

City of Oakland

File No. ER07-002

Reference No. CMDV06-573

## **INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST**

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California Environmental Quality Act (CEQA)

1. Project Title:

325 Seventh Street Project

2. Lead Agency Name and Address:

City of Oakland  
Community and Economic Development Agency, Planning Division  
250 Frank H Ogawa Plaza, Suite 3315  
Oakland, CA 94612

3. Contact Person and Phone Number:

Heather Klein, Planner III  
(510) 238-3659

4. Project Location:

The 35,500 square-foot Project site is located at 325 Seventh Street in the Chinatown neighborhood of downtown Oakland. The Project site is irregularly shaped, extending from the corner of Seventh Street and Harrison Street to Sixth Street, forming the shape of an "S".

5. Project Sponsor's Name and Address:

BALCO Properties Ltd., LLC  
1624 Franklin Street, Suite 310  
Oakland, CA 94612

6. General Plan Designation:

The Project site is comprised of seven (7) parcels. All have a General Plan Land Use and Transportation Element (LUTE) designation of Central Business District (CBD).

7. Zoning:

The parcels have the following Zoning designations and current land use:

<u>Assessor's Parcel Number</u>	<u>Zoning Designation</u>	<u>Land Use</u>
001-018900500	C-40/S-17	Office Building
001-018900600	C-40/S-17	Commercial Lot
001-018900700	C-40/S-17	Parking Lot
001-018900800	C-40/S-17	Office Building
001-018900900	C-40/S-17	Residential
001-018901400	C-40/S-17	Warehouse
001-018901300	C-40/S-17	Warehouse

The C-40 or Community Thoroughfare Commercial Zone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares. The S-17 or Downtown Open Space Combining Zone is an overlay zone applied to the site and is supplementary to the zone with which the S-17 zone is combined. The S-17 zone is intended to provide open space standards for residential developments that are appropriate to the unique density, urban character and historic character of the central business district.

8. Description of Project:

The Project site, located at 325 Seventh Street in Oakland, CA, is approximately 0.81 acre in size, comprised of seven (7) separate parcels. **Exhibit A** shows the Project location and vicinity. There are five (5) existing buildings on the Project site.

The Project Applicant, BALCO Properties Ltd., proposes to demolish all of the existing structures at the site, with the exception of the existing residential structure currently located at 617-621 Harrison Street. This residential structure would be relocated to a new site near 14<sup>th</sup> Street and Peralta Street.

The applicant would then redevelop the Project site with construction of 382 residential condominium units. The mix of residential units would be as follows:

- 39 studio units
- 158 one-bedroom units
- 145 two-bedroom units and
- 40 two bedroom plus units.

The building is designed as two tall towers situated on a four-story podium, each tower reaching a total height of 23 stories (approximately 237 feet at the top of the roof slab, approximately 286 feet at the top of the tower on Building 1, and approximately 280 feet at the top of the architectural feature on Building 2). The towers are entirely residential and include common open space.

Commercial space would be provided at street level along the Harrison Street/Seventh Street corner (approximately 5,913 square feet of general retail space and approximately 2,999 square feet of office/administration space). On the fourth floor, three community rooms and a 6,619 square foot courtyard would be provided. On the twentieth floor of Tower #1, a 1,200 square foot courtyard would be provided. A total of

397 off-street parking spaces would be provided within a parking garage (one story underground and three stories above ground level). **Exhibit C, Exhibit D, Exhibit E, Exhibit F** and **Exhibit G** illustrate the proposed Project

Development of the Project site as proposed would result in the creation of approximately 7,819 square feet of group open space (courtyards on the fourth floor and the twentieth floor), and approximately 11,915 square feet of private open space (balconies and patios for some of the 382 units proposed). Under Section 17.126.020 of the Oakland Municipal Code for purposes of calculating open space requirements, 1 square foot of private open space is the equivalent of 2 square feet of group open space. Using this ratio, total group open space (or equivalent) provided at the Project site would be 27,675 square feet (11,915 square feet of private open space x 2 = 23,830 square feet of group open space, plus 7,819 square feet of group open space provided in two courtyards = 27,675 square feet of group open space or equivalent).

In order to ensure that residents living at the Project site will not be exposed to freeway emissions with excessive levels of diesel particulate matter (DPM) or particulates smaller than 10 microns (PM-10) in their homes, the Project will incorporate a centralized ventilation (filtration) system with a minimum efficiency reporting value (MERV) 13 and efficiency consistent with American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) 52.2 standards. Intakes for the filtration system will be located at the proposed group open space area that is located on the side of the building opposite from the freeway so that the air intakes will be as far from the freeway source as possible. Residents will be provided with fresh, cool air through the air conditioning system, rather than opening windows.

A total of 397 off-street parking spaces would be provided within a parking garage (one story underground and three stories above ground). Access to the parking areas would be via one entrance located on Seventh Street and two entrances located on Sixth Street. No vehicle access to the proposed parking areas would be provided along Harrison Street.

9. Surrounding Land Uses and Setting:

The Project site is located in the Chinatown neighborhood of Downtown Oakland. Across Harrison Street from the Project site to the east is the Chinese Garden Park. To the south is I-880, a multi-lane elevated freeway adjacent to Sixth Street. To the west and north of the Project site are several commercial establishments, some within the same block as the proposed Project, and others across Seventh Street opposite the Project site (see **Exhibit B – Site Context Photographs**).

10. Actions/permits which may be required, and for which this document provides CEQA review, include without limitation:

- Major Interim Conditional Use Permit for Floor Area Ratio (FAR) that exceeds zoning
- Minor Variances for dimensions of parking spaces due to lift spaces, dimension of parking spaces against column or other obstruction, tandem parking spaces, and a rear yard setback
- Major Design Review (Oakland Planning Commission)
- Tentative Parcel Map for condominium units
- Demolition Permit
- Grading Permit

- Building Permit
- Tree Removal Permit

11. Other Public Agencies Interested in the Project:

Since the proposed structures would exceed a height of 200 feet (maximum height of the proposed design feature is approximately 286 feet), the Project Applicant will need to comply with all applicable Federal Aviation Administration notification/marketing requirements (see discussion under Section **XV: TRANSPORTATION/TRAFFIC** d), below).

Groundwater contamination has been identified at the Project site, and required cleanup efforts will need to be coordinated with the City of Oakland, the County of Alameda, and the California Department of Toxic Substances Control.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors "checked" below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages, which will be further studied in the EIR. No other environmental factors will be further studied in the EIR.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agricultural Resources                        | <input type="checkbox"/> Air Quality                       |
| <input type="checkbox"/> Biological Resources                   | <input type="checkbox"/> Cultural Resources                            | <input type="checkbox"/> Geology/Soils                     |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality                       | <input type="checkbox"/> Land Use/Planning                 |
| <input type="checkbox"/> Mineral Resources                      | <input type="checkbox"/> Noise   | <input type="checkbox"/> Population/Housing                |
| <input type="checkbox"/> Public Services                        | <input type="checkbox"/> Recreation                                    | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems              | <input checked="" type="checkbox"/> Mandatory Findings of Significance |  |

## DETERMINATION:

On the basis of this initial evaluation:

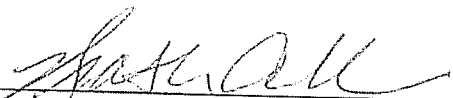
I find that the proposed project COULD NOT have a significant effect on the environment with Uniformly Applied Development Standards imposed as standard conditions of approval, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures and Uniformly Applied Development Standards have been imposed on the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

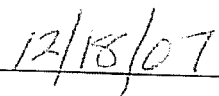
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required that will further study aesthetic and traffic/transportation impacts. No other environmental factors will be further studied.

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

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

  
\_\_\_\_\_  
Signature

Heather Klein  
Planner III

  
\_\_\_\_\_  
Date

For Claudia Cappio  
Development Director

## EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

A “Less than Significant with Mitigation” answer applies where incorporation of a mitigation measure that the applicant has already agreed to implement, would reduce an effect from a “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how it reduces the effect to a less than significant level.

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

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

A “Less than Significant Impact” answer applies where the project creates no significant or potentially significant adverse effect on the environment, based on the City’s adopted environmental thresholds of significance.

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

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



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Create winds exceeding 36 mph for more than 1 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Explanation:**

- a) The Project site is not located within a protected scenic vista or corridor. No scenic vistas have been formally identified in the vicinity of the Project site. The proposed Project would not adversely affect a scenic vista (*no impact*).
- b) The Project site is located within a densely populated urban area. It is currently developed with existing structures and surface parking lots. There are no formally identified visual resources on, or in the vicinity of the Project site, including trees, rock outcroppings or any historic buildings within a state or locally designated scenic highway (per the List of Officially Designated State Highways [Caltrans] and the Scenic Highway Element of the Oakland General Plan [September 1974]). Development of the Project site as proposed would not result in a negative impact on a scenic resource (*no impact*).
- c) Development of the Project site as proposed would result in the construction of two 23-story towers in an area where existing building heights are generally two- to three-stories (see **Exhibit B – Site Context Photographs**). The proposed structures would tower over surrounding buildings, and would replace several existing low-rise structures. This would represent a major change in the existing visual character of this portion of Oakland. However, the current General Plan encourages high-rise construction in downtown Oakland. The location, size, design and operating characteristics of the proposed Project will be subject to the City's Design Review process to ensure that the Project will be as attractive as the nature of the use and its location and setting warrant. Several high-rise structures have previously been built in the vicinity of the Project site. Viewed within the context of other new development in the area, the Project would not substantially degrade the existing character of the site or the surrounding area (*no impact*).
- d) The development of two residential towers at the Project site as proposed would result in the creation of a new source of light or glare, since these towers would replace existing structures at the site that generate relatively little light or glare. Exterior lighting, windows that would be illuminated at night or reflect sunlight

during the day, and the use of building materials that may reflect sunlight during the day have the potential to create a new source of substantial light or glare. The Project would focus exterior lighting toward the buildings (rather than direct exterior lights to illuminate the sky above the buildings), and would employ low-reflective glass and building materials to reduce potential light and glare effects associated with the proposed structures. To ensure that no new source of substantial light or glare is introduced by the proposed Project, the following City of Oakland Standard Condition of Approval would apply:

Std. Cond. 1: The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

Compliance with the standard condition described above would ensure that adverse effects of light or glare on day or nighttime views in the area would be reduced to a level of *less than significant*.

- e) Based on Project landscape plans for street level, the fourth floor level, and the twentieth floor level, there are no landscaping elements associated with the proposed development of the Project site that would cast any shadows on existing solar collectors (*no impact*).
- f) The structures proposed at the Project site are considerably taller and more massive than surrounding structures, and would cast shadows over the surrounding area that could affect the ability of other buildings in the vicinity to collect solar energy, a ***potentially significant*** impact. The EIR will evaluate the extent of shadows generated by the Project structures on existing solar collectors.
- g) The structures proposed at the Project site would cast shadows over the surrounding area, including the Chinese Garden Park located directly across Harrison Street from the Project site, a ***potentially significant*** impact. The EIR will evaluate the extent of shadows generated by the Project structures on the public park.
- h) Given the height and mass of structures proposed at the Project site, it is possible that some buildings in the area that could be considered historic structures under CEQA could be shadowed at times, a ***potentially significant*** impact. The EIR will evaluate the extent of shadows generated by the Project structures on historic resources.
- i) Development of the Project site as proposed would not require any exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code addressing the provision of adequate light related to appropriate uses (*no impact*).
- j) As the height of structures proposed at the Project site exceeds 200 feet, the Project may generate ground-level winds, which could represent a ***potentially significant*** impact. The EIR will present a wind analysis, as the Project site is located in Downtown Oakland and the height of proposed structures exceeds 100 feet.

**Source:**

Project Description and Plans

Field Survey

List of Officially Designated State Scenic Highways, Caltrans website, access July 12, 2007 at <http://www.dot.ca.gov/hq/LandArch/scenic/schwyr1.html>.

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

**Explanation:**

The Project site is located in a densely populated urban area (Downtown Oakland), and is currently developed, with portions of the site paved with blacktop. The Project site is designated as Central Business District (CBD) in the General Plan Land Use and Transportation Element (LUTE), and zoned C-40 (Community Thoroughfare Commercial Zone), designations not intended to support agricultural activity. There would be *no impact* to agricultural resources as a result of this Project.

**Source:**

Oakland General Plan, Land use and Transportation Element, March 1998.

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
<b>III. AIR QUALITY --</b> Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Frequently create substantial objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour Pursuant to BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which (1) vehicle emissions of CO would exceed 550 lb/day; (2) intersections or roadway links would decline to LOS E or F; (3) intersections operating at LOS E or F will have reduced LOS; or (4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Result in total emissions of ROG, NO <sub>x</sub> , or PM <sub>10</sub> of 15 tons per year or greater or 80 pounds (36 kilograms) per day or greater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in potential to expose persons to substantial levels of Toxic Air Contaminants (TAC), such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Result in a substantial increase in diesel emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cumulative Impacts

- k) A project’s contribution to cumulative impacts is considered “considerable” (i.e., significant) when the project results in any individually significant impact?
- l) Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan? When the general plan fundamentally conflicts with the regional air quality plan, then if the contribution of the proposed project is cumulatively considerable, when analyzed the impact to air quality should be considered significant.

**Explanation:**

a) The uses proposed at the Project site comply with the existing zoning and General Plan designation for the site. The City of Oakland General Plan is consistent with the BAAQMD’s Air Quality Plan. Therefore, the proposed Project would not conflict with any applicable air quality management or clean air plans (*no impact*).

b) **Construction Impacts:**

During construction, the project would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. Project-related construction activities would include demolition, site preparation, earthmoving and general construction activities. Emissions generated from these activities include dust (including particles that are 10 microns or less in diameter [PM-10] and particles that are less than 2.5 microns in diameter [PM-2.5]) primarily from “fugitive” sources, such as soil disturbance, combustion emissions of criteria pollutants (reactive organic gases[ROG], nitrogen oxides [NOx], carbon monoxide [CO], sulfur oxides [SO<sub>x</sub>], and PM-10) primarily from operation of construction equipment and from worker vehicles; and evaporative emissions (ROG) from asphalt paving and architectural coating applications.

Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines recognize that construction equipment emits ozone precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans. Therefore, construction emissions of ROG and NOx are not expected to impede attainment or maintenance of ozone standards in the Bay Area. The impact of construction equipment exhaust emissions would, therefore, be *less than significant*.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and as a result, local visibility and PM-10 and PM-2.5 concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM-10, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts. The BAAQMD’s approach to analyses of fugitive dust emissions from construction is to emphasize implementation of effective and comprehensive dust control measures rather than detailed quantification of

emissions. The District considers any project's construction-related impacts to be less than significant if the required dust control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. In the case of the Project, residential land uses are located adjacent to the Project site. The proposed Project would be subject to the measures approved by the BAAQMD (listed below), which are uniformly applied by the City as Standard Conditions of Approval, and which could reduce the impact of fugitive dust emissions to a level of less than significant.

Std. Cond. 2: During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- 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).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day of visible soil material is carried onto adjacent paved roads.
- Limit the amount of disturbed area at any one time, where feasible.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as feasible.
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speed on unpaved roads to 15 miles per hour.
- Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

Std. Cond. 3: To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1, provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of

the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.

- Perform low-NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

As required for all development projects involving demolition of existing buildings, the project applicant would be required to implement and comply with the following uniformly-applied Standard Condition of Approval, which would help reduce the potential for public health hazards associated with airborne asbestos fibers or lead dust to a level of less than significant:

Std. Cond. 4: If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including, but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

Std. Cond. 5: If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead-based paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS Regulation 17 CCR Sections 35001 through 36100, as may be amended.

### **Operational Impacts:**

Once complete and occupied, the proposed Project would generate emissions of criteria pollutants primarily as a result of increased motor vehicle traffic. However, traffic associated with the Project would not be expected to generate emissions that would exceed the BAAQMD CEQA Guidelines screening threshold of significance for operational emissions, based on the number of residential units and area of non-residential space proposed at the site (Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, December 1999, page 25, Table 6, which indicates that residential development that does not exceed 510 apartment units would not be likely to generate 80 pounds of oxides of nitrogen [NOx] per day). Because development of the Project site as proposed would generate more than 2,000 vehicle trips per day, however, additional analysis of emissions associated with Project-related traffic was conducted. Using the manual modeling procedures in the BAAQMD CEQA Guidelines, at Project completion the level of Project-related trip generation (estimated at 2,521 trips per day, minus 42 existing trips per day currently generated at the Project site = 2,479 trips per day) would generate approximately 17 pounds of Reactive Organic Gases (ROG) per day (BAAQMD threshold of significance = 80 pounds per day), approximately 40 pounds of NOx per day (BAAQMD threshold of significance = 80 pounds per day), approximately 18 pounds of particulate matter (PM-10) per day (BAAQMD threshold of significance = 80 pounds per day), and approximately 254 pounds of carbon monoxide (CO) per day (BAAQMD threshold of significance = 550 pounds per day). According to the BAAQMD CEQA Guidelines threshold of significance for operational emissions, these post-construction, traffic-related emissions associated with the Project would be considered *less than*

*significant*. The Air Quality Modeling Information attachment provides details on inputs used in the manual modeling of Project-related emissions.

