of Building |
| ***Biological Resources*** | | | |
| **SCA-BIO-1: Tree Removal During Bird Breeding Season (#30)**<br>To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest. | Prior to removal of trees | Bureau of Building | Bureau of Building |

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| ***Cultural Resources*** | | | |
| **SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction (#33)**<br><br>Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.<br><br>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.<br><br>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a | During construction | N/A | Bureau of Building |

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| report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant. | | | |
| **SCA-CUL-2: Human Remains – Discovery during Construction (#35)**<br><br>Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event 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 California Health and Safety Code. 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 and at the expense of the project applicant. | During Construction | N/A | Bureau of Building |
| ***Geology and Soils*** | | | |
| **SCA-GEO-1: Construction-Related Permit(s) (#37)**<br><br>The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction. | Prior to approval of construction-related permit | Bureau of Building | Bureau of Building |
| **SCA-GEO-2: Seismic Hazards Zone (Landslide/Liquefaction) (#40)**<br><br>The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction. | Prior to approval of construction-related permit | Bureau of Building | Bureau of Building |

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| ***Hazards and Hazardous Materials*** | | | |
| **SCA-HAZ-1: Regulatory Permits and Authorizations from Other Agencies. (#15)**<br><br>The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval. | Prior to activity requiring permit / authorization from regulatory agency | Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning | Applicable regulatory agency with jurisdiction |
| **SCA-HAZ-2: Hazardous Materials Related to Construction (#43)**<br><br>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:<br>a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;<br>b. Avoid overtopping construction equipment fuel gas tanks;<br>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;<br>d. Properly dispose of discarded containers of fuels and other chemicals;<br>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and<br>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have | During construction | N/A | Bureau of Building |

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| been implemented under the oversight of the City or regulatory agency, as appropriate. | | | |
| **SCA-HAZ-3: Hazardous Building Materials and Site Contamination (#44)**<br><br>*a. Erosion and Sedimentation Control Plan Required*<br><br>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. | Prior to approval of demolition, grading, or building permits | Bureau of Building | Bureau of Building |
| *b. Environmental Site Assessment Required*<br><br>The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. | Prior to approval of construction-related permit | Applicable regulatory agency with jurisdiction | Applicable regulatory agency with jurisdiction |
| *c. Health and Safety Plan Required*<br><br>The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan. | Prior to approval of construction-related permit | Bureau of Building | Bureau of Building |
| *d. Best Management Practices (BMPs) Required for Contaminated Sites*<br><br>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:<br><br>i. Soil generated by construction activities shall be | During construction | N/A | Bureau of Building |

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| stockpiled on-site 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 requirements.<br>ii. Groundwater pumped from the subsurface shall be contained on-site 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. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building. | | | |
| **SCA-HAZ-4: Hazardous Materials Business Plan (#45)**<br>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:<br>a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.<br>b. The location of such hazardous materials.<br>c. An emergency response plan including employee training information.<br>d. A plan that describes the manner in which these materials are handled, transported, and disposed. | Prior to building permit final | Oakland Fire Department | Oakland Fire Department |
| ***Hydrology and Water Quality*** | | | |
| **SCA-HYDRO-1: Erosion and Sedimentation Control Measures for Construction (#48)**<br>The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks. | During Construction | N/A | Bureau of Building |

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| **SCA-HYDRO-2: Site Design Measures to Reduce Stormwater Runoff (#52)**<br><br>Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:<br>a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;<br>b. Utilize permeable paving in place of impervious paving where appropriate;<br>c. Cluster structures;<br>d. Direct roof runoff to vegetated areas;<br>e. Preserve quality open space; and<br>f. Establish vegetated buffer areas. | Ongoing | N/A | N/A |
| **SCA-HYDRO-3: Source Control Measures to Limit Stormwater Pollution (#53)**<br><br>Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:<br>a. Stencil storm drain inlets "No Dumping – Drains to Bay;"<br>b. Minimize the use of pesticides and fertilizers;<br>c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;<br>d. Cover trash, food waste, and compactor enclosures; and<br>e. Plumb the following discharges to the sanitary sewer system, subject to City approval:<br>f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;<br>g. Dumpster drips from covered trash, food waste, and compactor enclosures;<br>h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;<br>i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and<br>j. Fire sprinkler teat water, if discharge to on-site vegetated areas is not feasible. | Ongoing | N/A | N/A |

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| ***Noise*** | | | |
| **SCA-NOS-1: Construction Days/Hours (#63)**<br>The project applicant shall comply with the following restrictions concerning construction days and hours:<br>a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling 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.<br>b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.<br>c. No construction is allowed on Sunday or federal holidays.<br>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.<br>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice. | During Construction | N/A | Bureau of Building |
| **SCA-NOS-2: Construction Noise (#64)**<br>The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:<br>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. | During Construction | N/A | Bureau of Building |

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| 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.<br>c. Applicant shall use temporary power poles instead of generators where feasible.<br>d. Stationary noise sources shall be located as far from adjacent properties 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.<br>e. 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-NOS-3: Extreme Construction Noise (#65)**<br>*a. Construction Noise Management Plan Required*<br>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:<br>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;<br>ii. 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;<br>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; | Prior to Approval | Bureau of Building | Bureau of Building |