Although the Project would not be expected to generate traffic levels that would result in emissions that would exceed the BAAQMD CEQA Guidelines threshold of significance for operational emissions, the Project would contribute traffic to intersections where the level of service would decline to LOS E or F, or have a reduced LOS. Manual calculations carried out using the CALINE4 modeling methodology in the BAAQMD CEQA Guidelines (December 1999) indicate that:

- Current one-hour carbon monoxide concentrations at the intersection of Sixth Street and Jackson Street during the AM peak hour are approximately 4.85 ppm, and current eight-hour concentrations of carbon monoxide at that intersection are approximately 5.19 ppm (the current ambient air quality standard for carbon monoxide is 20 ppm for the one-hour averaging time, and 9 ppm for the eight-hour averaging time).
- For year 2010 conditions with the Project at the same intersection during the AM peak hour, modeled carbon monoxide concentrations were 2.46 ppm for the one-hour averaging time and 2.36 ppm for the eight-hour averaging time.

The modeling indicates that development of the Project site as proposed would not result in an increase in carbon monoxide concentrations at congested intersections in the vicinity of the Project site, and the impact would be *less than significant*. The Air Quality Modeling Information attachment provides details on inputs used in the manual modeling of Project-related emissions.

### **Greenhouse Gas Emissions and Global Climate Change:**

There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the Earth's surface warm by trapping heat in the Earth's atmosphere, in much the same way as glass in a greenhouse. While many studies show evidence of warming over the last century, and predict future global warming, the causes of such warming and its potential effects are far less certain. In its "natural" condition, the greenhouse effect is responsible for maintaining a habitable climate on Earth, but human activity has caused increased concentrations of these gases in the atmosphere, thereby contributing to an increase in global temperatures. Carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone (O<sub>3</sub>), and water vapor (H<sub>2</sub>O) are the principal GHGs, and when concentrations of these gases exceed the natural concentrations in the atmosphere, the greenhouse effect may be enhanced. Without these GHGs, Earth's temperature would be too cold for life to exist. CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O occur naturally as well as through human activity. Of these gases, CO<sub>2</sub> and CH<sub>4</sub> are emitted in the greatest quantities from human activities. Emissions of CO<sub>2</sub> are largely by-products of fossil fuel combustion, whereas CH<sub>4</sub> results from off-gassing associated with agricultural practices and landfills. Man-made GHGs – with much greater heat-absorption potential than CO<sub>2</sub> – include fluorinated gases such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF<sub>6</sub>) which are byproducts of certain industrial processes.

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



On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, establishing statewide GHG emission reduction targets. This EO provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent of 1990 levels. On August 31, 2006, the California Assembly passed Bill 32 (AB 32 – signed into law on September 27, 2006), which commits California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the California Air Resources Board (CARB) to establish regulations to achieve these goals. By January 1, 2008, CARB is also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which must be achieved by 2020. By January 1, 2011, CARB is required to adopt rules and regulations, which shall become operative on January 1, 2012, to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

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

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

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

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

SB 97 requires the Governor's Office of Planning and Research ("OPR") to prepare CEQA guidelines for the mitigation of GHG emissions, including, but not limited to, effects associated with transportation or energy consumption. OPR must prepare these guidelines and transmit them to the Resources Agency by July 1, 2009. The Resources Agency must then certify and adopt the guidelines by January 1, 2010. OPR and the

Resources Agency are required to periodically review the guidelines to incorporate new information or criteria adopted by ARB pursuant to the Global Warming Solutions Act, scheduled for 2012.

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

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

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

- Uncertainties regarding human activities and climate change and the potential human activities that may reverse global warming trends.
- Lack of guidance for analysis of climate change issues in CEQA documents.
- Lack of methodology for evaluating GHGs, specifically determining the incremental increase in GHG emissions for an individual project, the impacts of a particular development project on global climate change, and the significance of any such impacts under CEQA.
- Lack of methodology for determining whether GHG emissions from an individual project are significant.
- Lack of scientific basis to accurately project future climate trends, much less the likely adverse environmental impacts resulting from those trends in any specific location.

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

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

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

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

Although it is possible to generally estimate a project's contribution to CO<sub>2</sub> into the atmosphere, it is a matter of speculation whether that project increases existing levels of GHGs globally or in the State of California. Moreover, even if it is assumed that a project does create an incremental increase in those emissions, it is typically not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment, given the considerations discussed above.

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

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

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

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

- Removal of Vegetation – The net removal of vegetation for construction results in a loss of carbon sequestration in plants. Alternately, planting of additional vegetation would result in additional carbon sequestration and lower carbon footprint of the Project.

- Construction Activities – Construction equipment typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as carbon dioxide, methane, and nitrous oxide. Furthermore, methane is emitted during the fueling of heavy equipment.
- Gas, Electricity and Water Use – Gas use results in the emissions of two GHGs: methane (the major component of natural gas) and carbon dioxide from the combustion of natural gas (as before a flame on a stove is sparked), and from small amounts of methane that is uncombusted in a natural gas flame. Electricity use can result in GHG production if the electricity is generated by combusting fossil fuel. California’s water conveyance system is energy-intensive, with electricity used to pump and treat water.
- Motor Vehicle Use – Transportation associated with the proposed Project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips.

While the proposed Project and all development of similar land use would generate GHG emissions as described above, the City of Oakland’s ongoing implementation of its Sustainability Community Development Initiative and other programs/policies will collectively reduce the levels of GHG emissions and contributions to global climate change attributable to activities throughout Oakland.<sup>1</sup>

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

- City of Oakland- According the Pedestrian Master Plan, the City of Oakland has the highest walking rates for all cities in the nine-county San Francisco Bay Region. It is noted that these high pedestrian trips are likely because the neighborhoods are densely populated and well served by transit, including Bay Area Rapid Transit (BART), AC Transit, Amtrak, and the Alameda Ferry. As such, the Project would reduce transportation-related GHG emissions compared to emissions from the same level of development elsewhere in the outer Bay Area.
- Energy Efficiency – The proposed Project would be required to comply with all applicable local, state, and federal regulations associated with the generation of GHG emissions and energy conservation. In particular, construction of the proposed Project would also be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, and the requirements of pertinent City policies as identified in the City of Oakland General Plan, helping to reduce future energy demand as well as reduce the Project’s contribution to regional GHG emissions.

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<sup>1</sup> The City of Oakland has adopted legislation related to sustainability and reduction of GHG Emission’s which include: the Climate Protection Ordinance, Construction and Demolition Recycling Ordinance, Green Building Ordinance, Green Fleet Resolution, Waste Reduction Resolution, Chicago Climate Exchange Resolution, Zero Waste Resolution, and the Oil Independence Resolution. Current City of Oakland programs that reduce GHG Emissions include: California Youth Energy Services, Residential and Business Recycling, encouraging Transit Village Development Plans, implementation of the Pedestrian and Bicycle Master Plans.

- Construction Waste – The proposed Project will be required to comply with the Construction and Waste Reduction Ordinance and submit a Construction and Demolition Waster Reduction Plan for review and approval. As a result, construction-related truck traffic, which primarily have diesel fueled engines, would be reduced since demolition debris hauled off site would be reused on site. In addition, reuse of concrete, asphalt, and other debris will reduce the amount of material introduced to area landfills.
  - Urban Infill near Multiple Transit Modes - The Project would develop high-density housing within ¼ mile of at least two modes of transit (BART and AC Transit routes) and within an area developed with pedestrian facilities. Therefore, the Project would facilitate walking and non-vehicular travel to a greater extent than would be the case for similar development in outlying areas without extensive transit availability. In addition, the high-density development would include a greater number of potential residents that could potentially utilize or engage in alternative modes of travel than in a lower density development on the Project site.
- c) Routine emissions from the Project’s future residential and commercial uses are not expected to rise to the level where they would contribute cumulatively considerable levels of criteria pollutants. Implementation of City of Oakland Standard Conditions of Approval related to construction-period emissions (see Item b, Standard Conditions 2-5 above) would reduce the Project’s contribution of criteria pollutants to a level of less than cumulatively considerable (less than significant) during construction. Project-related operational emissions associated with additional motor vehicle trips would be considered less than significant under BAAQMD significance criteria, so would not contribute cumulatively considerable levels of criteria pollutants (*a less than significant* cumulative impact). Other potential air quality effects associated with the operation of the proposed structures could be related to the vehicle exhaust generated within the on-site parking areas and the day-to-day use of residential units (e.g., generation of fumes from cooking, smoking, maintenance activities, etc.). The provision of adequate venting in parking areas and installation of appropriate heating, ventilation and air conditioning equipment in compliance with current Building Code requirements would be expected to reduce any potentially adverse air quality effects associated with day-to-day use of the proposed structures themselves to a level of less than significant, and these operational emissions would not represent a cumulative considerable contribution to emissions of criteria pollutants in the area.
- d) Routine emissions from future residential and commercial uses associated with the Project are not expected to rise to the level where they would expose sensitive receptors to substantial pollutant concentrations, as appropriate venting of parking areas within the structures and installation of HVAC equipment to comply with current Building Code requirements would reduce potential air quality effects associated with normal building operations to a level of less than significant.. Implementation of City of Oakland Standard Conditions of Approval related to construction-period emissions (see Item b, Standard Conditions 3-5 above) would reduce construction period impacts on sensitive receptors to a level of less than significant. The effect of Project operations vehicle emissions would have a *less than significant* impact on sensitive receptors.

Future residential uses at the Project site are proposed within approximately 60 feet of the edge of the I-880 freeway, potentially exposing future residents to substantial levels of Toxic Air Contaminants (i.e., diesel emissions). The California Air Resources Board (CARB) has developed guidelines to be considered in the siting of new sensitive land uses (including residential uses) to protect keep vulnerable populations from the adverse health impacts of traffic-related emissions. These guidelines are not regulatory nor binding on local agencies. Specifically, CARB’s advisory recommendation for sensitive land uses proposed near freeways and high-traffic roads is to “[a]void siting new sensitive land uses within 500 feet of a freeway, urban roads with

100,000 vehicles/day, or rural roads with 50,000 vehicles/day” Sensitive uses would include residences, day care centers, playgrounds or medical facilities. However, CARB also recognizes that there is no “one size fits all” solution to land use planning, and that in addressing housing and transportation needs, the benefits of urban infill, community economic development priorities and other quality of life issues are also important and these must be considered and weighed by local decision makers when siting projects.

The primary pollutant of concern for residents that would be living close to the adjacent freeway are diesel particulate matter (DPM) and particulate matter less than 10 microns in size (PM-10). It is important to note that the emissions generated by vehicles moving along the freeway are **not** the result of the proposed Project, but rather future residents could be exposed to emissions generated by these vehicles due to the proximity of their homes to the existing freeway. There are currently many other residences within 500 feet of I-880 in this portion of downtown Oakland, and many other sensitive uses within 500 feet of freeways throughout Oakland and other communities throughout California.

In order to ensure that residents living at the Project site will not be exposed to excessive levels of DPM or PM-10 in their homes, the Project will incorporate a centralized ventilation (filtration) system with a minimum efficiency reporting value (MERV) 13 and efficiency consistent with American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) 52.2 standards. Studies have indicated that a MERV 13 filtration system consistent with ASHRAE 52.2 standards has the potential to remove between 75 percent and 90 percent of particulate emissions<sup>2</sup>. A MERV 13 filtration system is consistent with filtration systems used in hospitals and elementary schools to protect the most vulnerable populations from adverse air quality impacts. Intakes for the filtration system will be located in areas which are physically separated, and as far away as possible, from the freeway, in order to further reduce potential adverse air quality effects to Project residents.

Based on information provided by the Project applicant, each residential unit proposed will be supplied with outside air for ventilation, between 200-400 cubic feet per minute (CFM) of outside air per unit for ventilation (the volume would depend on the size of the unit and whether there is a re-circulating kitchen hood or a vented kitchen hood). Each residential unit will also have a way to relieve the outside air being introduced into it. This can be achieved through sound attenuated Z-ducts or continuously running scavenger fans. The proposed building will have two air handling units (AHU) rated at approximately 45,000 CFM each, with pre-filters, final filters and carbon panels for the removal of the diesel contaminants and PM-10. The filters will need to be changed two or three times each year.

Installation, operation, and on-going maintenance of a MERV 13 filtration system at the Project site consistent with that proposed by the Project would be expected to reduce the potential for exposure of those living in residential units at the Project site to substantial pollutant concentrations to a level of *less than significant*.

- e) The proposed land uses (e.g., residential, retail, office) are consistent with the uses of the surrounding vicinity, and are not expected to generate objectionable odors affecting a substantial number of people. Although some heavy equipment involved in site preparation and construction activity at the Project site may emit diesel fumes, potential odor effects associated with these activities would be temporary and intermittent, and would end with completion of construction (*less than significant*).

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<sup>2</sup> HPAC Engineering, 2006

- f) As indicated in b), above, the Project would not be expected to generate traffic levels that would result in emissions that would exceed the BAAQMD CEQA Guidelines screening threshold of significance for operational emissions.
- g) As indicated in b), above, the Project would not be expected to generate traffic levels that would result in emissions that would exceed the BAAQMD CEQA Guidelines screening threshold of significance for operational emissions (*less than significant*).
- h) As indicated in c), above, future residential uses at the Project site are proposed within approximately 60 feet of the edge of the I-880 freeway, potentially exposing future residents to substantial levels of Toxic Air Contaminants (i.e., diesel emissions). Installation, operation, and on-going maintenance of a MERV 13 filtration system at the Project site would reduce potential exposure of those living in residential units at the Project site to substantial pollutant concentrations to a level of *less than significant*.

Construction activities, which are discussed above, may result in some emission of Toxic Air Contaminants; however, implementation of City of Oakland Standard Conditions of Approval (see Item b, Standard Conditions 3-5 above), would ensure that construction emissions remain *less than significant*.

- i) Uses proposed at the Project site (e.g., residential, retail, office) are not expected to result in significant ground level concentrations of Toxic Air Contaminants. The proposed Project is consistent with the current General Plan and zoning designation of the Project site. Construction activities, which are discussed above, may result in some emission of Toxic Air Contaminants; however, implementation of City of Oakland Standard Conditions of Approval (see Item b, Standard Conditions 2-5 above), would ensure that construction emissions remain *less than significant*.
- j) The uses at the Project site are not anticipated to generate significant diesel emissions from operations. Commercial uses that might rely on diesel trucks for deliveries represent a minor component of the Project and would be unlikely to generate substantial diesel emissions. Construction activities, which are discussed above, would result in some diesel emissions; however, implementation of City of Oakland Standard Conditions of Approval (see Item b, Conditions 2-4 above), would ensure that construction period diesel emissions remain *less than significant*.
- k) No air quality impacts associated with the Project as proposed have been identified as significant or potentially significant, above, so the Project would not have a cumulatively considerable adverse impact on air quality (*no impact*).
- l) The Project as proposed would not result in any fundamental conflict with the City's General Plan, and the City's General Plan does not fundamentally conflict with the regional air quality plan (*no impact*).

**Source:**

Bay Area Air Quality Management District, CEQA Guidelines, December 1999.

City of Oakland, Jack London Square Residential Tower Initial Study and Environmental Review, March 27, 2006.

Heating Piping Air Conditioning (HPAC) Engineering, "Interpreting Filter Performance", 2006.

Project Description and Plans

City of Oakland Initial Study  
325 7<sup>th</sup> Street Project

Field Survey



Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
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**IV. BIOLOGICAL RESOURCES** - - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native or wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances. Factors to be considered in determining significance include: The number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees.  Protected trees include the following: Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.

- g) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of riparian and aquatic habitat through: a) discharging a substantial amount of pollutants into a creek; b) significantly modifying the natural flow of the water; c) depositing substantial amounts of new material into a creek ,or causing substantial bank erosion or instability; or d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
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**Explanation:**

- a) The Project site is fully developed and nearly entirely covered with impervious surfaces (roofs, blacktop, etc.). Development of the Project site as proposed would have no impact on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.
- a) The Project site is currently developed with existing structures and surface parking lots. There are no identified riparian areas or other sensitive habitat on the Project site (*no impact*).
- b) The Project would not have a substantial adverse effect on any protected wetlands as defined by Section 404 of the Clean Water Act, as there are no such wetlands at the Project site or in the vicinity of the Project site (*no impact*).
- c) Development of the Project site as proposed would not interfere substantially with the movement of any native resident or migratory wildlife species, as it is located in a high-density urban area where such species are not commonly found. However, there is concern that the development of two relatively tall residential towers at the Project site could result in increased migratory bird mortality. Given the location of the Project site directly adjacent to a major freeway, and the existing level of motor vehicle traffic, the Project site is unlikely to be part of an established native resident or migratory wildlife corridor. As with any building (new or existing, single-story or multi-story), a possibility exists that birds may collide with the proposed residential towers at the Project site. However, substantial interference with the Pacific Flyway is not expected, given the existing built-up environment in the surrounding area and the distance of the Project site from Lake Merritt (approximately one-half mile). Landscaping proposed at the Project site is unlikely to provide a significant attraction for geese and other birds.

The Project site is located in a densely developed urban area with no habitat value to flora or fauna. The site is fully developed and nearly entirely covered with impervious surfaces (roofs, blacktop, etc.). There is one tree located along the Seventh Street frontage of the Project site, and one tree located along the Harrison Street frontage of the Project site that would be removed to enable development of the Project site as proposed. Although it is unlikely that these isolated trees located in an urban environment would support nesting raptors or other birds, the following City of Oakland Standard Condition of Approval would apply:

Std. Cond. 6: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates that potential presences 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 a biologist in consultation with the CDFG, 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.

Implementation of the above Standard Condition would reduce potential impacts to nesting birds to a level of *less than significant*.

- d) Development of the Project site as proposed would not conflict with any applicable habitat conservation plan or natural community conservation plan, as no such plans apply to the Project site (*no impact*). No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan is currently in force at the Project site, and development of the Project site as proposed would not conflict with such plans (*no impact*).
- e) Development of the Project site as proposed would not conflict with the City's Tree Preservation and Removal Ordinance, since the applicant would comply with the Tree Preservation and Removal Ordinance. There are two street trees that are proposed for removal to enable development. One is a liquid amber tree approximately 20 inches dbh along the Seventh Street frontage (which meets the definition of a protected tree due to its diameter) and the other is a *Lophostemon confertus* (formerly known as *Tristania conferta*, or Brisbane Box) approximately 8 inches dbh growing in a driveway along the Harrison Street frontage. Both trees are in good condition, although the larger tree has damaged the adjacent sidewalk. Given the size of these two trees, their proximity to construction activity that would be necessary to create the proposed underground parking area, and the City's current policy to remove large street trees that have the potential to damage sidewalks, curbs or streets, it is not practical to preserve these trees in place. The proposed Project would incorporate 10 new street trees along the frontages on Seventh Street, Harrison Street and Sixth Street, and such trees shall be selected and installed in accordance with the allowances prescribed by the Oakland Parks and Recreation Department, Tree Section. The following City of Oakland Standard Condition of Approval would apply:

Std. Cond. 7: Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

1. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
  2. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
  3. Replacement trees shall be of at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
  4. Minimum planting areas must be available on site as follows:
    - For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
    - For all other species listed in #2 above, seven hundred (700) square feet per tree.
  5. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
  6. Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.
- f) Implementation of the above Standard Conditions would reduce impacts associated with the removal of two trees (including one protected tree) at the Project site to a level of *less than significant*. Development of the Project site as proposed would not fundamentally conflict with the City of Oakland Creek Protection Ordinance, as there are no creeks that would be adversely affected by development at the Project site (*no impact*).

**Source:**

City of Oakland Tree Preservation and Removal Ordinance (OMC Chapter 12.36)

City of Oakland, Jack London Square Residential Tower Initial Study and Environmental Review, March 27, 2006.

U.S. Fish and Wildlife Service, "Migratory Bird Mortality", January 2002.

Project Description and Plans

City of Oakland Initial Study  
325 7<sup>th</sup> Street Project

Field Survey

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
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**V. CULTURAL RESOURCES -- Would the project?**

a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of an historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Explanation:**

- a) Implementation of the Project as proposed would require demolition of existing buildings at the Project site, although one residential building located at the Project site which may be considered an historic resource would be relocated intact to another site in West Oakland. No buildings proposed for demolition are considered “historic resources” as defined in CEQA Guidelines Section 15064.5 nor are any of the buildings to be demolished at the Project site considered historic resources under City of Oakland definition.

The City of Oakland defines an historical resource under CEQA as one that meets the following criteria:

- a. A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources
- b. A resource included in Oakland’s Local Register of Historical Resources (which includes all Designated Historic Properties [Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties], and those

Potential Designated Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance), unless the preponderance of evidence demonstrates that it is not historically or culturally significant;

- c. A resource identified as significant (e.g., rated 1-5) in a historical resource survey recorded on Department of Parks and Recreation Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- d. Any object, building, structure, site area, place, record, or manuscript which the Oakland City Council determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record. Generally, a resource is considered “historically significant” if it meets the criteria for listing on the California Register of Historical Resources CEQA Guidelines Section 15064.5; or
- e. A resource that is determined by the City Council to be historically or culturally significant even though it does not meet the other four criteria listed here.

**Historic Resources within the Project Site:**

Conclusions regarding historic resources within the Project site are as follows:

- No structures at the Project site have been listed, or been determined to be eligible for listing in the California Register of Historical Resources.
- One structure at the Project site (currently located at 617-621 Harrison Street) has been identified as “C1+” (secondary importance, built before 1906) in the Oakland Cultural Heritage Survey, and identified as a “contributor” to the Area of Primary Importance Seventh Street Residential District (Area 7R). This structure would be included in Oakland’s Local Register of Historical Resources under City of Oakland criteria, and is proposed for relocation, rather than demolition. None of the other structures are considered to be on the Local Register.
- No structure or other resource at the Project site has been identified by the Oakland City Council as historically significant, or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Impacts associated with the proposed demolition of the existing structures at the Project site, and the proposed relocation of the existing residential structure at 621 Harrison Street (which has been identified as an “historic resource” – see additional discussion, below), would be regarded as *less than significant*.

### **Potential Impacts to “Contributor” Building on the Project Site**

Under CEQA Guidelines Section 15064.5 (b), a project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment. Substantial adverse change in the significance of an historical resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of an historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources.
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

The residential structure currently located at 621 Harrison Street would be moved to a location in West Oakland, in the vicinity of 14<sup>th</sup> Street and Peralta Street. Relocation of this structure as proposed would preserve the historical integrity of the building, and no direct impacts to this resource would occur. However, this building would be removed from the API where it has been identified as a “contributor” (see discussion below).

### **Potential Impacts to Adjacent Buildings**

According to the Oakland Cultural Heritage Survey (OCHS), a portion of the Project site (an approximately 1-parcel depth along Harrison Street) is located in an “Area of Primary Importance” (Area 7R). One building adjacent to the Project site located along Harrison Street near Sixth Avenue (#611) has been listed on the OCHS as “C1” (secondary importance, built before 1906) and identified as a “contributor” to the API. A second building (#607) has been listed as “Dc” (minor importance) but also a “contributor (if restored)”. Development of the Project site as proposed would leave these two structures (and a third at the corner of Harrison Street and Sixth Avenue that has not been rated under the OCHS), intact.

These two adjacent historic resources would generally retain the integrity of their location, design, materials, workmanship, and association from their period of significance. Although they would remain standing adjacent to a much more imposing modern structure (the Project), the historical significance of these structures would not be “materially impaired” as a result of Project development, since the physical characteristics of these resources that convey their historical significance and justify their listing on the OCHS would not be changed.



Since the Project would involve construction adjacent to a CEQA Historic Resource, the following Standard Condition of Approval would apply:

Std. Cond. 8: The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the building at 611 Harrison Street and design means and methods of construction that shall be utilized to not exceed the thresholds.

### **Potential Impacts to the Surrounding Area of Primary Importance**

The extent of the 7<sup>th</sup> Street Residential District Area of Primary Importance (API 7R) is approximately 2 blocks wide (between 6<sup>th</sup> Street and 8<sup>th</sup> Street) and approximately 5 blocks long (from Harrison Street to Fallon Street). Within this API (see Exhibit H: 7<sup>th</sup> Street Residential District), there are approximately eighty (80) separate properties that are identified as contributors, and two properties (including the Chinese Garden Park) identified as Primary Contributors. The most northerly edge of this API extends 1 parcel deep into the block on which the Project site is located, and includes 3 properties (#'s 607, 611 and 621 Harrison). Under the proposed Project, two of these properties would remain as continuing contributors to the API, and one property (621 Harrison) would be removed and relocated. Within the context of Section 106 of the National Historic Preservation Act, the Area of Potential Effect (APE) for a project is the area in which planned development may directly or indirectly affect the cultural resource, or may cause changes in the character or use of historic properties. In this instance, the Seventh Street API could be considered the APE for this Project, although this Project is, technically, not subject to Section 106 standards (since there are no federal funds involved in implementing the proposed Project). Given that the large majority (more than 98 percent) of the contributing structures located within the API would remain intact in their current locations following Project implementation (since only one of the eighty existing contributing structures within the API would be removed for preservation elsewhere), and that the one contributing structure to be removed is currently located at the outermost edge of the 7<sup>th</sup> Street API, relocating this residential structure as proposed would be regarded as a *less than significant* cumulative impact on the integrity of the API as an historic resource.

The area to which the residential building currently located at 621 Harrison Street would be relocated (in the vicinity of 14<sup>th</sup> Street and Peralta Street, in West Oakland) is part of the Oakland Point residential district, an area of about 47 city blocks. The Oakland Historic Resources Inventory indicates that this district includes 845 properties, of which about 750 are wood-framed buildings erected before 1910. The structure currently located at 621 Harrison Street is a wood-framed structure that was built during the same period as those buildings located within the Oakland Point District, and a similar residential structure was relocated from the Project site to a parcel in the same portion of the Oakland Point District earlier in 2007. The proposed relocation would place the structure currently located at 621 Harrison Street within an API comprised of similar structures, one of the most intact Victorian neighborhoods in Oakland. Therefore, the relocation of the structure at 621 Harrison Street to this historic district would result in a *less than significant* impact.

- b) No archaeological resources are known to exist within the Project area. However, the possibility of discovery of buried archaeological resources during site preparation and construction activities exists. The following City of Oakland Standard Condition of Approval regarding the discovery of buried archaeological resources would apply to the Project. Compliance with this Condition would ensure that potential impacts to archaeological resources associated with the proposed Project would be reduced to a level of *less than significant*:

Std. Cond. 9: Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing

activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

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

- c) No paleontological resources are known to exist within the Project area. However, the possibility of discovery of buried paleontological resources during site preparation and construction activities exists. The following City of Oakland Standard Condition of Approval regarding the discovery of buried paleontological resources would apply to the Project. Compliance with this Condition would ensure that potential impacts to paleontological resources associated with the proposed Project would be reduced to a level of *less than significant*:
- Std. Cond. 10: In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- d) No human remains are known to exist within the Project area. However, the possibility of discovery of buried human remains during site preparation and construction activities exists. The following City of Oakland Standard Condition of Approval regarding the discovery of buried human remains would apply to the

Project. Compliance with this Condition would ensure that potential impacts to human remains associated with the proposed Project would be reduced to a level of *less than significant*:

Std. Cond. 11: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**Source:**

Project Description and Plans

Field Survey

Oakland Cultural Heritage Survey, Seventh Street/Harrison Square Residential District, Historic Resources Inventory continuation pages 1 through 20 of 254

Oakland Cultural Heritage Survey, Historic Resources Inventory – Oakland Point District; also Prescott Neighborhood

City of Oakland Historic Preservation Programs – A Summary for Property Owners and Interested Citizens

**VI. GEOLOGY AND SOILS** – Would the project:

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publications 42 and 117 and PRC §2690 et. Seq.)?

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creeks/waterways?

c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?

d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?

e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?

f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
i) 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 (refer to Division of Mines and Geology Special Publications 42 and 117 and PRC §2690 et. Seq.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation:**

- a) The Project site is located in a seismically active region. The closest fault (the Hayward Fault), is approximately four miles from the Project site. The Project site is not located within an Alquist-Priolo Special Studies zone. However, according to the Association of Bay Area Government's (ABAG) online interactive hazards mapping website, the Project site would be subject to very strong seismic ground shaking, and according to the Phase I Environmental Site Assessment prepared by Schutze & Associates, Inc., the site has a high liquefaction hazard potential. The Project site is located in a topographically flat, densely populated urban area, and would not be subject to instability resulting from a landslide.

The Project structures would be designed and constructed to meet the 1997 Unified Building Code (UBC) standards which require a seismic evaluation and particular seismic design criteria to reduce ground-shaking effects in structures. Although the potential for injury and damage from seismic ground shaking cannot be eliminated, adherence to the recommendations in the required geotechnical investigation, the UBC and other applicable codes would reduce the potential impact to a level of less than significant.

In accordance with standard City procedures, complying with the UBC standards, and incorporating a foundation design intended to minimize ground shaking and seismically-related ground failures, the Project applicant shall be required to submit an engineering analysis along with detailed engineering drawings to the City of Oakland Building Services Division prior to excavation, grading, or construction activities on the site. This is consistent with standard City of Oakland practices to ensure that all buildings are designed and built in conformance with the seismic requirements of the City of Oakland Building Code. The Project sponsor will be required to submit an engineering analysis report, along with detailed engineering drawings and relevant grading or construction activities on the Project site, to address constrains and incorporate recommendations identified in the geotechnical investigations. In addition, the required submittals would ensure that the buildings are designed and constructed in conformance with the requirements of all applicable building code regulations, pursuant to standard City procedures. Considering that the proposed Project would be constructed in conformance with the UBC and the City of Oakland Building Code, the risks of injury and structural damage from a known earthquake fault, ground shaking, or seismic-related ground failure would be reduced and the impacts would be *less than significant*.

The Project Applicant would be required to satisfy the following City of Oakland Standard Condition of Approval:

- Std. Cond. 12: a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval of the Building Services Division. Specifically:
- Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.
  - The investigation shall determine final design parameters for the walls, foundations, foundation slabs, and surrounding related improvements, and infrastructure (utilities, roadways, parking lots and sidewalks).

- The investigation shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, will be included in the final design, as approved by the City of Oakland.
  - The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.
  - Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.
  - Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to the commencement of the project.
  - A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.
- b) Tentative Tract or Parcel Map approvals shall require, but not be limited to approval of the Geotechnical Report.

Verification by the City of Oakland that this condition has been met, following City review and approval of the required design-level geotechnical investigation, would result in a *less than significant* impact with respect to ground shaking, unstable soils, and liquefaction potential.

- b) Although the Project site has been previously developed or paved, and there is little or no visible topsoil remaining, site preparation and construction activity associated with the proposed development could result in soil erosion or the loss of any remaining topsoil at the site. Potentially significant soil erosion could be reduced to a level of *less than significant* through the compliance with the following City of Oakland Standard Condition of Approval:

Std. Cond. 13: a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.
- c) Expansive soils may be present at the Project site. However, compliance with standard Conditions of Approval that require adherence to the Oakland Building Code would require an analysis of soil expansion potential and identification of appropriate remediation (e.g., compaction, removal/replacement, etc.) prior to using any expansive soils for foundation support. Compliance with the following City of Oakland Standard Condition of Approval would ensure that this potential impact would be reduced to a *level of less than significant*:
- Std. Cond. 14: A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils report shall be based, at least in part, on information obtained from on-site testing. Specifically, the minimum contents of the report should include:
- A. Logs of borings and/or profiles of test pits and trenches:
    - a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.
    - b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
    - c) All boring logs shall be included in the soils report.
  - B. Test pits and trenches
    - a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
    - b) Soils profiles of all test pits and trenches shall be included in the soils report.
  - C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.
  - D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.
  - E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:
    - a) Site description

- b) Local and site geology
  - c) Review of previous field and laboratory investigations for the site
  - d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building.
  - e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist.
  - f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required.
  - g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report.
  - h) All other items which a Soils Engineer deems necessary.
  - i) The signature and registration number of the Civil Engineer preparing the report.
- F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.
- d) The Project site has been previously developed, and according to the Phase I Environmental Site Assessment and the Phase II Subsurface Investigation, 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 as a result of the proposed development (*no impact*).
  - e) The Project site has been previously developed, and there is no evidence to suggest that the site had been previously used as a landfill. Development of the Project site as proposed would not result in the placement of any structures above landfills (*no impact*).
  - f) The Project site is currently served by municipal sewage systems, and development as proposed would continue to be served by these systems. The use of septic systems is not anticipated (*no impact*).

**Source:**

Project Description and Plans

Field Survey

City of Oakland, Jack London Square Residential Tower Initial Study and Environmental Review, March 27, 2006.



City of Oakland Initial Study

325 7<sup>th</sup> Street Project

Schutze & Associates, Inc., Phase I Environmental Site Assessment and Phase II Subsurface Investigation –  
325 Seventh Street, Oakland, California, May 23, 2006

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS -</b>					
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation:**

- a) Construction workers and future commercial tenants and visitors occupying newly constructed retail and office at the Project site facilities may be exposed to hazardous materials such as small quantities of gasoline, solvents, diesel fuel, oil and grease, hydraulic fluid, ethylene glycol, welding gases, and paint routinely used in construction or commercial operations. Improper management of hazardous materials or accidental release could pose a substantial hazard to human health and the environment. However, management of hazardous materials during construction and operations shall comply with applicable laws; therefore, this impact is considered *less than significant* with no mitigation warranted. The Project Applicant will also be required to comply with the following City of Oakland Standard Condition of Approval related to the handling of hazardous materials during construction activity to further reduce this potential effect:

Std. Cond. 15: The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction;
  - b) Avoid overtopping construction equipment fuel gas tanks;
  - c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
  - d) Properly dispose of discarded containers of fuels and other chemicals;
  - e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all USTs, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
  - f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Condition of Approval #19 (in this instance, the applicant has already submitted a Phase I and Phase II report, so the Standard Condition of Approval requiring the development of these reports would not apply), as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.
- b) As indicated in a), above, hazardous materials such as small quantities of gasoline, solvents, diesel fuel, oil and grease, hydraulic fluid, ethylene glycol, welding gases, and paint routinely used in construction or commercial operations may be present at the Project site. Improper management of hazardous materials or accidental release could pose a substantial hazard to human health and the environment. However, management of hazardous materials during construction and operations shall comply with applicable laws

(including Standard Condition of Approval #16, identified above); therefore, this impact is considered *less than significant* with no mitigation warranted.

- c) Although the Project site is located within one-quarter mile of Lincoln Elementary School, there is no known component of the Project that is anticipated to emit hazardous emissions or to result in the need to handle hazardous or acutely hazardous materials, substances, or waste (*no impact*).
- d) No portion of the Project site is included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (*no impact*).