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| iv. 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<br>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.<br><br>*b. Public Notification Required*<br>The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented. | | | |
| **SCA-NOS-4: Construction Noise Complaints (#67)**<br>The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:<br>a. Designation of an on-site construction complaint and enforcement manager for the project;<br>b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;<br>c. Protocols for receiving, responding to, and tracking received complaints; and<br>d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. | Prior to Approval of Construction-Related Permit | Bureau of Building | Bureau of Building |
| **SCA-NOS-5: Operational Noise (#69)**<br>Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 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 City. | Ongoing | N/A | Bureau of Building |

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| ***Transportation and Traffic*** | | | |
| **SCA-TRANS-1: Transportation and Parking Demand Management. (#80)**<br>*a. Transportation and Parking Demand Management (TDM) Plan Required*<br>The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.<br>i. The goals of the TDM Plan shall be the following:<br>• Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.<br>• Achieve the following project vehicle trip reductions (VTR):<br>o Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR<br>o Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR<br>• Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.<br>• Enhance the City's transportation system, consistent with City policies and programs.<br>ii. The TDM Plan should include the following:<br>• Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.<br>• Proposed TDM strategies to achieve VTR goals (see below).<br>iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.<br>iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.<br>**Improvement** / **Required by code or when…**<br>**Bus boarding bulbs or islands** — • A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or • A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb | Prior to approval of planning application | Bureau of Planning | N/A |

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| **Bus shelter** | • A stop with no shelter is located within the project frontage, or<br>• The project is located within 0.10 miles of a flag stop with 25 or more boardings per day | | | |
| **Concrete bus pad** | • A bus stop is located along the project frontage and a concrete bus pad does not already exist | | | |
| **Curb extensions or bulb-outs** | • Identified as an improvement within site analysis | | | |
| **Implementation of a corridor-level bikeway improvement** | • A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and<br>• The project would generate 500 or more daily bicycle trips | | | |
| **Implementation of a corridor-level transit capital improvement** | • A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and<br>• The project would generate 400 or more peak period transit trips | | | |
| **Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.** | • Always required | | | |
| **Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)** | • When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection | | | |
| **In-street bicycle corral** | • A project includes more than 10,000 square feet of ground floor retail, is located along a | | | |

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| | Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages. | | | |
| **Intersection improvements**[13] | • Identified as an improvement within site analysis | | | |
| **New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards** | • Always required | | | |
| **No monthly permits and establish minimum price floor for public parking**[14] | • If proposed parking ratio exceeds 1:1000 sf. (commercial) | | | |
| **Parking garage is designed with retrofit capability** | • Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial) | | | |
| **Parking space reserved for car share** | • If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units. | | | |
| **Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section** | • Typically required | | | |
| **Pedestrian crossing improvements** | • Identified as an improvement within site analysis | | | |
| **Pedestrian-supportive signal changes**[15] | • Identified as an improvement within operations analysis | | | |
| **Real-time transit information system** | • A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better | | | |

[13] Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

[14] May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

[15] Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.

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| **Relocating bus stops to far side** | • A project is located within 0.10 mile of any active bus stop that is currently near-side | | | |
| **Signal upgrades**[16] | • Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and<br>• Project frontage abuts an intersection with signal infrastructure older than 15 years | | | |
| **Transit queue jumps** | • Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better | | | |
| **Trenching and placement of conduit for providing traffic signal interconnect** | • Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and<br>• Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and<br>• A major transit improvement is identified within operations analysis requiring traffic signal interconnect | | | |
| **Unbundled parking** | • If proposed parking ratio exceeds 1:1.25 (residential) | | | |

v. Other TDM strategies to consider include, but are not limited to, the following:

- 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 the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
- Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps,