The Phase I Environmental Site Assessment and the Phase II Subsurface Investigation prepared by Schutze & Associates, Inc. (May 23, 2006) indicates that groundwater contaminated with diesel and motor oil from off-site leaking underground storage tanks has migrated to the site. Likely sources of this contamination are the former junkyard and/or the current Erik Auto tech shop at 332 Sixth Street. Concentrations of 1.1 - DCE and 1.1.1 - TCA were detected at levels that exceed the Groundwater Screening Levels for these compounds at a portion of the site. The Phase II report recommended reporting the results of the Phase II Subsurface Investigation as required by city, county and state regulations, and also recommended a follow-up subsurface investigation to investigate the lateral and vertical extent of the two areas of groundwater contamination. No remediation activities were recommended.

Until the recommended follow-up subsurface investigation to determine the lateral and vertical extent of groundwater contamination at the Project site has been completed, it is uncertain whether or not remediation will be necessary. For this reason, the following Standard Conditions should be applied to the Project:

- Std. Cond. 16: The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau hazardous Materials Unit. Property owners may be required to obtain or perform a Phase II hazard assessment.
- Std. Cond. 17: Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase 1 environmental assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

If, after completion of the follow-up investigation recommended in the Phase II Subsurface Investigation prepared by Schutze & Associates, Inc., it is recommended that remedial action be taken to address groundwater contamination at the Project site, the following Standard Condition would be applicable:

- Std. Cond. 18: If the environmental site assessment reports recommend remedial action, the project applicant shall:
  - Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risks to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
  - Obtain and submit written evidence of approval for any remedial action if require by local, State, or federal environmental regulatory agency.

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

Compliance with these Standard Conditions would reduce risks associated with possible exposure to contaminated groundwater at the Project site to a level of *less than significant*.

In order to reduce the risk of exposure to other hazardous materials that may currently be present at the Project site, the Project will be required to comply City of Oakland Standard Condition of Approval #4 (related to asbestos-containing materials, above, in Section **III. Air Quality**), City of Oakland Standard Condition of Approval #5 (related to lead-based paints, above, in Section **III. Air Quality**), City of Oakland Standard Condition of Approval #16 (as it relates to encountering contaminated groundwater, above), and with the following City of Oakland Standard Conditions of Approval:

- Std. Cond. 19: The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.
- Std. Cond. 20: If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.
- Std. Cond. 21: If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.
- e) The Project site is not near a public airport or within an airport plan area (*no impact*).
- f) The Project site is not near any private airstrip (*no impact*).
- g) Development of the Project site as proposed would not impair implementation of, or physically interfere with, any adopted emergency response plan or emergency evacuation plan. The Oakland Fire Department is the first responder in an emergency. Standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any City streets. Specifically, the job site supervisor is required to call the Fire Department's dispatch center any day construction vehicles would partially or completely block a City street during construction. Therefore, assuming compliance with the City's notification requirements, Project construction would not significantly interfere with emergency response plans (e.g., the City of Oakland's Multi-Hazard Functional Plan, etc.). The portion of Harrison Street adjacent to the Project site has been identified as part of an evacuation route in the Safety Element map of the Central District. The volume of motor vehicle traffic generated from the Project site following development as proposed may affect the functioning of this evacuation route when in use, which could represent a ***potentially significant*** impact.
- h) There are no wildlands on site or adjacent that could pose a risk of wildland fires (*no impact*).

City of Oakland Initial Study

325 7<sup>th</sup> Street Project

**Source:**

Project Description and Plans

Field Survey

City of Oakland, Jack London Square Residential Tower Initial Study and Environmental Review, March 27, 2006

City of Oakland, DRAFT Multi-Hazard Functional Plan, 1993

Schutze & Associates, Inc., Phase I Environmental Site Assessment and Phase II Subsurface Investigation – 325 Seventh Street, Oakland, California, May 23, 2006

**VIII. HYDROLOGY AND WATER QUALITY** – Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create or contribute substantial runoff which would be an additional source of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a substantial risk of loss, injury or death involving flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Fundamentally conflict with elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation:**

- a) The proposed Project would not increase the amount of impervious surface, since the site is currently entirely covered with existing structures or pavement. Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. As indicated in Section **VII. Hazards and Hazardous Materials**, above, the Phase I Environmental Site Assessment and the Phase II Subsurface Investigation prepared by Schutze & Associates, Inc (May 23, 2006) indicate that groundwater contaminated with diesel and motor oil from leaking underground storage tanks off-site has migrated to the site, and that concentrations of 1,1 – DCE and 1,1,1 – TCA were detected at levels that exceed the Groundwater Screening Levels for these compounds at a portion of the site (likely sources of this contamination are the former junkyard and/or the current Erik Auto tech shop at 332 Sixth Street). If, after completion of the follow-up investigation recommended in the Phase II report, remediation of groundwater contamination is recommended, Standard Condition of Approval #18 (addressed in Section **VII. Hazards and Hazardous Materials**, above) would be applied to reduce risk of exposure to contaminated groundwater to a level of *less than significant*. Storage and use of hazardous materials at the Project site during construction activities would comply with best management practices (BMPs) as specified in the required Stormwater Pollution Prevention Plan (SWPPP), which would reduce potential impacts to stormwater quality associated with spills or leaks of hazardous materials during construction to a level of *less than significant*.

Additionally, future residents of the project could contribute pollutants into the stormwater runoff as a result of vehicular use, landscaping maintenance and other operational characteristics. Pesticides and herbicides related to landscape maintenance are potential sources of stormwater pollution. However, on-site landscaping would be minimal, and the proposed Project would not significantly increase the use of pesticides or herbicides, compared to existing conditions. The proposed Project would be required to comply with the City



of Oakland and Alameda County stormwater quality protection requirements. Potential stormwater quality impacts associated with the proposed Project are, therefore, considered *less than significant*.

Potentially significant Project-related stormwater contamination would be reduced to a level of *less than significant* through the effective implementation of City of Oakland Standard Conditions of Approval (#14, above, and the following):

Std. Cond. 22: The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued by the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

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

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

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

- Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
- Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures.
- All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

(Prior to Final Permit Inspection) The applicant shall implement the approved stormwater pollution management plan.

- Std. Cond. 23: For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement", in accordance with Provision C.3 of the NPDES permit, which provides, in part, for the following:
- The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
  - Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.
- b) As the Project site is already fully developed and/or paved and is served with water from the East Bay Municipal Utility District, development of the Project site as proposed would not result in any change in existing groundwater recharge, and would not deplete groundwater. The shallow groundwater is not considered potable, and is not used as a public drinking water supply. If dewatering is required, the Phase I Environmental Site Assessment and the Phase II Subsurface Investigation prepared by Schutze & Associates, Inc (May 23, 2006) suggests that the water generated may contain petroleum contaminants (e.g., diesel and motor oil from leaking underground storage tanks off-site) and concentrations of 1,1 – DCE and 1,1,1 – TCA. If, after completion of the follow-up investigation recommended in the Phase II report, remediation of groundwater contamination is recommended, Standard Condition of Approval #18 (addressed in Section **VII. Hazards and Hazardous Materials**, above) would be applied to reduce risk of exposure to contaminated groundwater during any dewatering. In addition, compliance with the provisions of Standard Condition of Approval #16 relating to exposure to contaminated groundwater (addressed in Section **VII. Hazards and Hazardous Materials**, above) would prevent the Project from violating any water quality or waste discharge standards associated with contaminated groundwater at the site (*no impact*).
- c) Although the Project site has been previously developed or paved, and there is little or no visible topsoil remaining, site preparation and construction activity associated with the proposed development could result in soil erosion or the loss of any remaining topsoil at the site, which could have adverse effects on water quality. During site preparation and construction activity at the site, potentially significant soil erosion would be reduced to a level of *less than significant* through the effective implementation of City of Oakland Standard Condition of Approval #14, as described above in b) in Section **VI: Geology and Soils**, above.
- d) The Project site is already fully developed and/or paved, and development of the Project site as proposed would not substantially alter any existing drainage patterns at the site or in the local area. The proposed Project would be connected to the City of Oakland's stormwater drainage system. The Project site is not subject to potential flooding (*no impact*).
- e) The Project site is located in an urban area already served by utilities and service systems. It is located within the 14<sup>th</sup> Avenue Creek, San Antonio and Damon Slough Watershed. The City's Storm Drainage Design Guidelines require a net reduction of 25 percent in the peak stormwater runoff rate from the site to the extent possible. This may be incorporated into the C.3 stormwater quality control requirements and measures (see a), above). The existing physical condition of the City's storm drainage system is unknown, and presently there is no capital improvement project planned for the storm drainage system in the vicinity of the Project site. The Project will be required to comply with City of Oakland Standard Conditions of Approval related to public utilities (see Section **XVI: Utilities**, item b) regarding impacts to the City's stormwater system).

- f) Site preparation and construction activity associated with the proposed development could result in adverse stormwater quality effects unless effective mitigation measures are employed. During site preparation and construction activity at the site, potentially significant soil erosion would be reduced to a level of *less than significant* through the effective implementation of City of Oakland Standard Condition #14, as described above in b) in Section VI: Geology and Soils, above.
- g) Other than as indicated above regarding stormwater runoff (in a), above) or dewatering (I b), above), there would be no other Project elements that would cause significant degradation of water quality (*no impact*).
- h) No portion of the Project site is located within a 100-year flood hazard area, and no housing would be placed within such an area (*no impact*).
- i) Development of the Project site as proposed would not place any structures within a 100-year flood hazard area (*no impact*).
- j) Development of the Project site as proposed would not expose people or structures to hazards associated with flooding (*no impact*).
- k) The Project site is not located in an area subject to tsunamis, seiches or mudslides (*no impact*).
- l) There are no creeks flowing through the Project site, and development of the Project site as proposed would not substantially alter existing drainage patterns at the site or in the vicinity (*no impact*).
- m) No portion of the Project site is located adjacent to a creek, and the Project would not conflict with the City of Oakland Creek Protection Ordinance (*no impact*).

**Source:**

Project Description and Plans

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

City of Oakland, Community Service Analysis, Technical Report #5, October 1995

Schutze & Associates, Inc., Phase I Environmental Site Assessment and Phase II Subsurface Investigation – 325 Seventh Street, Oakland, California, May 23, 2006

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

**Explanation:**

- a) The Project site is located on the edge of the busy Chinatown neighborhood of Downtown Oakland, and has already been fully developed and/or paved. This portion of downtown Oakland is already physically divided in a major way by the presence of the I-880 freeway, located just west of the Project site. Development of the Project site as proposed would not represent a physical division of that existing community (*no impact*).
- b) The Chinatown neighborhood in Downtown Oakland supports a wide range of urban uses, including high-density residential units and commercial activities. Examples of high-rise projects which have already been completed in the area include the East Bay Municipal Utility District headquarters building, the mixed-use Pacific Renaissance Plaza, and the Eight Orchids residential tower. These are the same types of uses that are now proposed at the Project site, and development of the Project site as proposed would not result in any fundamental conflict with any existing land uses in the vicinity (*no impact*).
- c) The *General Plan*, by its comprehensive nature, contains a number of competing policies. City decision-makers must determine whether a Project is consistent with the *General Plan*. All projects must be consistent with the *General Plan*, even if the City determines that it may not be fully consistent with all specific *General Plan* policies.

Conflicts with a *General Plan* do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the CEQA Guidelines, “[e]ffects analyzed under CEQA must be related to a physical change.” Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the proposed project and applicable *General Plans* in the Setting section of the document (not under Impacts).

Further, Appendix G of the Guidelines (Environmental Checklist Form) makes explicit the focus on *environmental* policies and plans, asking if the project would “conflict with any applicable land use plan, policy, or regulation . . . *adopted for the purpose of avoiding or mitigating an environmental effect*” (emphasis added). Even a response in the affirmative, however, does not necessarily indicate the project would have a significant effect, unless a physical change would occur. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed elsewhere in this Initial Study.

Regarding a project’s consistency with the *General Plan* in the context of CEQA, the Oakland *General Plan* states the following:

*“The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA).”* (City Council Resolution No. 79312 C.M.S.; adopted June 2005)

The Project site has a General Plan Land Use and Transportation Element (LUTE) designation of Central Business District (CBD). The following are the City of Oakland *General Plan* policies and zoning requirements that apply to the proposed Project site:

**Land Use and Transportation Element (LUTE):**

Suitability of the Site for Development:

- Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible (*LUTE Policy D 6.1 Developing Vacant Lots*).

The Project site contains underutilized land, including a surface parking lot. The site presents an opportunity for appropriate new urban development.

Encouraging Housing:

- Housing in the downtown should be encouraged as a vital component of a 24-hour community presence (*LUTE Policy D 10.1 Encouraging Housing*).
- Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12<sup>th</sup> Street, 19<sup>th</sup> Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses (*LUTE Policy D 10.2 Locating Housing*).
- Downtown residential areas should generally be within the Urban Density Residential and Central Business District density range where not otherwise specified. The height and bulk should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas (*LUTE Policy D 10.3 Framework for Housing Densities*).
- Facilitating the construction of housing units should be considered a high priority for the City of Oakland (*LUTE Policy N 3.1 Facilitating Housing Construction*).

- In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland (*LUTE Policy N 3.2 Encouraging Infill Development*).

The proposed project is primarily a residential project that would provide up to 382 units of new housing within the downtown area. The site is immediately accessible to various transit facilities. Development of the Project site as proposed would be generally consistent with LUTE policies intended to promote high-density residential development in Downtown Oakland. The Project's density, at 471 units per net acre (382 units on 0.81 acres), is within the density range prescribed for the Central Business District (up to 500 units per net acre).

**Historic Preservation Element:**

Oakland General Plan Historic Preservation Element (HPE) policies that are relevant to the proposed Project and its effect on the physical environment are:

- For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood (*HPE Policy 3.5 Historic Preservation and Discretionary Permit Approvals*).
- To protect significant archeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archeologically sensitive areas (*HPE Policy 4.1: Archeological Resources*).

Development of the Project site as proposed would generally be consistent with HPE policies, as it would not result in the demolition of any historic structures. One structure at the Project site identified as a historic resource would be relocated to a new site in West Oakland. Compliance with City of Oakland Standard Condition of Approval #10 (addressed in Section **V. Cultural Resources**, above) would provide sufficient protection for any archaeological resources that may be uncovered during construction activity at the Project site.

**Open Space, Conservation and Recreation Element (OSCAR):**

Oakland General Plan Open Space, Conservation and Recreation Element (OSCAR) policies that are relevant to the proposed Project and its effect on the physical environment are:

Outdoor Open Space and Views:

- Continue to require new multi-family development to provide useable outdoor open space for its residents (*OSCAR Policy OS-4.1: Provision of Useable Open Space*).
- On an on-going basis, the office of Planning and Building will require visual analysis for new developments which could significantly impact views and vistas (*OSCAR ACTION OS-10.2.1: Visual Analysis for New Development*).

The OSCAR also indicates on page 5-12 that access improvements across 7<sup>th</sup> Street are now needed to ensure pedestrian safety and the usefulness of Harrison Square Park (now Chinese Garden Park). The project would provide the equivalent of 27,675 square feet of group open space as courtyards on the fourth floor and the twentieth floor, and balconies and patios for many of the units. The tall building would overlook the Jack London District with views out to the Oakland Estuary and San Francisco Bay.

Street Trees and Streetscape Vegetation:

- Incorporate a broad and varied range of tree species which is reflected on a city-maintained list of approved trees. Street tree selection should respond to the general environmental conditions at the planting site, including climate and micro-climate, soil types, topography, existing tree planting, maintenance of adequate distance between street trees and other features, the character of existing development, and the size and context of the tree planting area (*OSCAR Policy OS-12.1: Street Tree Selection*).
- Discourage the removal of large trees on already developed sites unless removal is required for biological, public safety, or public works reasons (*OSCAR Policy CO-7.4: Tree Removal*).

Two street trees are proposed for removal to enable development. Given the size of these two trees and their proximity to construction activity that would be necessary to create the proposed underground parking area, it is not practical to preserve these trees in place. The proposed Project would incorporate 10 new street trees along the frontages on Seventh Street, Harrison Street and Sixth Street, and such trees shall be selected and installed in accordance with the allowances prescribed by the Oakland Parks and Recreation Department, Tree Section.

Sustainability:

- Require that development projects be designed in a manner which reduces potential adverse air quality impacts. This may include: (a) the use of vegetation and landscaping to absorb carbon monoxide and to buffer sensitive receptors; (b) the use of low-polluting energy sources and energy conservation measures; (c) designs which encourage transit use and facilitate bicycle and pedestrian travel (*OSCAR Policy CO-12.4: Design of Development to Minimize Air Quality Impacts*).
- Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency (*OSCAR Policy CO-13.3: Construction Methods and Materials*).

As noted in the discussion under Greenhouse Gas Emissions (Air Quality Section), the project is located in a neighborhood that is densely populated and well served by transit, including Bay Area Rapid Transit (BART), AC Transit, Amtrak, and the Alameda Ferry. As such, the Project would facilitate walking and non-vehicular travel to a greater extent than would be the case for similar development in outlying areas without extensive transit availability. In addition, the high-density development would include a greater number of potential residents that could potentially utilize or engage in alternative modes of travel than in a lower density development on the Project site. The proposed Project would be required to comply with all applicable local, state, and federal regulations associated with the generation of GHG emissions and energy conservation. The proposed Project will be required to comply with the Construction and Waste Reduction Ordinance and submit a Construction and Demolition Waste Reduction Plan for review and approval. The Project would also be a Transit Oriented Development, developing high-density housing in the central area of

Oakland near transit stations, including Bay Area Rapid Transit [BART] stations, AC Transit centers, and other transportation nodes. The Project would develop high-density housing within ¼ mile of at least two modes of transit (BART and AC Transit routes) and within an area developed with pedestrian facilities.

**Safety Element:**

Oakland General Plan Safety Element policies that are relevant to the proposed Project and its effect on the physical environment are:

- Develop and continue to enforce and carry out regulations and programs to reduce seismic hazards and hazards from seismically triggered phenomena (*Safety Policy GE-1*).
- Continue, enhance or develop regulations and programs designed to minimize seismically related structural hazards from new and existing buildings (*Safety Policy GE-3*).
- Minimize the potential risks to human and environmental health and safety associated with the past and present use, handling, storage and disposal of hazardous materials (*Safety Policy HM-1*).

Development of the Project site as proposed would generally be consistent with Safety Element policies, as compliance with City of Oakland Standard Condition of Approval regarding hazards and hazardous materials and site-specific, design level geotechnical investigation would reduce the risk of potential exposure to contaminated groundwater and seismic hazards at the Project site to acceptable levels.

**Housing Element**

The following policy from the Oakland General Plan Housing Element would apply to the Project:

- Continue to direct development toward existing communities and encourage infill development at densities consistent with the surrounding communities (*Housing Element Policy 7.3: Infill Development*).

Development of the Project site as proposed would represent infill development, and would be generally consistent with this policy, although proposed residential density at the site is higher than existing residential density in the surrounding area.



**Noise Element:**

Oakland General Plan Noise Element policies that are relevant to the proposed Project and its effect on the physical environment are:

- Protect the noise environment by controlling the generation of noise by both stationary and mobile noise sources (*Noise Policy 2*).
- Reduce the community's exposure to noise by minimizing the noise levels that are *received* by Oakland residents and others in the City. (This policy addresses the *reception* of noise whereas Policy 2 addresses the *generation* of noise) (*Noise Policy 3*).

Development of the Project site as proposed would place new multi-family housing in an area which is exposed to very high ambient noise levels generated by traffic moving along the adjacent I-880 freeway, but the Project will be required to comply with Title 24 noise standards which require interior noise levels to be reduced to 45 dBA or less prior to issuance of a Certificate of Occupancy (see discussion in Section **XI. Noise**, below).

**Pedestrian Master Plan:**

Oakland Pedestrian Master Plan policies that are relevant to the proposed Project and its effects on the physical environment are:

- Streetscaping: Encourage the inclusion of street furniture, landscaping, and art in pedestrian improvement projects (*PMP Policy 3.1*).
- Land Use: Promote land uses and site designs that make walking convenient and enjoyable (*PMP Policy 3.2*).

Streetscaping proposed at the Project site would incorporate sidewalks and street trees, consistent with these PMP policies.

**Zoning:**

All parcels within the project site are zoned C-40 with an S-17 design Overlay. The C-40: Community Thoroughfare Commercial zone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares. The C-40 zoning district also allows residential development consistent with the R-70 High Density Residential designation.

**Height and Density:**

The R-70 zone has a density limitation of 1 unit per 450 square feet of site area (approximately 78 units per acre), and height limitations of 40 feet with setback requirements for building heights exceeding 40 feet. City approval of the requested Major Conditional Use Permit would be required to enable the Project to exceed these zoning limits.

Open Space:

The S-17 or Downtown Open Space Combining Zone is an overlay zone applied to the site and is supplementary to the zone with which the S-17 zone is combined. The S-17 zone is intended to provide open space standards for residential developments that are appropriate to the unique density, urban character and historic character of the central business district. The S-17 overlay zone requires common open space to be provided at a ratio of 75 square feet per unit and 50 square feet per efficiency unit. At 382 units (of which 39 units are efficiency/studio units, this translates to a requirement for 27,675 square feet of open space, which is precisely what the project proposes in a combination of courtyards, patios and balconies.

- d) There are no on-site or adjacent habitat areas that would be affected by the development of the Project site as proposed. No portion of the Project site is located adjacent to a creek, and the Project would not conflict with the City of Oakland Creek Protection Ordinance. The City of Oakland does not have a habitat conservation plan or natural community preservation plan (*no impact*).

**Source:**

Oakland General Plan, Land Use and Transportation Element, March 1998

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

Project Description and Plans

Field Survey

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
<b>X – MINERAL RESOURCES</b> -- Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation:**

- a) There are no known mineral resources at the Project site (*no impact*).
- b) Development of the Project site as proposed would not result in the loss of availability of any known mineral resource recovery site (*no impact*).

**Source:**

Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996  
 Project Description and Plans

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
<b>XI. NOISE --</b> Would the project result in:					
a) Exposure of persons to or generate noise levels in excess of standards established in the Oakland General Plan or applicable standards of other agencies (e.g., OSHA)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all noise-related Standard Conditions of Approval imposed: During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Violates the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Result in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
h) Conflicts with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation:**

Noise Standards:

Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting, and expressed in units of A-weighted decibels (dBA). The  $L_{eq}$  is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period). The day-night noise level ( $L_{dn}$ ) is an average 24-hour noise level that accounts for the greater sensitivity of most people to nighttime noise by giving greater weight to nighttime noise.

City of Oakland noise guidelines recognizes the variable sensitivity of certain activities to noise, and establish noise exposure criteria defining acceptable noise levels. For residential land use, these guidelines indicate that noise levels of up to 60 to 65 dBA  $L_{dn}$  are normally acceptable, noise levels up to 70 dBA are considered conditionally acceptable, up to 75 dBA are normally unacceptable, and above 75 dBA are considered clearly unacceptable.

Existing Noise Levels:

Existing noise levels in the Project vicinity are primarily the result of motor vehicle traffic on the adjacent freeway and surrounding streets. The City of Oakland Noise Element Update Environmental Noise Background Report indicates that existing ambient noise levels in the vicinity of the Project site (calculated for the segment along I-

880 between Oak Street and Madison Street) are approximately 83 dBA  $L_{dn}$ .<sup>3</sup> Projected noise contours for 2025 show the Project site within an area that would be expected to have ambient noise levels exceeding 70 dBA  $L_{dn}$  (since the 70 dBA  $L_{dn}$  contour is the highest value shown, it is not possible to determine how much higher than 70 dBA  $L_{dn}$  the 2025 ambient noise levels might be in this location).

- a) The Project site is within approximately 60 feet of the edge of the elevated portion of I-880 freeway. This location results in a noise environment that exceeds the City's acceptable noise level standard for multi-family residential land uses. The noise exposure of 83 dBA  $L_{dn}$  falls in the "clearly unacceptable" category set forth in the City's noise and land use compatibility guidelines. The definition for this category is "new construction or development should generally not be undertaken." This is a severe noise environment which could expose those persons living in the nearest adjacent units to noise level in excess of standards established in the Oakland General Plan or applicable state standards.

Although there are no specified noise levels for non-park outdoor areas, the proposed Project would not have outdoor activity areas directly situated in this noise exposure. None of the proposed balconies are located on the southern wall of Building 1 adjacent to the freeway, the proposed courtyard area on the fourth floor is located between the two proposed structures, and the proposed courtyard on the 20<sup>th</sup> floor of Building 1 is more than 100 feet above the surface of the freeway. Taking into account future shielding provided by the buildings, noise levels in courtyards and balconies would be substantially reduced, with the amount of noise reduction varying depending upon the varying degree of shielding.

The interior noise level standard is a maximum of 45 dBA  $L_{dn}$ . Typical residential construction with windows open for ventilation provides approximately 15 dBA of outdoor-to-indoor noise reduction. Standard construction with windows closed provides approximately 20-25 dBA of outdoor-to-indoor noise reduction. Special sound rated windows are normally required in order to provide adequate outdoor-to-indoor noise reduction where noise levels exceed 70 dBA  $L_{dn}$ . High performance sound rated windows, and the walls of the buildings may also need special treatment in order to achieve satisfactory outdoor-to-indoor noise reduction where the noise exposure is 80 dBA  $L_{dn}$ . Such high-performance sound rated windows would preclude those living in units on that side of the building from direct access to balconies, thus limiting their exposure to freeway noise.

Compliance with the following City of Oakland Standard Condition of Approval and the building design requirements of Title 24 (to be demonstrated by the Project applicant to the satisfaction of the City of Oakland prior to the issuance of any certificate of occupancy), would reduce noise impacts to *less than significant*.

Std. Cond. 24: If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

- b) Although there would be some noise generated through routine activity in the commercial space and residential units proposed at the Project site, this development would be unlikely to generate noise in

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<sup>3</sup> Illingworth & Rodkin, December 16, 2004

violation of the City’s Noise Ordinance. The routine operation of generators, exhaust fans and other mechanical equipment at the Project site during building operations would not be expected to result in unusual or noticeably loud noises. In terms of Project-generated traffic noise, generally, traffic must double in volume to produce a noticeable increase in noise levels. Traffic associated with the development of 382 new residential units at the Project site (which is located in an area which already supports extensive vehicle traffic, and is adjacent to a major freeway) would not be expected to result in a doubling of existing traffic volumes on any roadway in the vicinity of the Project site (*less than significant*).

- c) Construction activity at the Project site would be expected to generate noise which, if not mitigated, could affect those living and working nearby. Construction noise levels are related to the types of equipment used:

Typical Construction Noise Levels (Source: U.S. Environmental Protection Agency, 1971)		
<u>Equipment</u>	<u>Leq Noise Level (dBA) @ 50 Feet</u>	<u>With Feasible Noise Controls*</u>
<i>Earthmoving:</i>		
Front Loader	79	75
Backhoe	85	75
Dozer	80	75
Tractor	80	75
Scraper	88	80
Grader	85	75
Paver	89	80
<i>Materials Handling:</i>		
Concrete Mixer	85	75
Concrete Pump	82	75
Crane	83	75
<i>Stationary:</i>		
Pump	76	75
Generator	78	75
Compressors	81	75
<i>Impact:</i>		
Jack Hammer	88	75
Pneumatic Tools	86	80
<i>Other:</i>		
Saw	78	75
Vibrator	76	75

\* Estimated levels obtainable by selecting quieter procedures or machines and implementing noise-control features requiring no major redesign or extreme cost.

Construction noise associated with development of the Project site as proposed will be reduced to a level of less than significant through compliance with the following City of Oakland Standard Condition of Approval:

Std. Cond. 25: The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am. to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
  - Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
  - After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

Std. Cond. 26: To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds), wherever feasible.
- b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with



compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, and exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
- d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

Although the foundations will be constructed using drill piles instead of pile driving, site preparation and construction activity at the Project site is likely to generate noise levels that would temporarily exceed City standards, a potentially significant environmental impact. Such extreme noise impacts would be reduced to a level of *less than significant* through compliance with the following City of Oakland Standard Conditions of Approval:

Std. Cond. 27: To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as feasible:

- a) Erect temporary plywood noise barriers around the construction site, particularly along sites adjacent to residential buildings;
- b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example; and
- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Compliance with this Standard Condition would reduce construction noise impacts to a level of *less than significant*.

- d) As indicated in c), above, site preparation and construction activity at the Project site is likely to generate noise levels that would temporarily exceed City standards. Persistent construction-related noise impacts could be considered a nuisance. Implementation of the following City of Oakland Standard Condition of Approval would reduce this impact to a level of *less than significant*.
- Std. Cond. 28: Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:
- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
  - b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
  - c) The designation of an on-site construction complaint and enforcement manager for the project;
  - d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
  - e) A preconstruction meeting shall be held with job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.
- e) Other than during the construction period (see items c) and d) above) the Project would not include any elements that would create or cause a significant vibration (*no impact*).
- f) As indicated in a), above, although the site is located within approximately 60 feet of the I-880 freeway, the Project will be required to employ building design elements to enable the proposed structures to meet all Title 24 requirements related to maintaining noise levels below 45 dBA in residential units. The Project would not include any elements that would generate interior noise levels in excess of 45 dBA within residential units at the site (*no impact*).
- g) As indicated above, there would be some noise generated through routine activity in the commercial space and residential units proposed at the Project site. However, given the high ambient noise levels already present in the vicinity of the Project site (due to proximity to a major freeway), it is unlikely that post-construction activity at the site would result in a permanent 5 dBA increase in ambient noise (*no impact*).
- h) As indicated in a) above, in the absence of effective noise abatement design features development of the residential project immediately adjacent to an elevated portion of I-880 freeway could result in the exposure of those persons living in the nearest adjacent units to noise levels well in excess of standards established in the Oakland General Plan (Land Use Compatibility Guidelines) or applicable state standards (45 dBA interior). However, the Project will be required to employ building design elements to enable the proposed structures to meet all Title 24 requirements related to maintaining noise levels below 45 dBA in residential units, thereby reducing impacts to levels of *less than significant* (see interior noise level discussion in a), above) ..

- i) The Project site is not near a public airport or within an airport plan area (*no impact*). The Metropolitan Oakland International Airport is located approximately six miles south of the Project site, and the San Francisco International Airport is located approximately 20 miles southwest of the Project site. Therefore, the Project would not expose persons residing at the Project site to excessive noise levels as a result of proximity to an airport.
- j) The Project site is not near any private airstrip (*no impact*).

**Source:**

Oakland Noise Ordinance

Project Description and Plans

Field Survey

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

**Explanation:**

- a) Development of 382 apartments at the Project site would induce substantial population growth (an estimated 753 persons, at the 2000 Census tract residential density of 1.97 persons per dwelling unit) in the area. This would represent an approximately a 22% increase in the total population of Census tract #403000 in which the Project site is located, up from a 2000 Census population of 2,602 residents living in 1,498 dwelling units). However, the proposed high-density residential development and ground-floor commercial uses are consistent with the City of Oakland's land use policies directing future growth in Downtown Oakland, and the impact would be regarded as *less than significant*. The Project would be consistent with the City's Housing Element objectives for Downtown Oakland, which include increasing housing opportunities Downtown so as to create a better sense of community, to provide for a range of housing types and densities, to provide added support for retail shopping, and to encourage housing as a vital component of a 24-hour Downtown. The Project site is located in an area of Downtown Oakland where the urban infrastructure necessary to support the proposed development is already in place. As indicated in Section **XVI. Utilities and Service Systems**, below, the Project will comply with the City of Oakland Standard Condition of Approval that requires confirmation of the City's surrounding stormwater and sanitary sewer system capacity and state of repair, with the Project applicant responsible for any necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed Project.
- b) There is one residential structure currently located at the Project site (621 Harrison Street), which is to be relocated to a site in West Oakland for long-term protection of what has been identified as an "historic resource", so there would be no loss of existing housing units within Oakland as a result of Project development (although the three residential units in this structure would be displaced from the Project site). Development of the Project site as proposed would result in construction of a substantial number of new

housing units (an increase from 1,498 dwelling units within the Census tract in 2000 to 1,880 dwelling units with the addition of 382 new dwelling units at the Project site) within a portion of Downtown Oakland where new growth and change is anticipated (*no impact*).

- c) Those currently living in the three units in the one residential structure located at the Project site (621 Harrison Street) would likely be displaced when that structure is relocated to a site in West Oakland. Development of the Project site as proposed would not result in the displacement of a substantial number of people, or necessitate construction of replacement housing for displaced persons (*no impact*).

**Source:**

City of Oakland, Housing Element, June 2004

U.S. Census 2000 information for Tract #403000

Project Description and Plans

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
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**XIII. PUBLIC SERVICES - - Would the project :**

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

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation:**

a) Fire Protection:

The Project site is located in an urban area where public services are already provided. The Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services.