[16] Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
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| 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.<br>• Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively) and any applicable streetscape plan.<br>• Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.<br>• 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).<br>• Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.<br>• Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).<br>• Guaranteed ride home program for employees, either through 511.org or through separate program.<br>• Pre-tax commuter benefits (commuter checks) for employees.<br>• 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.<br>• On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.<br>• Distribution of information concerning alternative transportation options.<br>• Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free | | | |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| parking space in commercial properties.<br>• Parking management strategies including attendant/valet parking and shared parking spaces.<br>• Requiring tenants to provide opportunities and the ability to work off-site.<br>• 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).<br>• 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.<br>The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. 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. | | | |
| *b. TDM Implementation — Physical Improvements*<br>For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project. | Prior to Building Permit Final | Bureau of Building | Bureau of Building |
| *c. TDM Implementation — Operational Strategies*<br>For projects that generate 100 or more net new a.m. or p.m. 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. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved. | Ongoing | Bureau of Planning | Bureau of Planning |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
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| **SCA-TRANS-2: Construction Activity in the Public Right-of-Way. (#77)**<br>*a. Obstruction Permit Required*<br>The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. | Prior to Approval of Construction Related Permit | Bureau of Building | Bureau of Building |
| *b. Traffic Control Plan Required*<br>In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction. | Prior to Approval of Construction Related Permit | Public Works Department, Transportation Services Division | Bureau of Building |
| *c. Repair City Streets*<br>The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her 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 approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately. | Prior to Building Permit Final | N/A | Bureau of Building |
| **SCA-TRANS-3: Bicycle Parking. (#78)**<br>The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements. | Prior to approval of construction-related permit | Bureau of Planning | Bureau of Building |
| **SCA-TRANS-4: Plug-In Electric Vehicle (PEV) Charging Infrastructure (#84)**<br>*a. PEV-Ready Parking Spaces*<br>The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready) per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient | Prior to Issuance of Building Permit | Bureau of Building | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| electrical capacity to supply the required PEV-Ready parking spaces. | | | |
| *b. PEV-Capable Parking Spaces*<br>The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces. | Prior to Issuance of Building Permit | Bureau of Building | Bureau of Building |
| *c. ADA-Accessible Spaces*<br>The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s). | Prior to Issuance of Building Permit | Bureau of Building | Bureau of Building |
| ***Utilities and Service Systems*** | | | |
| **SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling (#85)**<br>The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center. | Prior to Approval of Construction-Related Permit | Public Works Department, Environmental Services Division | Public Works Department, Environmental Services Division |
| **SCA-UTIL-2: Underground Utilities (#86)**<br>The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities. | During Construction | N/A | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
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| **SCA-UTIL-3: Recycling Collection and Storage Space (#87)**<br>The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 sf of building floor area is required, with a minimum of ten cubic feet. | Prior to Approval of Construction-Related Permit | Bureau of Planning | Bureau of Building |
| **SCA-UTIL-4: Sanitary Sewer System (#90)**<br>The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system. | Prior to Approval of Construction-Related Permit | Public Works Department, Department of Engineering and Construction | N/A |
| **SCA-UTIL-5: Storm Drain System (#91)**<br>The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition. | Prior to Approval of Construction-Related Permit | Bureau of Building | Bureau of Building |
| **SCA-UTIL-6: Water Efficient Landscape Ordinance (#93)**<br>The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.<br>*Prescriptive Measures:* Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23):<br>http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf | Prior to Approval of Construction-Related Permit | Bureau of Planning | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| *Performance Measures:* Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following<br>a. Project Information:<br>i. Date,<br>ii. Applicant and property owner name,<br>iii. Project address,<br>iv. Total landscape area,<br>v. Project type (new, rehabilitated, cemetery, or home owner installed),<br>vi. Water supply type and water purveyor,<br>vii. Checklist of documents in the package, and<br>viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."<br>b. Water Efficient Landscape Worksheet<br>i. Hydrozone Information Table<br>ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use<br>c. Soil Management Report<br>d. Landscape Design Plan<br>e. Irrigation Design Plan, and<br>f. Grading Plan<br>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.<br>For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below.<br>http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf | | | |
| **SCA #88: Green Building Requirements**<br>*a. Compliance with Green Building Requirements During Plan-Check*<br>The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).<br>i. The following information shall be submitted to the City for review and approval with the application for a | Prior to approval of construction-related permit | Bureau of Building | N/A |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| building permit:<br>• Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.<br>• Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.<br>• Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.<br>• Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.<br>• Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.<br>• Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.<br>• Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.<br>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:<br>• CALGreen mandatory measures.<br>• [**INSER**T: Green building point level/certification requirement: (See Green Building Summary Table; for New Construction of Residential or Non-residential projects that remove a Historic Resource (as defined by the Green Building Ordinance) the point level certification requirement is 53 points for residential and LEED Gold for non-residential)] per the appropriate checklist approved during the Planning entitlement process.<br>• All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.<br>• The required green building point minimums in the appropriate credit categories. | | | |
| *b. Compliance with Green Building Requirements During Construction*<br>The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building | During construction | N/A | Bureau of Building |

| Standard Conditions of Approval | When Required | Initial Approval | Monitoring/ Inspection |
|---|---|---|---|
| Ordinance during construction of the project.<br>The following information shall be submitted to the City for review and approval:<br>i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.<br>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.<br>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. | | | |
| *C. Compliance with Green Building Requirements After Construction*<br>Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level. | Prior to Final Approval | Bureau of Planning | Bureau of Building |

# ATTACHMENT B: INFILL PERFORMANCE STANDARDS, PER CEQA GUIDELINES SECTION 15183.3

**Table B-1** demonstrates how the proposed Project meets the eligibility requirements to qualify as an infill project under CEQA Guidelines Section 15183.3(b) and CEQA Guidelines Appendix M.

**Table B-1. Eligibility for Streamlining – Infill Project**

| CEQA Eligibility Criteria | Eligibility of Project |
|---|---|
| To be eligible for the streamlining procedures prescribed in this section, an infill project must: | |
| 1) Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way. | The Project is eligible.<br>The Project site is in an urban area in Oakland, it has been previously developed, and it adjoins existing urban uses on 75 percent of its perimeter or is only separated from such uses by an improved public right-of-way. |
| 2) Satisfy the performance standards provided in Appendix M. | The Project is eligible.<br>See responses to individual standards below. |
| 3) Be 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. | The Project is eligible.<br>The Project site is within the Transit Oriented Development Corridors Priority Development Area as identified in the region's sustainable communities strategy (Plan Bay Area) and as identified in the City of Oakland's Energy and Climate Action Plan.<br>The land use designation for the site is Neighborhood Center Mixed Use, which allows commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial.<br>The Project site is zoned as Neighborhood Commercial (CN-2). The CN-2 zone is intended to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment. The building height limit in this zone is 45 feet, and the maximum allowable residential density is 1 unit per 450 square feet.<br>The Project would construct a mixed use development (residential with ground floor commercial), and would have a residential density of 1 dwelling unit per 862 square feet. The building height limit in this zone is 45 feet, which is what the Project is proposing as the total building height.<br>Each of these factors demonstrates the Project's overall consistency with the applicable policies of the region's sustainable communities strategy, as well as the City of Oakland's Energy and Climate Action Plan. |

| CEQA Eligibility Criteria | Eligibility of Project |
|---|---|
| **Satisfaction of Appendix M Performance Standards[1]** | |
| **Renewable Energy.** All non-residential projects shall include on-site renewable power generation, such as solar photovoltaic, solar thermal and wind power generation, or clean backup power supplies, where feasible. Residential projects are also encouraged to include such on-site renewable power generation. | The Project is eligible.<br>The predominant use for the Project is residential. |
| **Soil and Water Remediation.** If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site. | The Project is eligible.<br>The Project is currently an Open LUST Cleanup Case with the County Department of Environmental Health; identified remediation requirements are being implemented.<br>Prior use of the site as a gasoline service station resulted in contamination of soil and there are elevated concentrations of petroleum hydrocarbons remaining in the soil and groundwater beneath the site.<br>A Path to Closure Plan was developed for the site in fiscal year 2012/2013. A Corrective Action Plan was submitted in 2015 and monitoring in 2017 revealed potential groundwater contamination.<br>An Additional Investigation Work Plan was developed to evaluate soil vapor and has been submitted for review by ACDEH. A Conceptual Site Model will be developed and describe subsurface contamination and potential human and environmental receptors that could be affected by migration of the contamination. A subsequent Corrective Action Plan would then be developed and submitted to ACDEH for review and approval.<br>The Project will be required implement the recommendations of the Corrective Action Plan to remediate the site, as well as to continue monitoring of the site and reporting to ACDEH and the Regional Water Quality Control Board. |
| **Residential Units Near High-Volume Roadways and Stationary Sources.** If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, | The Project is eligible.<br>The Project is a residential project and is within 500 feet of a high-volume roadway (I-580). The Project is therefore required to comply with City of Oakland Standard Condition of Approval #23, Exposure to Air Pollution (Toxic Air Contaminants), which requires the development and maintenance of Health Risk Reduction Measures. |

| CEQA Eligibility Criteria | Eligibility of Project |
|---|---|
| air districts, and the California Air Pollution Control Officers Association. | |
| **Residential**. To be eligible for streamlining pursuant to Section 15183.3, a Residential project must satisfy one of the following:<br>***Projects achieving below average regional per capita vehicle miles traveled (VMT).***<br>A residential project is eligible if it is located in a "low vehicle travel area" within the region.<br>***Projects located within 1/2 mile of an Existing Major Transit Stop or High Quality Transit Corridor.***<br>A residential project is eligible if it is located within 1/2 mile of an existing major transit stop or an existing stop along a high quality transit corridor.<br>***Low-Income Housing.***<br>A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code. | The Project is a residential project within a low vehicle travel area and within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor. |
| **Commercial/Retail**. To be eligible for streamlining pursuant to Section 15183.3, a Commercial/Retail project must satisfy one of the following:<br>***Regional Location.*** A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a "low vehicle travel area."[1]<br>***Proximity to Households.*** A project with no single-building floor-plate greater than 50,000 square feet located within one-half mile of 1800 households is eligible. | The Project is eligible.<br>The Project site is in a low vehicle travel area and would not have a floor-plate greater than 50,000 square feet. |
| To be eligible for streamlining pursuant to Section 15183.3, an **Office Building** project must satisfy one of the following:<br>***Regional Location***. Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area.<br>***Proximity to a Major Transit Stop***. Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible. | Not applicable. The Project is not an office building project. |
| **Transit.** Transit stations, as defined in Section 15183.3(e)(1), are eligible. | Not applicable. The Project is not a transit project. |
| **Schools.** Elementary schools within one mile of fifty percent of the projected student population are eligible. | Not applicable. The Project is not a school project. |

| CEQA Eligibility Criteria | Eligibility of Project |
|---|---|
| Middle schools and high schools within two miles of fifty percent of the projected student population are eligible. Alternatively, any school within % mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible. Additionally, in order to be eligible, all schools shall provide parking and storage for bicycles and scooters and shall comply with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code. | |
| **Small Walkable Community Projects.** Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features described in Section III above are eligible. | Not applicable. The Project is not a small walkable community project. |
| **Mixed Use Projects**. Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this Section that apply to the predominant use shall govern the entire project. | The Project is a mixed use project, with residential use as the predominant use. |

[1] A traffic analysis zone that exhibits a below average existing level of travel as determined using a regional travel demand model. For residential projects, travel refers to either home-based or household vehicle miles traveled per capita. For commercial and retail projects, travel refers to non-work attraction trip length; however, where such data are not available, commercial projects reference either home-based or household vehicle miles traveled per capita. For office projects, travel refers to commute attraction vehicle miles traveled per employee; however, where such data are not available, office projects reference either home-based or household vehicle miles traveled per capita.