Fire protection and emergency medical response services would be provided by the Oakland Fire Department. The Fire Department has 25 engine companies and 7 truck companies, each generally staffed with four personnel (some trucks carry five firefighters). The Department does not provide medical transport, which is handled under contract to Alameda County by American Medical Response. The fire station nearest to the Project site is located at 822 Alice Street (Station 12), and the response time to the Project site would normally be less than the 90 percent response goal of seven minutes established by the City of Oakland. In accordance with standard City practices, the proposed Project would be designed in compliance with Oakland's Building Code, and the Fire Department would review the Project plans at the time of building permit issuance to ensure adequate fire and life safety measures are designed into the Project, and that it is in compliance with all applicable state and city fire safety requirements. In particular, as a residential high-rise structure, the Project would be required to be of fire-resistive construction and fully sprinklered, and to have a firefighter's control room to allow responding crews to monitor building alarms and override elevator controls. The increased population at the Project site as a result of the proposed development would be expected to result in an incremental increase in the number of emergency calls at the Project site. The

Project-generated increase in traffic to and from the site could also incrementally increase the number of motor vehicle accidents requiring Fire Department response. However, neither increase would be anticipated to be substantial in the context of existing development in the area and current response patterns, because the Project would result in relatively little growth within the context of greater downtown Oakland. Assuming compliance with building codes, the number of fire responses could be expected to show a slight, but not substantial, increase. Therefore, there would not be any significant impacts on fire protection services, and implementation of the following City of Oakland Standard Conditions of Approval would further reduce the incremental Project-related increase in the demand for fire protection services:

Std. Cond. 29: a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.

b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

b) Police Protection:

Police protection services would be provided at the Project site by the Oakland Police Department, which is headquartered in downtown Oakland at 455 Seventh Street, about three blocks from the Project site. The Police Department has more than 700 officers and more than 300 civilian staff. As with fire protection and emergency medical response services, the proposed Project could incrementally increase the demand for police services, but the increased demand generated by 382 new residential units within the context of greater downtown Oakland would not be substantial. Therefore, the Project is not anticipated to affect police response time or result in a significant impact on police services. The Police Department recommends that preventative design measures, such as landscaping, lighting, and security alarms and door locks be incorporated into the final designs for new development projects. As part of standard development practices, Project plans would be reviewed by the Police Department, and the Project applicant would be required to incorporate the Department's recommendations into the final Project design. To ensure that the Project would not adversely affect the ability of the Oakland Police department to deliver services to the Project area and vicinity, the Project sponsor would incorporate a number of design features and standards (in addition to compliance with the Uniform Building Code) into Project plans. These would include appropriate security lighting for buildings, walkways, and parking facilities, as well as a construction-period security plan. These features and standards would be required as part of the City's conditions of approval for the Project, and would require review and approval by the Oakland Police Department prior to construction.

c) Schools:

The Oakland Unified School District (OUSD) operates public schools within the vicinity of the Project site. The Project site lies within the boundaries serviced by Lincoln Elementary School (current enrollment approximately 583 students, maximum capacity approximately 587 students), Westlake Middle School (current enrollment approximately 610 students, maximum capacity approximately 650 students) and Oakland Technical High School (current enrollment approximately 1,800 students, operating at capacity). At a student generation rate of 0.7 students per housing unit used by the Oakland Unified School District, the development of 382 residential units at the Project site as proposed could be expected to add a total of approximately 268 new students to local enrollment in public schools. However, given the character and location of the residential units proposed, there may be a smaller number of families with children at the

Project site than would be the case for development projects with larger, detached units (although 145 two bedroom units and 40 “two bedroom plus” units would be provided at the Project site). Prior to the issuance of building permits, the Project applicant would be required to pay all school impact fees (currently \$2.14 per square foot for residential space and \$0.34 per square foot of commercial space) to offset any impacts to school facilities associated with the proposed Project. In accordance with SB 50, this payment of all current school impact fees would be deemed full and complete mitigation of any Project-related school impacts, reducing these potential impacts to a level of *less than significant*.

d) Parks:

The Project site is located in an urbanized portion of downtown Oakland that is served by a number of existing parks, including the Chinese Garden Park (located directly across Harrison Street from the Project site), and the extensive Lakeside Park (located along the shoreline of Lake Merritt, approximately one-half mile from the Project site at it’s nearest point). In addition, the recreational opportunities of the Jack London Square area are within less than one-half mile of the Project site. The proposed Project incorporates limited recreational facilities for residents, including two courtyards and three community rooms), and development of the Project site as proposed would not be expected to result in significant impacts on existing park and recreational facilities.

The Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future infill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services. Thus, the proposed Project is not anticipated to result in significant impacts on public services.

**Source:**

City of Oakland, Jack London Square Residential Tower Initial Study and Environmental Review, March 27, 2006

City of Oakland CEDA, Mandela Grand Mixed Use Development Project DRAFT EIR, December 2006

City of Oakland, Oakland Community Services Analysis, Technical Report #5, October 1995.

Oakland Unified School District website, August 2007 (<http://webportal.ousd.k12.ca.us/>)

Project Description and Plans



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
<b>XIV. RECREATION - -</b> Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation:**

- a) The Project site is located in an urban area already served by existing parks and urban open space areas, including the City's 1.4-acre Chinese Garden Park located directly east of Harrison Street across from the Project site. The Hall of Pioneers located in the park hosts the Hong Lok Senior Center (operated by Family Bridges, a non-profit social service agency based in Chinatown that serves low-income seniors). An average of approximately 110 seniors per day utilize the Hong Lok Senior Center Monday through Friday from 9:00 A.M to 3:00 P.M., although they are not all there at the same time. Most of them are either inside the building or in the Chinese Zodiac Garden while they are using the park, and there is generally limited use of the park outside of these areas during Program Hours. Although some increase in the use of local parks and recreational facilities can be anticipated with development of the Project site as proposed, the proposed Project will not increase the use of existing parks and recreational facilities such that substantial deterioration would occur or be accelerated, nor would existing facilities need expansion (*less than significant*).
- b) The Project as proposed would provide approximately 6,619 square feet of open space at the courtyard on the fourth floor, approximately 1,200 square feet of open space at the courtyard on the twentieth floor, and approximately 11,915 square feet of private open space in balconies for some of the 382 residential units. The provision of these recreational/open space elements of the proposed Project are not anticipated to result in any significant environmental effect (*no impact*).

**Source:**

Project Description and Plans

Field Survey

Family Bridges, Inc. at [http://www.fambridges.org/7\\_street.html](http://www.fambridges.org/7_street.html), and telephone conversation 7/31/07

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
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**XV. TRANSPORTATION/TRAFFIC** -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e., street closures, changing direction of travel) in a manner that would substantially impact access or traffic load capacity of the street system, Specifically:

i. At a study signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. At a study signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. At a study signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. At a study signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e., F),	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v. At a study signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds three (3) percent (but only if the	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
delay values cannot be measured accurately)?					
vi. At a study, unsignalized intersection, the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project contributes five (5) percent or more of the cumulative traffic increase as measured by the difference between "Existing" conditions and the year 2015 (or Year 2030) with "Project" <b>and</b> results in a substantial increase in traffic. More specifically, the project must contribute five (5) percent or more of the incremental growth <b>and</b> exceed at least one of the intersection-related thresholds listed above in threshold #i through #vi, above.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than 3% for a roadway segment that would operate at LOS F without the project?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e) Substantially increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards or incompatible uses (e.g., farm equipment)?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in less than two emergency access routes for streets exceeding 600 feet in length?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Fundamentally conflict with adopted policies, plans, programs supporting alternative transportation (e.g. bus turnouts, bicycle routes)?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Generate added transit ridership that would either;					
i. Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
load factor with the project in place would exceed 125% over a peak thirty minute period;					
ii. Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains; or	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Explanation:**

- a) b), and c) The EIR will include an analysis of the traffic and circulation effects associated with the Project as proposed.
- d) Since the height of the proposed structures at the Project site will exceed 200 feet (maximum height of the proposed design feature is 280 feet), under Federal Aviation Regulations 77 the Project Applicant will need to notify the FAA using FAA Form 7560-1: Notice of Proposed Construction or Alteration, prior to initiating construction activity. Notification provides the FAA with the basis for: a) evaluating the effect of the construction on operating procedures; b) determining the potential hazardous effect of the proposed construction on air navigation; c) identifying mitigation measures to enhance safe air navigation; and d) charting of new objects. After reviewing the form and completing an aeronautical study, the FAA will normally make one of three responses: 1) No Objection – The subject construction did not exceed obstruction standards and marking/lighting is not required; 2) Conditional Determination – The proposed construction would be acceptable contingent upon implementing mitigation measures (e.g., marking and lighting, etc.); and 3) Objectionable – The proposed construction is determined to be a hazard and is thus objectionable. If at any time during the aeronautical survey the proposed project is determined to be a hazard, the study is halted with no further consideration and an objectionable determination is issued. Depending on the outcome of the aeronautical study, it may be necessary to install markings or lighting on the proposed structure to enhance air navigation safety (as directed by the FAA), and the air navigation charts for the area may need to be updated to show the height of the proposed structures. However, given the distance between the Project site and the Oakland International Airport (approximately six miles south of the Project site) and the San Francisco International Airport (approximately fourteen miles southwest of the Project site), it is unlikely that development of the Project site as proposed would result in a change in air traffic patterns or any increase in aviation safety risks (*no impact*).
- e) The EIR will include an analysis of the circulation design and potential traffic safety hazard effects associated with the Project as proposed. This will include an evaluation of circulation and access to the Chinese Garden Park located directly east of Harrison Street across from the Project site as per the OSCAR park recommendation (Note: The Revive Chinatown program includes improvements to the intersection of

Harrison Street and Seventh Street – conversion to pedestrian countdown signal heads and installation of high-visibility crosswalk striping.)

- f) Vehicular access to the Project site would be via entrances on Sixth Street and Seventh Street. The EIR will evaluate whether these entrances to the parking garage at the site would be adequate to ensure access to the site in emergencies.
- g) The EIR will include an assessment as to whether development of the Project site as proposed would support (and not conflict with) City of Oakland policies directed toward increasing residential densities in Downtown Oakland in locations with easy access to public transit as a way to support the use of transportation alternatives to the private motor vehicle.
- h) The development of 382 residential units at the Project site would be expected to result in increased transit ridership on the AC Transit system (Routes #11, #62, #19, #51, #63 and “O” pass through the intersection of Harrison Street and Seventh Street adjacent to the Project site) and on BART, most of which would occur at the Lake Merritt BART Station in downtown Oakland. The EIR will include an analysis of Project-related effects on AC Transit service and BART service, including an evaluation of the expected increase of use at the Lake Merritt BART station to determine if the Project will increase average ridership on BART such as to exceed the standing capacity of BART trains; or increase the peak hour average ridership at this station such that average waiting time at fare gates would exceed one minute.

### **Parking**

The Court of Appeals has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects. Parking supply/demand varies by time of day, day of week, and seasonally. As parking demand increases faster than the supply, parking prices rise to reach equilibrium between supply and demand. Decreased availability and increased costs result in changes to people’s mode and pattern of travel. However, the City of Oakland, in its review of the proposed project, wants to ensure that the project’s provision of additional parking spaces along with measures to lessen parking demand (by encouraging the use of non-auto travel modes) would result in minimal adverse effects to project occupants and visitors, and that any secondary effects (such as on air quality due to drivers searching for parking spaces) would be minimized. As such, although not required by CEQA, parking conditions will be evaluated in the EIR.

### **Source:**

Project Description and Plans

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS - - Would the project:</b>					
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Violate applicable federal, state and local statutes and regulations relating to energy standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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					

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation:**

- a) Development of the Project site as proposed would be completed in compliance with all Regional Water Quality Control Board requirements and no impacts related to wastewater treatment standards or requirements of the RWQCB would occur (*no impact*).
- b) The Project site is located in an urban area already served by utilities and service systems. The Project site is part of the 14<sup>th</sup> Avenue Creek, San Antonio and Damen Slough watershed. The City’s Storm Drainage Design Guidelines require a net reduction of 25 percent in the peak stormwater runoff rate from the site to the extent possible. This may be incorporated into the C.3 stormwater quality control requirements and measures (e-mail from Gus Amirzehni, Engineering and ROW Management, CEDA, City of Oakland to Heather Klein, Planner III, CEDA, City of Oakland, July 11, 2007). Although the existing physical condition of the City’s storm drainage system is unknown (and there is presently no capital improvement project planned for the storm drainage system in the area), development of the Project site as proposed would not be expected to require the construction of new or expanded stormwater drainage infrastructure off-site. However, as indicated above, stormwater control infrastructure may need to be included in Project design in order to comply with Regional Water Quality Control Board requirements (*less than significant*). The Project will be required to comply with the following City of Oakland Standard Condition of Approval to ensure no significant impact to the City’s stormwater system:

Std. Cond. 30: Confirmation of the capacity of the City’s surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to affected service providers.

- c) The Project site is located in an urban area already served by utilities and service systems. Development of the Project site as proposed would result in an increased demand for water relative to that associated with current uses at the site. Based on 150 gallons per day for each new residential unit, 0.12 gallons per day for each square foot of retail space, and 0.15 gallons per day for each square foot of office space, development of the Project site as proposed would result in an estimated Project-related water demand of approximately 58,

445 gallons per day.<sup>4</sup> The Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing utilities and service systems. Under CEQA Guidelines Section 15083.5, a Water Supply Assessment must be prepared for residential development projects that exceed 500 dwelling units. Since the total number of residential units proposed at the Project site is 382, a Water Supply Assessment is not required.

- d) The Project site is located in an urban area already served by utilities and service systems. The Project site is situated on Sub-basin 64-02, which has enough capacity to handle proposed sewer discharge flow associated with the Project as proposed, but the Project Applicant will be required to show proposed sewer discharge calculations at the final design stage (e-mail from Gus Amirzehni, Engineering and ROW Management, CEDA, City of Oakland to Heather Klein, Planner III, CEDA, City of Oakland, July 11, 2007). Although development of the Project site as proposed would result in an increased demand for wastewater treatment relative to that associated with current uses at the site, the Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing utilities and service systems. Implementation of the City of Oakland Standard Condition of Approval (see Standard Condition 30, above) would reduce such potential impacts to a level of *less than significant*.
- e) The Project site is located in an urban area already served by utilities and service systems. Although development of the Project site as proposed would result in an increased demand for solid waste collection and disposal relative to that associated with current uses at the site, the Community Services Analysis prepared for the Land use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing utilities and service systems (*less than significant*). *The Project will be required to comply with the following City of Oakland Standard Condition of Approval related to waste reduction and recycling:*

Std. Cond. 31: The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

- Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at [www.oaklandpw.com/Page39.aspx](http://www.oaklandpw.com/Page39.aspx) or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.
- The ODP will identify how the project complies with the Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of

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<sup>4</sup> Rate estimates from 200-228 Broadway Mixed-Use Project Draft Environmental Impact Report, February 2002



the proposed activity or facility. Changes in the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

- f) Although development of the Project site as proposed would result in an increased demand for solid waste collection and disposal relative to that associated with current uses at the site, the proposed Project will be required to comply with all applicable regulations related to solid waste pursuant to City of Oakland standard conditions of project approval and would thus have *no impact*.
- g) Although development of the Project site as proposed would result in an increased demand for energy relative to that associated with current uses at the site, the proposed Project will be required to comply with all applicable energy standards pursuant to City of Oakland standard conditions of project approval and would thus have *no impact*.
- h) The Project site is located in an urban area already served by utilities and service systems. Although development of the Project site as proposed would result in an increased demand for energy relative to that associated with current uses at the site, the Community Services Analysis prepared for the Land use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing utilities and service systems and thus would have *no impact*.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Development Standards	Less than Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation:**

- a) This Initial Study does not indicate that there are any significant biology, hydrology or water quality impacts associated with the proposed Project that would substantially degrade the quality of the environment. There is no evidence to indicate that there are any fish or wildlife populations that would be significantly affected by the proposed Project. Implementation of the Project as proposed would not threaten to eliminate a plant or animal, nor reduce the number nor restrict the range of a rare or endangered plant or animal species. Implementation of the Project as proposed would require demolition of all but one of the existing buildings at the Project site. However, no buildings proposed for demolition have been formally identified as "historic resources" as defined in CEQA Guidelines Section 15064.5 and none represent important examples of the major periods of California history or prehistory. Although the residential structure located at 621 Harrison Street has been identified as a historic resource by the City of Oakland and is presently located is within an Area of Primary Importance, this building would be relocated prior to development of the Project site. The historic integrity of this building would be preserved and relocation would be considered a less than significant environmental impact.
- b) Development of the Project site as proposed would result in increased vehicle traffic along local roadways and at intersections in the vicinity of the Project site. Where Project-related traffic increases may result in congestion beyond acceptable levels, these impacts would be regarded as ***potentially significant*** in the absence of appropriate mitigation, and these may also represent cumulative Project-related impacts. The EIR will include an analysis of the traffic and circulation effects associated with the Project as proposed.

- c) As indicated in the related discussions above, given the proximity of the Project site to I-880, in the absence of appropriate measures to address air quality and noise levels related to freeway traffic, development of the Project site as proposed could result in the exposure of those living in some of the proposed apartments or using the commercial space to diesel emissions and noise levels well in excess of 45 dBA. In terms of the open space provided at the Project site, none of the proposed balconies overlook the freeway on the Sixth Avenue side of Building 1 (nearest the freeway), the fourth floor courtyard is somewhat sheltered from the freeway by Building 1, and the twentieth floor courtyard is well above the surface of the freeway, which could be expected to limit exposure of those residents wishing to use the open space provided to freeway-related air pollutants and noise. However, the Project incorporates air filtration devices, the appropriate placement of air intakes, and the use of noise abatement technology to reduce any potential adverse effects on human health to those living in residential units or using commercial space at the site to a level of *less than significant*.