# ATTACHMENT C: PRELIMINARY TRANSPORTATION IMPACT REVIEW

FEHR PEERS

# DRAFT MEMORANDUM

Date: September 26, 2018

To: Sharon Wright, Lamphier-Gregory

From: Sam Tabibnia and Natalie Chyba

**Subject: 4255 MacArthur Preliminary Transportation Impact Review**

*OK18-0249*

This memorandum summarizes the transportation impact review conducted by Fehr & Peers for the proposed 4255 MacArthur Boulevard development (Project) in Oakland. Based on our analysis:

- The proposed 11 units of multifamily housing and approximately 4,890 square feet of commercial space would generate 7 AM peak hour and 20 PM peak hour auto trips on a typical weekday. The trip generation estimates were developed in accordance with the City of Oakland's *Transportation Impact Review Guidelines* (TIRG, April 2017). According to the guidelines, a detailed Transportation Impact Report (TIR) and a Transportation Demand Management (TDM) Plan are required if a project would generate 50 or more vehicle trips during a single peak hour. Since the project is estimated to generate less than 50 net-new AM and PM peak hour trips, a TIR and/or a TDM Plan would most likely not be required. However, the final decision to prepare a TIR and/or TDM plan and their potential content rests with City of Oakland staff.
- A vehicle-miles-traveled (VMT) screening was completed in accordance with the City of Oakland's TIRG. Based on the City's guidelines, the Project screens out of a VMT analysis due to its proximity to transit stations, and is presumed to have a less-than-significant impact on VMT.
- The Project site plan received in August 2018 was reviewed to evaluate access and circulation for all travel modes. Based on our review, the Project would provide adequate access and circulation. However, the following is recommended:
    - **Recommendation 1**: Review the final Project site plan to ensure that the Project provides at least five long-term and four short-term bicycle spaces. Bicycle parking

should be consistent with the location and design requirements outlined in Planning Code Section 17.117.

The remainder of this memorandum provides more detail on the VMT, trip generation, and site plan analyses.

## PROJECT DESCRIPTION

The proposed Project is located on the northwest corner of the MacArthur Boulevard/High Street intersection in the Laurel District of the City of Oakland. The development would consist of 11 multifamily housing units and approximately 4,890 square-feet of ground-floor commercial space, which this memorandum assumes to be retail.

The Project site is currently vacant. The Project proposes an 11-space surface parking lot behind the building, accessible via a full-access driveway on High Street.

## VEHICLE-MILES-TRAVELED SCREENING

On September 21, 2016, the City of Oakland's Planning Commission directed staff to update the City of Oakland's California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines related to transportation impacts in order to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligns with guidance from the Governor's Office of Planning and Research (OPR) and the City's approach to transportation impact analysis, with adopted plans and polices related to transportation that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Consistent with the Planning Commission direction and the Senate Bill 743 requirements, the City of Oakland published the revised TIRG on April 14, 2017 to guide the evaluation of the transportation impacts associated with land use development projects.

Many factors affect travel behavior, including density of development, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development that is located at a great distance from other land uses and in areas with poor

access to non-single occupancy vehicle travel modes generate more vehicle travel compared to development located in urban areas, where a higher density of development, a mix of land uses, and non-single occupancy vehicle travel options are available.

Given these travel behavior factors, most of Oakland has lower VMT per capita and VMT per worker ratios than the nine-county San Francisco Bay Area region. Further, within the City of Oakland, some neighborhoods may have lower VMT ratios than others.

**VMT Estimate**

Transportation planning models define geographic areas as transportation analysis zones, or TAZs, for transportation analysis and other planning purposes. The MTC Travel Model includes 116 TAZs within Oakland that vary in size from a few city blocks in the downtown core, to multiple blocks in outer neighborhoods, to even larger geographic areas in lower-density neighborhoods.

The MTC Travel Model assigns all predicted trips within, across, or to/from the nine-county San Francisco Bay Area region onto the roadway network and the transit system by mode (single-driver and carpool vehicle, biking, walking, or transit) and transit carrier (bus, rail) for a particular scenario.

The travel behavior from MTC Travel Model is modeled based on the following inputs:

- Socioeconomic data developed by the Association of Bay Area Governments (ABAG)
- Population data created using the 2000 US Census and modified using the open source PopSyn software
- Zonal accessibility measurements for destinations of interest
- Travel characteristics and vehicle ownership rates derived from the 2000 Bay Area Travel Survey (BATS)
- Observed vehicle counts and transit boardings

The daily VMT output from the MTC Travel Model for residential and office uses comes from a tour-based analysis. The tour-based analysis examines the entire chain of trips over the course of a day, not just trips to and from the project site. In this way, all of the VMT for an individual resident or employee is included, not just trips into and out of the person's home or workplace. For example, a resident leaves their apartment in the morning, stops for coffee, and then goes to the office. In the afternoon the resident heads out to lunch, and then returns to the office, with a stop at the

drycleaners on the way. After work, the resident goes to the gym and then joins friends at a restaurant for dinner before returning home. All the stops and trips within the resident's day form their "tour". The tour-based approach would add up the total number of miles driven over the course of her tour and assign it as her daily VMT.