Exhibit A  
Vicinity Map

SITE CONTEXT PLAN



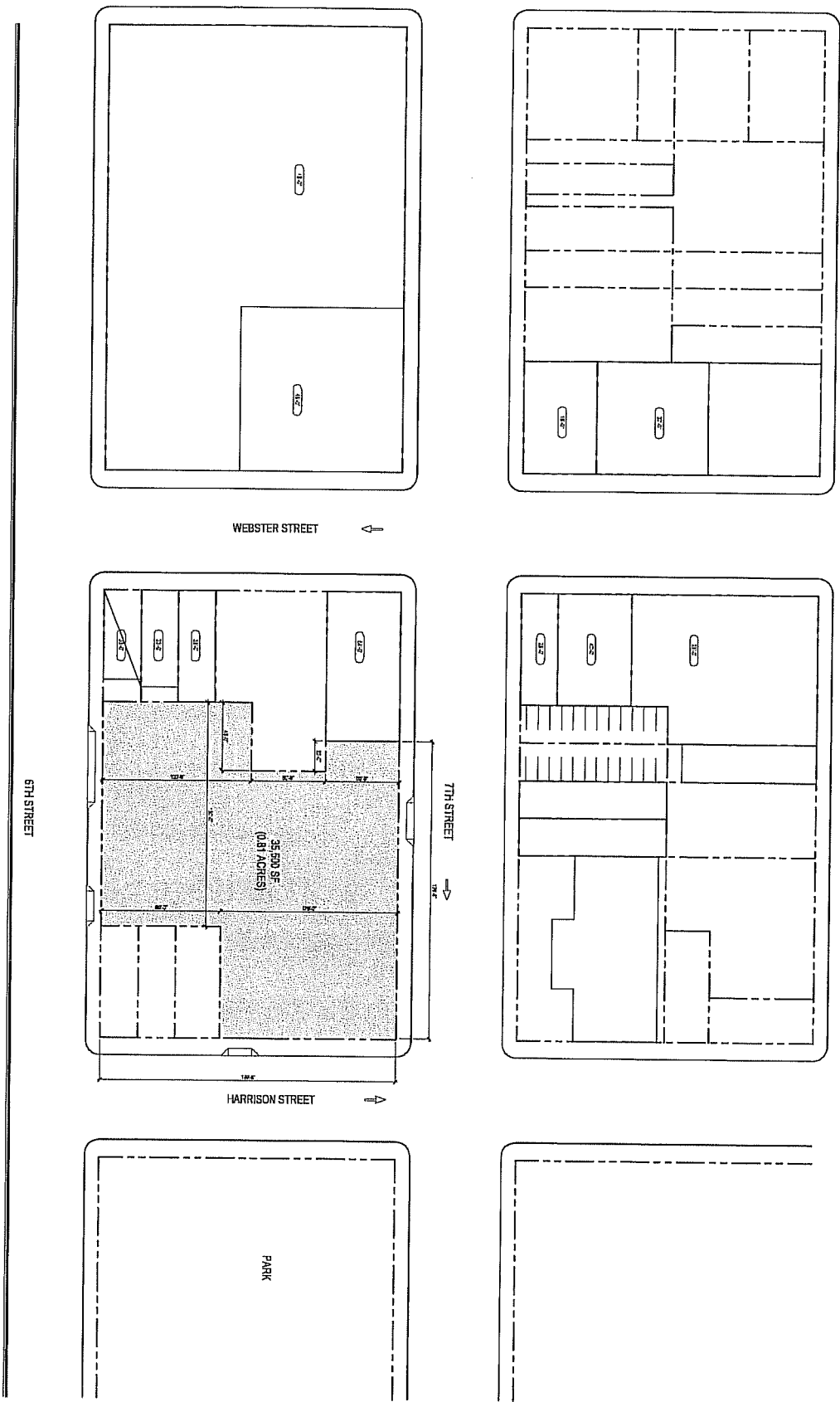
EARLY DRG  
SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA

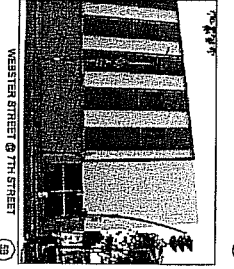
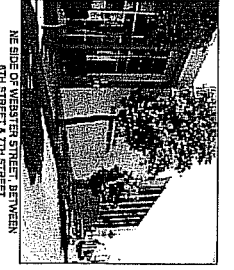
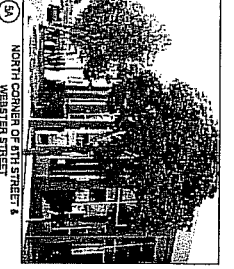
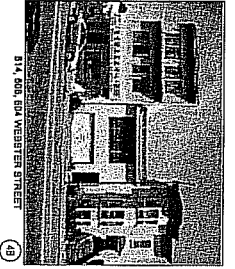
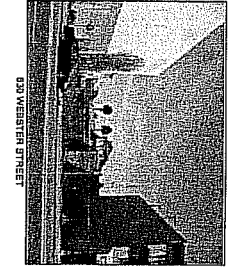
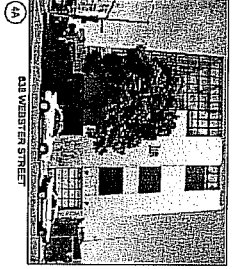
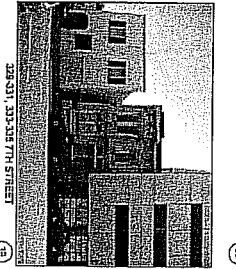
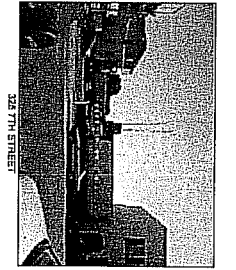
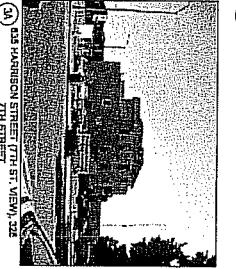
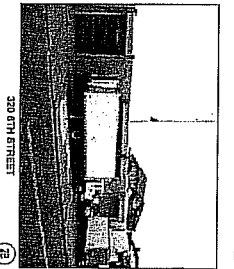
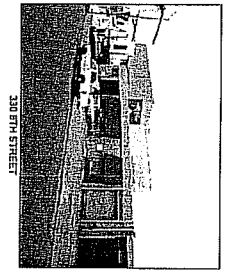
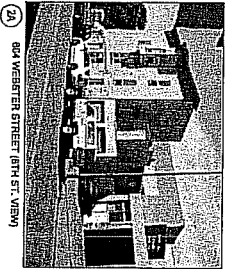
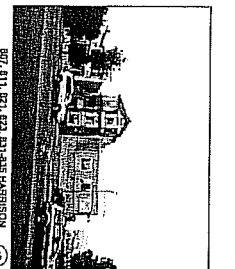
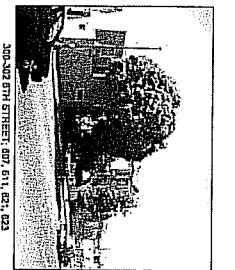
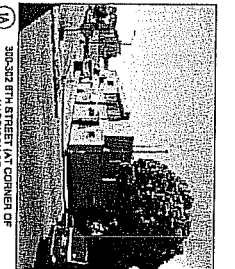
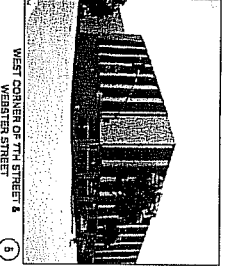
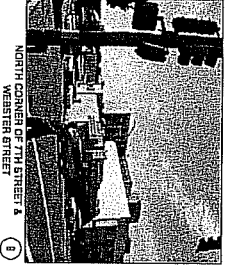
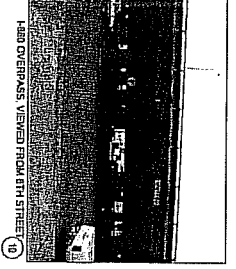
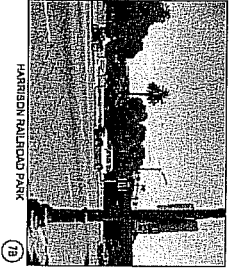
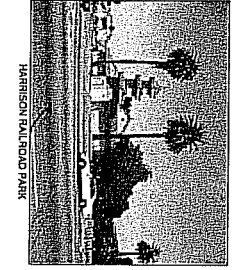
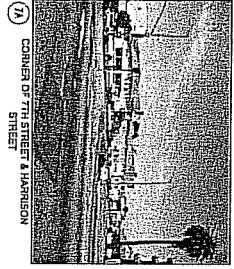
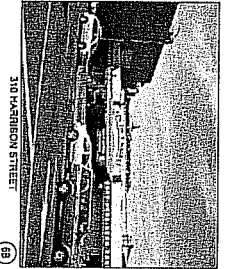
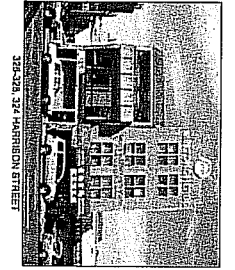
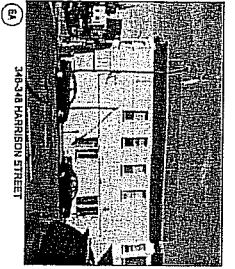
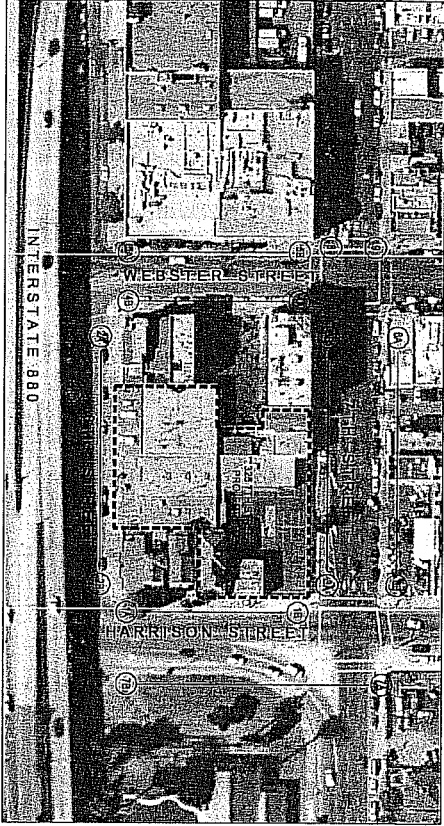
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325 SEVENTH STREET  
OAKLAND, CALIFORNIA



# Exhibit B Site Context Photographs

## SITE CONTEXT PHOTOGRAPHS



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SUBMITTAL

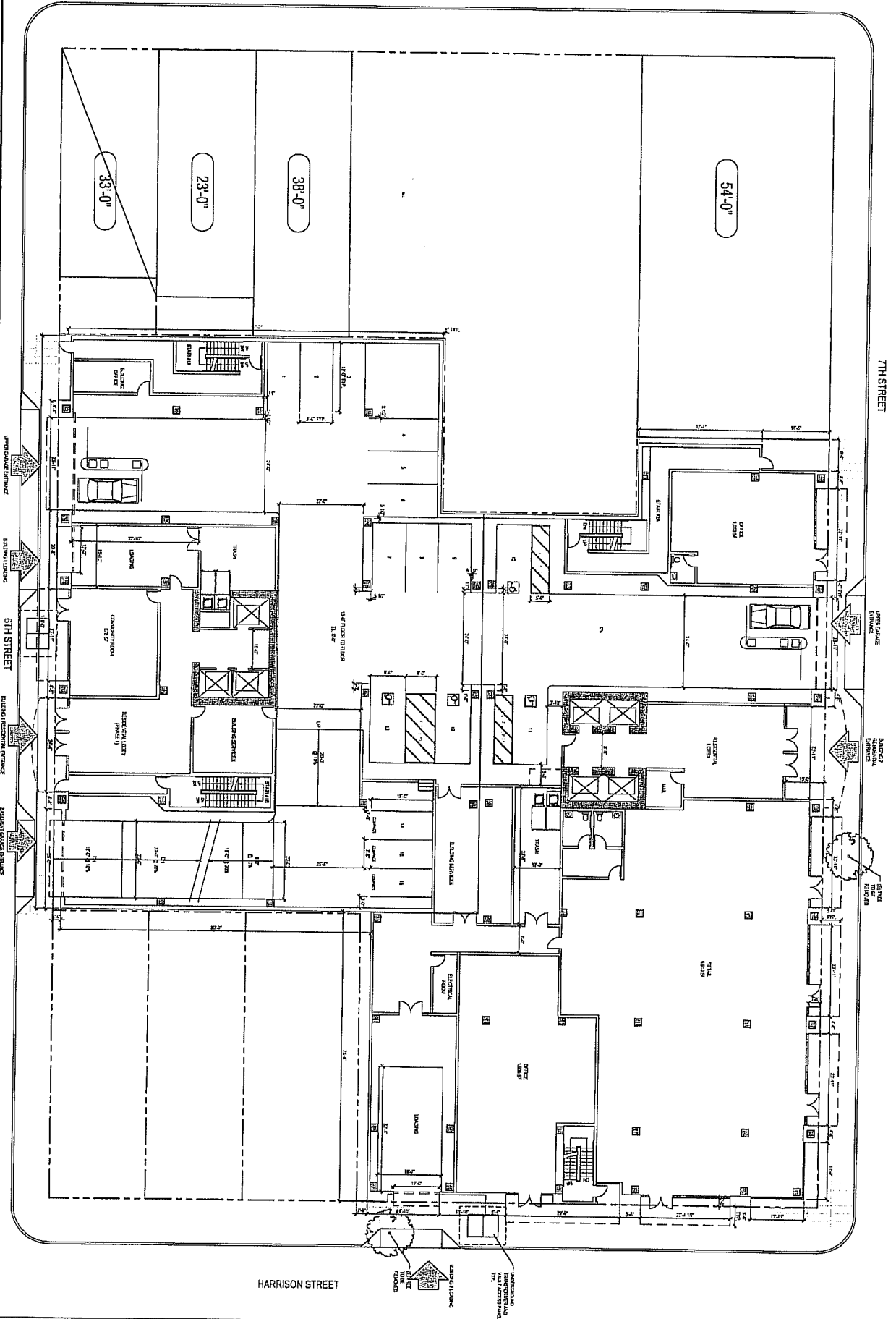


A

325 SEVENTH STREET  
OAKLAND, CALIFORNIA

Exhibit C  
Enlarged Site Plan

WEBSTER STREET

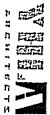


ENLARGED SITE PLAN



FOR STREET TREE AND PAVING DESIGN, SEE LANDSCAPE  
DRAWING L1.1

EARLY DRG  
SUBMITTAL

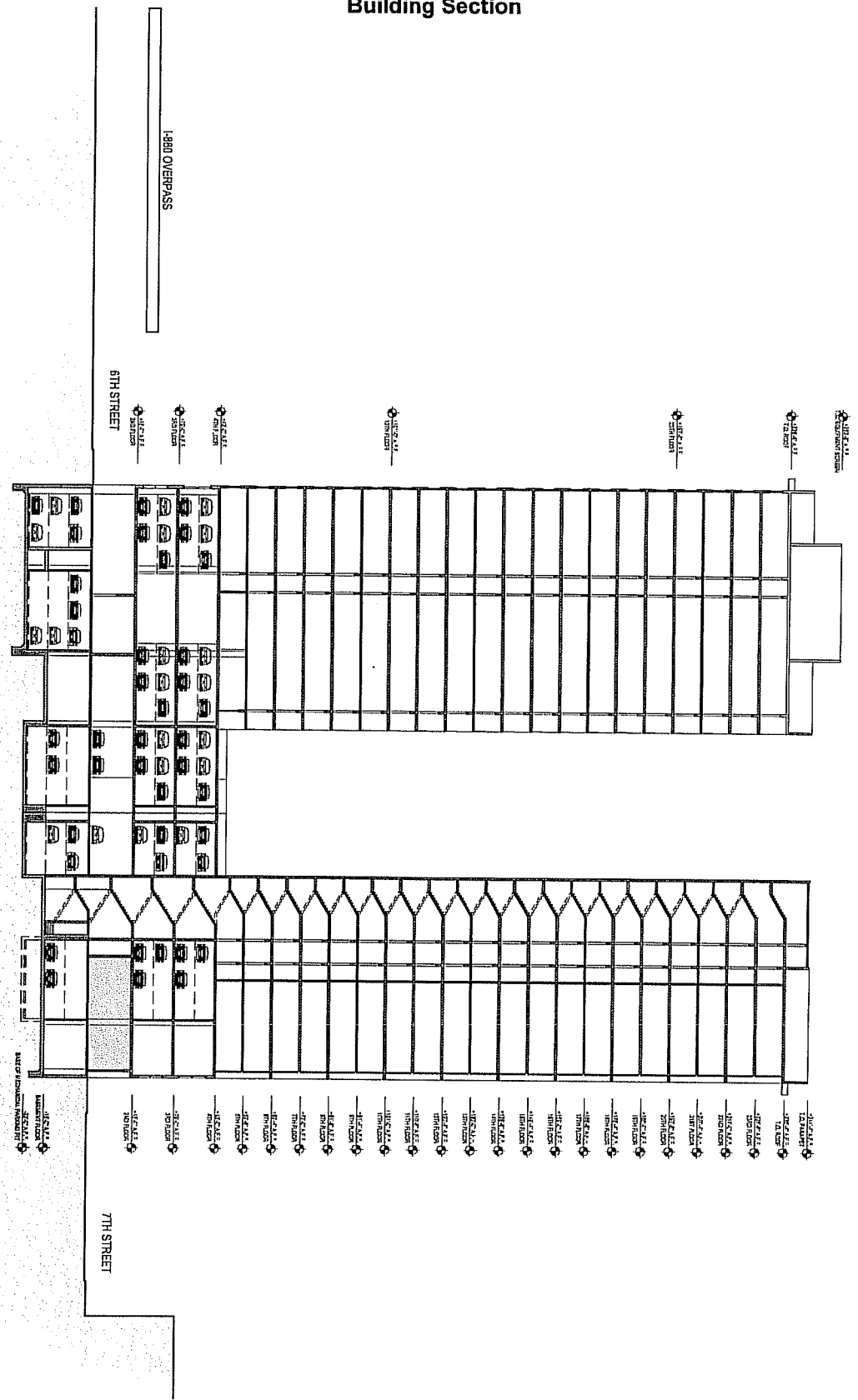


ARCHITECTURAL  
CONSULTANTS  
AECOM  
3000 CALIFORNIA STREET, SUITE 500  
OAKLAND, CA 94612  
TEL: (415) 774-5000  
WWW.AECOM.COM

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325 SEVENTH STREET  
OAKLAND, CALIFORNIA

# Exhibit D Building Section



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SUBMITTAL

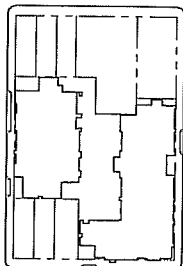
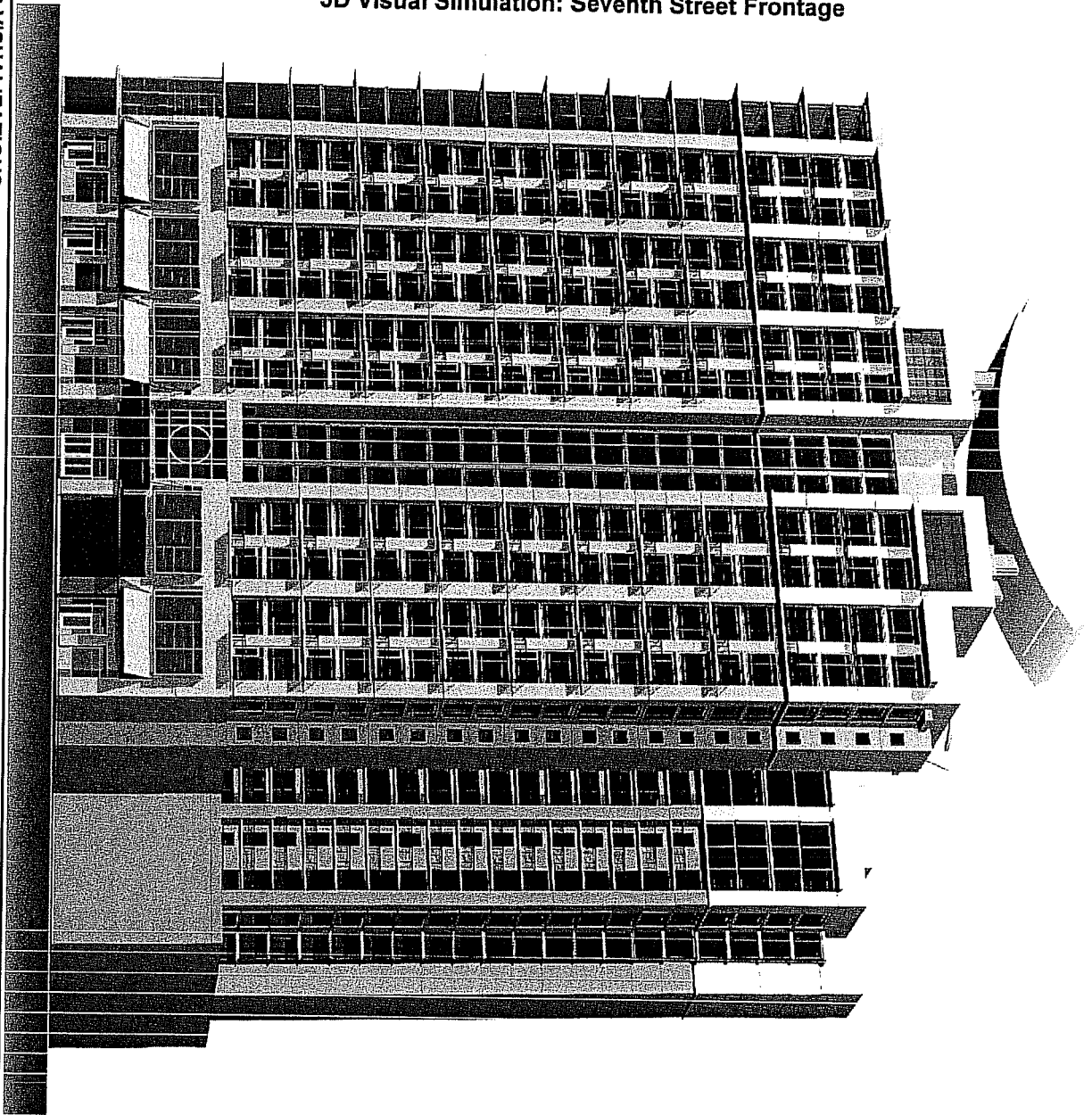
**YIMBY**  
ARCHITECTS

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DATE: 01/20/18  
DRAWING NO: 0000  
REVISIONS: 0000

Exhibit E  
3D Visual Simulation: Seventh Street Frontage

3D VISUALIZATIONS  
1" = 1'-0"  
1" = 1'-0"  
1" = 1'-0"



7TH STREET FACADE

EARLY DRG  
SUBMITTAL

**YIMM**  
ARCHITECTS

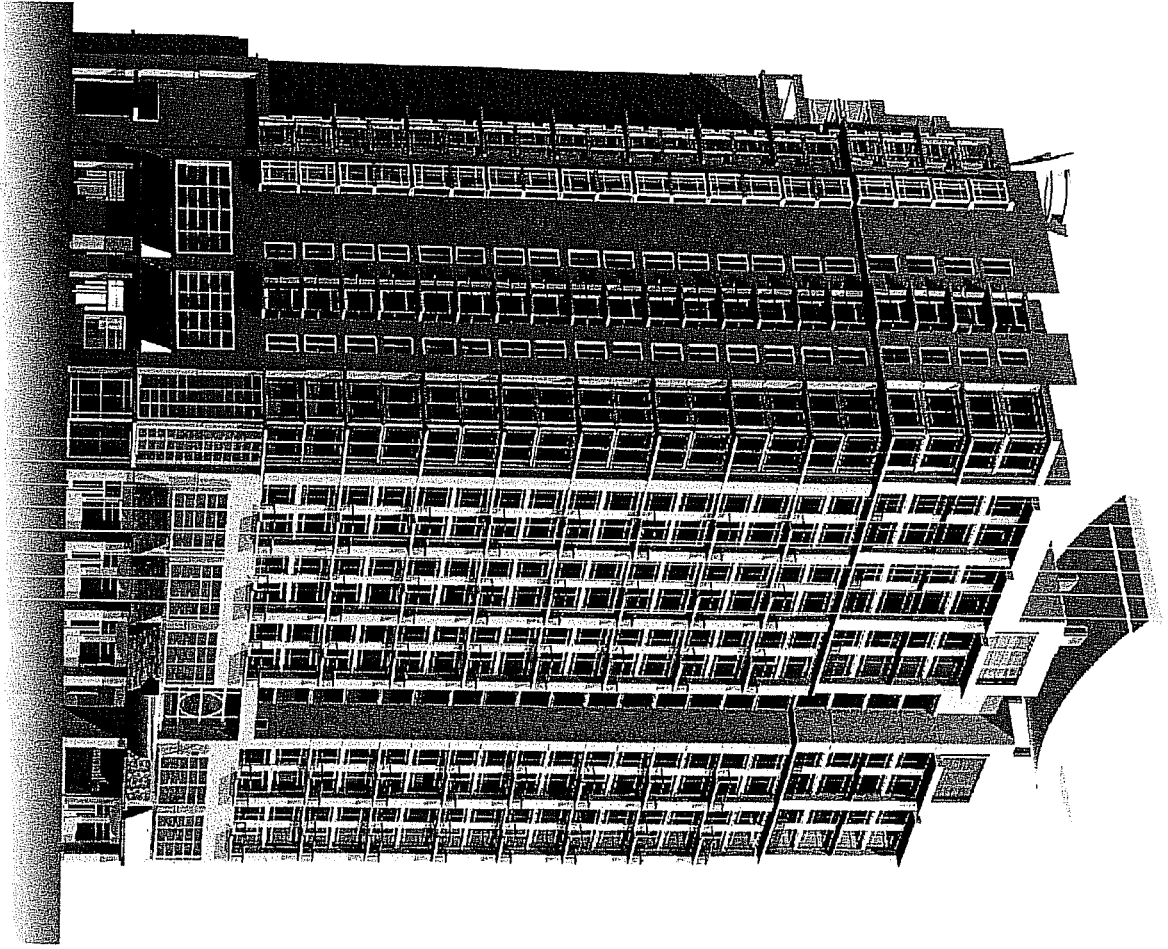
325 SEVENTH STREET  
OAKLAND, CALIFORNIA

**S2**  
ARCHITECT

325 SEVENTH STREET  
OAKLAND, CALIFORNIA



Exhibit F  
3D Visual Simulation: Corner of Seventh Street and Harrison Street

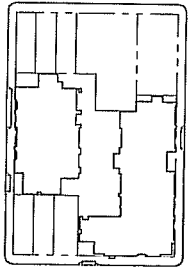


3D VISUALIZATIONS  
SCALE: 1/8" = 1'-0"

EARLY DRG  
SUBMITTAL

**VMM**  
ARCHITECTS

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3000 14TH ST  
SAN FRANCISCO, CA 94103  
TEL: 415.774.8800  
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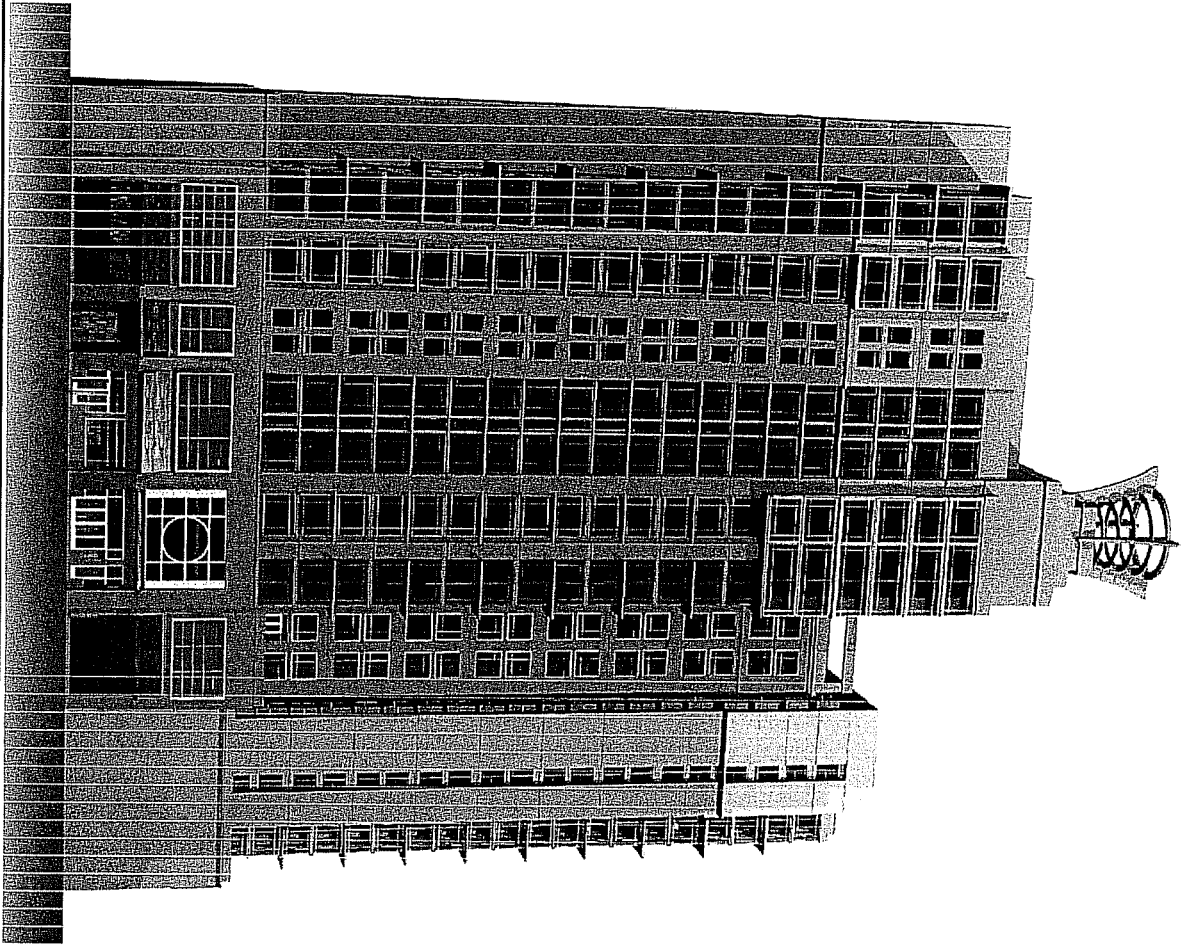
CORNER OF 7TH STREET & HARRISON STREET

**S4**  
SHEET NUMBER

325 SEVENTH STREET  
OAKLAND, CALIFORNIA

Exhibit G  
3D Visual Simulation: Sixth Street Frontage

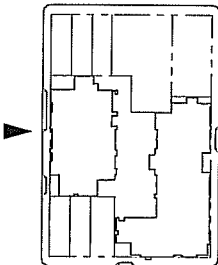
3D VISUALIZATIONS  
SCALE: 1/8" = 1'-0"



EARLY DRG  
SUBMITTAL



BRUNNEN  
ARCHITECTS  
SAN FRANCISCO  
SAN FRANCISCO

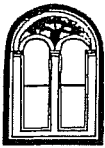


SIXTH STREET FACADE

S1

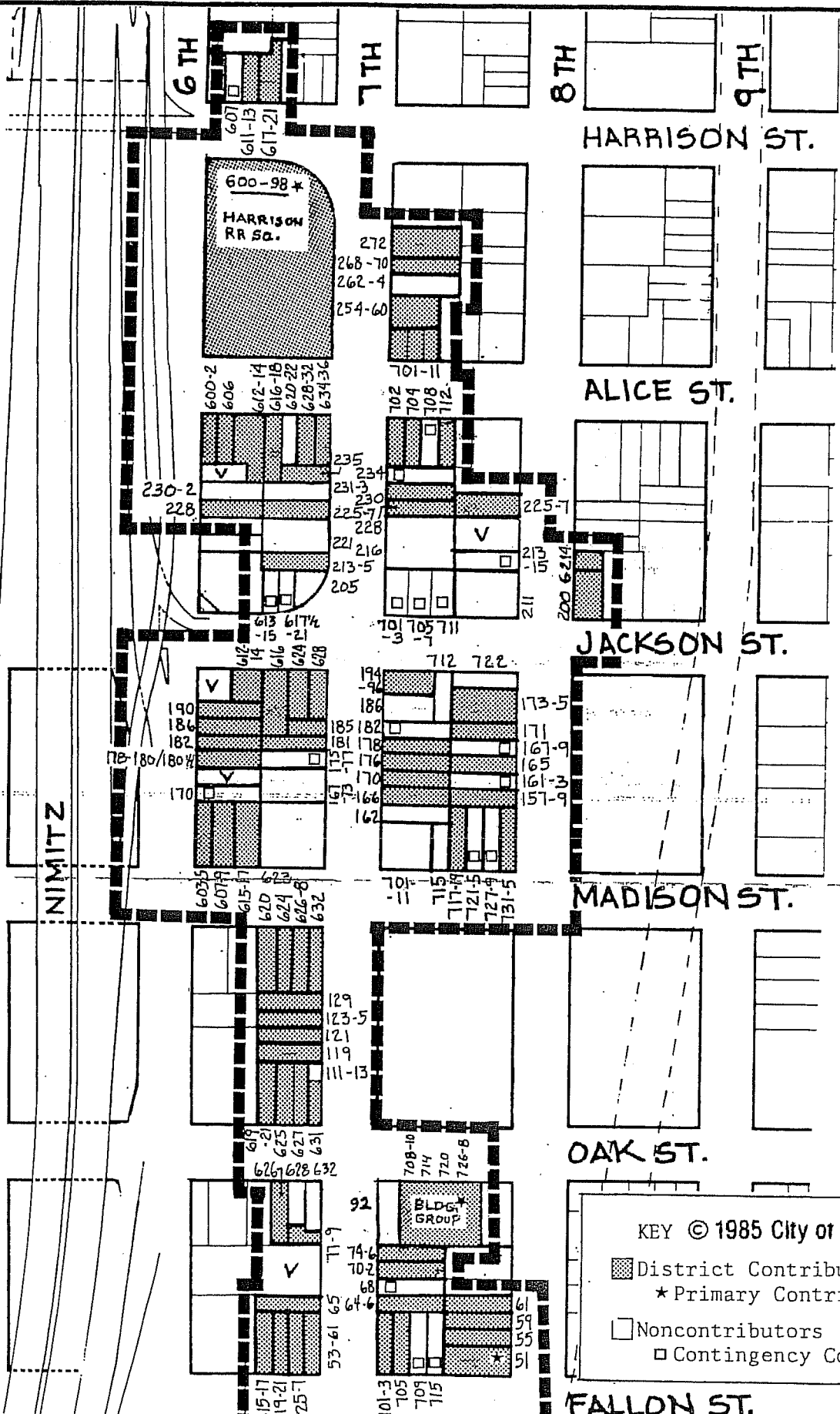
325 SEVENTH STREET  
OAKLAND, CALIFORNIA

7th Street Residential District - Oakland Cultural Heritage Survey



Oakland Cultural Heritage Survey  
Oakland City Planning Department

7TH STREET  
RESIDENTIAL DISTRICT



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- Contingency Contributors