Based on the MTC Travel Model, the regional average daily VMT per worker is 21.8 under 2020 conditions and 20.3 under 2040 conditions. The regional average daily VMT per capita is 15.0 under 2020 conditions and 13.8 under 2040 conditions.

### Thresholds of Significance for VMT

According to the City of Oakland TIRG, the following are thresholds of significance related to substantial additional VMT:

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15-percent.
- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per worker minus 15-percent.
- For local serving retail projects[1], a project would cause substantial additional VMT if it exceeds the existing regional VMT per worker minus 15-percent.

Per City of Oakland's TIRG, the proposed Project would include both residential and local-serving retail.

### Screening Criteria

VMT impacts would be less than significant for a project if any of the identified screening criteria outlined below are met:

1. Small Projects: The project generates fewer than 100 vehicle trips per day
2. Low-VMT Areas: The project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, or 15-percent or more below the regional average.

[1] The City of Oakland's TIRG defines local-serving retail as retail not exceeding 80,000 square-feet of contiguous retail space.

3. Near Transit Stations: The project is located in a Transit Priority Area or within a one-half mile of a Major Transit Corridor or Stop[2] and satisfies the following:
    - Has a Floor Area Ratio (FAR) of more than 0.75,
    - includes less parking for use by residents, customers, or employees of the project than other typical nearby uses, or more than required by the City (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site); and
    - Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the MTC).

The VMT screening for the Project is described below.

## VMT Impact Screening

The proposed Project satisfies the Near Transit Stations (#3) criterion of the VMT screening, but does not meet the Small Projects (#1) or Low-VMT Area (#2) criteria, as described below.

### *Criterion #1: Small Projects*

The Project would generate more than 100 vehicle trips per day and therefore does not meet criterion #1. For more information on the Project's expected trip generation, please refer to the Project Trip Generation section, later in this memorandum.

### *Criterion #2: Low-VMT Area*

**Table 1** describes the 2020 and 2040 VMT for TAZ 906, the TAZ in which the Project is located, as well as the applicable VMT thresholds of 15-percent below the regional average. As shown in Table 1, the 2020 and 2040 average daily VMT per capita in the Project TAZ is below the regional average minus 15 percent. However, the 2020 and 2040 average daily VMT per worker in the Project TAZ is above the regional average minus 15 percent. Therefore, the Project does not meet criterion #2.

[2] "Major transit stop" is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

**TABLE 1**
**DAILY VEHICLE MILES TRAVELLED PER CAPITA AND PER WORKER**

| Land Use | Bay Area | | | | TAZ 906 | |
|---|---|---|---|---|---|---|
| | 2020 | | 2040 | | 2020 | 2040 |
| | Regional Average | Regional Average minus 15% | Regional Average | Regional Average minus 15% | | |
| Residential[1] | 15.0 | 12.8 | 13.8 | 11.7 | 11.7 | 11.3 |
| Commercial[2] | 21.8 | 18.5 | 20.3 | 17.3 | 26.8 | 21.7 |

Notes:
1. MTC Model results for VMT per capita at https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=5dac76d69b3d41e583882e146491568b (accessed September 2018).
2. MTC Model results for VMT per worker at https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=98463b4f73ca43c5944a5c30648fd689 (accessed September 2018).

Source: Fehr & Peers, 2018.

*Criterion #3: Near Transit Stations*

The Project would be located adjacent to frequent bus service along MacArthur Boulevard and High Street (Routes 14 and 57 with 15-minute peak headways). Therefore, the Project satisfies criterion #3 because it meets the following three conditions:

- The proposed Project would have an FAR of 1.98, which is greater than the required 0.75.
- The Project would include 11 parking spaces. The City of Oakland Planning Code (Section 17.116) would require 19 parking spaces to be provided for the Project (See Table 5 on page 12 of this memorandum for more detail). Therefore, it provides less parking than required by City Code, meeting this condition.
- The Project is located within the TOD Corridors Priority Development Area (PDA) as defined by Plan Bay Area and is therefore consistent with the region's Sustainable Communities Strategy.

*VMT Screening Conclusion*

The proposed Project would satisfy the Near Transit Station (#3) criterion and is therefore presumed to have a less-than-significant impact on VMT.

## PROJECT TRIP GENERATION

Trip generation is the process of estimating the number of vehicles that would likely access the Project on any given day. Trip generation data published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual* (Tenth Edition) was used as a starting point to estimate the vehicle trip generation. **Table 2** summarizes the trip generation for the proposed Project.

**TABLE 2**
**PROPOSED PROJECT AUTO TRIP GENERATION**

| Land Use | Size[1] | Daily | AM Peak | | | PM Peak | | |
|---|---|---|---|---|---|---|---|---|
| | | | In | Out | Total | In | Out | Total |
| *Residential* | | | | | | | | |
| Multi-Family Housing (Mid-Rise)[2] | 11 DU | 60 | 1 | 3 | 4 | 4 | 2 | 6 |
| *City of Oakland Trip Generation Adjustment (23.1%)[3]* | | *-10* | *0* | *-1* | *-1* | *-1* | *0* | *-1* |
| ***Net-New Residential Auto Trip Generation*** | | ***50*** | ***1*** | ***2*** | ***3*** | ***3*** | ***2*** | ***5*** |
| *Retail* | | | | | | | | |
| Shopping Center[4] | 4.9 KSF | 190 | 3 | 2 | 5 | 9 | 10 | 19 |
| *City of Oakland Trip Generation Adjustment (23.1%)[3]* | | *-40* | *-1* | *0* | *-1* | *-2* | *-2* | *-4* |
| ***Net-New Retail Auto Trip Generation*** | | ***150*** | ***2*** | ***2*** | ***4*** | ***7*** | ***8*** | ***15*** |
| ***Total Net-New Auto Trip Generation*** | | ***200*** | ***3*** | ***4*** | ***7*** | ***10*** | ***10*** | ***20*** |

Notes:
1. DU = Dwelling Units, KSF = 1,000 square feet.
2. ITE Trip Generation (Tenth Edition) land use category 221 (Multifamily (Mid-Rise)):
   Daily: T = 5.45*X-1.75
   AM Peak Hour: Ln(T) = 0.98*Ln(X)-0.98 (26% in, 74% out)
   PM Peak Hour: Ln(T) = 0.96*Ln(X)-0.63 (61% in, 39% out)
3. The 23.1% reduction is based on the City of Oakland's *Transportation Impact Review Guidelines* for development in an urban environment over one mile from a BART Station.
4. ITE Trip Generation (Tenth Edition) land use category 820 (Shopping Center):
   Daily: T = 37.8*X
   AM Peak Hour: T = 0.94*X (62% in, 38% out)
   PM Peak Hour: T = 3.81*X (48% in, 52% out)

Source: Fehr & Peers, 2018.

The ITE data is based on data collected at mostly single-use suburban sites where the automobile is often the only travel mode. However, the Project site is in a dense, mixed-use urban environment where many trips are walk, bike, or transit trips. Since the proposed Project is about two miles from the Fruitvale BART Station and is in an urban environment[4], the City of Oakland's TIRG recommends a 23.1-percent reduction from the ITE-based trip generation to account for non-automobile trips. This reduction is based on Census commute data for Alameda County from the 2014 5-Year Estimates of the American Community Survey (ACS), which shows that the non-automobile mode share for urban areas over one mile away from a BART Station is about 23.1-percent.

Trip generation for the proposed residential land use was estimated using the ITE land use category "Multifamily Housing (Mid-Rise)" (land use code 221). The trip generation for the commercial use was estimated using the ITE land use category "Shopping Center" (land use code 820). Exact uses for the commercial component of the Project have not been determined, however, they are expected to be general retail.

As summarized in Table 2, the proposed Project is estimated to generate 200 daily trips and seven AM peak hour and 20 PM peak hour trips.

## SITE PLAN REVIEW

This section evaluates access and circulation of all travel modes for the proposed Project, based on a site plan received on August 1, 2018.

### Vehicle Access and On-Site Circulation

Motorists would access the site's surface parking lot through a full-access driveway on High Street, about 80 feet west of MacArthur Boulevard. The parking lot would provide 11 parking spaces, consisting of six standard parking spaces, four compact spaces, and one ADA space. All parking spaces would be accessed through a 24-foot, two-way drive aisle. A turnaround stall is also provided for convenient vehicle circulation.

[4] The City of Oakland's TIRG defines an urban environment as an area with a density of 10,000 persons-per-square-mile or greater. Based on data provided by MTC, the Project is located in a TAZ with a density of approximately 19,000 persons per square mile.

### Project Driveway Sight Distance

The Project driveway on High Street would provide adequate sight distance between an exiting motorist ten feet back from the sidewalk and a pedestrian ten feet away on the adjacent sidewalk on either side of the driveway.

On-street parking is prohibited along the Project frontage on the north side of High Street, resulting in adequate sight distance between exiting vehicles and through vehicles on High Street.

### Bicycle Parking, Access and On-Site Circulation

**Table 3** shows bicycle parking requirements for the Project. The Project would consist of 11 multifamily dwelling units and about 4,890 square-feet of retail space, requiring five long-term spaces and four short-term spaces. The Project site plan does not show the location of proposed long-term or short-term bicycle spaces; therefore, the site plan does not meet the Code requirements for bicycle parking.

> **Recommendation 1**: Review the final Project site plan to ensure that the Project provides at least five long-term and four short-term bicycle spaces. Bicycle parking should be consistent with the location and design requirements outlined in Planning Code Section 17.117.

**TABLE 3**
**BICYCLE PARKING REQUIREMENTS**

| Land Use | Size[1] | Long-Term | | Short-Term | |
|---|---|---|---|---|---|
| | | Requirement[2] | Spaces | Requirement[2] | Spaces |
| Multifamily Housing | 11 DU | 1:4 DU | 3 | Min. 2 | 2 |
| General Retail | 4. 9 KSF | Min. 2 | 2 | Min. 2 | 2 |
| *Total Required Bicycle Spaces* | | | *5* | | *4* |
| *Total Bicycle Parking Provided* | | | *0* | | *0* |
| ***Bicycle Parking Deficit*** | | | ***5*** | | ***4*** |

Notes:
1. DU = Dwelling Units; KSF = 1,000 square-feet
2. Based on City of Oakland Planning Code Section 17.117.

Source: Fehr & Peers, 2018.

On-Street bicycle facilities in the surrounding area include:

- Sharrows (Class 3A Arterial Bicycle Route) on both directions of MacArthur Boulevard, north of High Street
- Sharrows on northbound MacArthur Boulevard, south of High Street
- Class 2 bicycle lanes on southbound MacArthur Boulevard, south of High Street

The City of Oakland Bicycle Master Plan Update (2007) proposes Class 2 bicycle lanes on High Street in the vicinity of the Project. The Project would not modify the bicycle facilities in the vicinity of the Project.

**Pedestrian Access and On-Site Circulation**

Pedestrian access to the commercial space would be provided through entrances on MacArthur Boulevard and in the parking lot on the west side of the building. Pedestrian access to the residential units would be provided through a ground floor lobby with entrances located in the surface parking lot and on High Street, approximately 40 feet west of MacArthur Boulevard. Two staircases would also provide access to the residential units. One staircase would be accessible from the ground floor lobby and directly from High Street; the other staircase would be located on the northwest corner of the project and would be directly accessed through the surface parking lot. A five-foot walkway is proposed along the parking lot adjacent to the project building, connecting the parking lot to the building entrances and the sidewalk on High Street.

Existing pedestrian facilities adjacent to the Project site include a 15-foot sidewalk along High Street and an eight-foot sidewalk along MacArthur Boulevard. The MacArthur Boulevard/High Street intersection provides the following:

- Pedestrian countdown signal heads and audible walk indicators across all approaches
- Pedestrian-actuation across High Street
- Directional curb ramps with truncated domes at the north corners and diagonal curb ramps with truncated domes at the south corners
- Marked crosswalks across all approaches

The Project does not propose any changes to the pedestrian facilities.

### Transit Access

AC Transit provides bus service in the Project vicinity. AC Transit operates several routes along MacArthur Boulevard and High Street in the vicinity of the Project. The nearest bus stops to the Project are located adjacent to the Project site on MacArthur Boulevard and High Street. Routes 14 and 57 serve these stops, along with two AC Transit school routes (657 and 680), two AC Transit Transbay routes (NL and NX), and one AC Transit All Nighter route (805). Routes 14 and 57 provide 15-minute headways during the peak periods. **Table 4** summarizes the transit routes and amenities at each bus stop adjacent to the Project.

No changes to the bus routes operating in the vicinity of the Project are planned and the proposed Project would not modify access between the Project site and transit facilities.

**TABLE 4**
**TRANSIT STOP AMENITIES**

| Bus Stop | Transit Routes | Amenities |
|---|---|---|
| Northbound MacArthur Boulevard, just south of High Street | 57, NL, NX, 657, 680, 805 | Bus sign, Bench |
| Southbound MacArthur Boulevard, 130 feet south of High Street | 57, NL, NX, 657, 680, 805 | Bus sign, Trash receptacle |
| Eastbound High Street, just west of MacArthur Boulevard | NX3, 648 | Bus sign, Bus shelter, Bench, Trash receptacle |
| Westbound High Street, 160 feet west of MacArthur Boulevard | 14, 648, NX3 | Bus sign |

Source: Fehr & Peers, 2018.

### Parking Requirements

The Project would provide a parking lot with 11 parking spaces. **Table 5** summarizes the required and proposed parking for the Project. The City of Oakland *Planning Code* requires the Project to provide a minimum of 8 off-street parking spaces for retail uses and 11 off-street parking spaces for residential uses and does not set a maximum parking requirement. Thus, the proposed Project is not consistent with the City Code requirements.

**TABLE 5**
**PARKING REQUIREMENTS**

| Land Use | Size[1] | Required Parking Supply[2] | | Parking Supply | Within Range? |
|---|---|---|---|---|---|
| | | Minimum | Maximum | | |
| Residential | 11 DU | 11 | No Maximum | 11 | No |
| Retail | 4.9 KSF | 8 | No Maximum | | |
| **Total** | | **19** | **No Maximum** | | |

Notes:

1. DU = Dwelling Units; KSF = KSF = 1,000 Square Feet
2. Based on City of Oakland *Planning Code* Section 17.116. Code requires one parking space per dwelling unit and one parking space per 600 square feet of ground-floor retail for projects in the CN-2 zone.

Source: Fehr & Peers, 2018.

## Loading Requirements

The City of Oakland *Planning Code* Section 17.116 specifies loading requirements for residential and commercial land uses. Per Code, the Project is not required to provide a loading berth for its land uses, as the residential use is less than 50,000 square feet and the commercial space is less than 25,000 square feet.

Please contact Sam Tabibnia with questions or comments.