

INITIAL STUDY /ADDENDUM FOR THE CENTRAL GATEWAY AGGREGATE RECYCLING AND FILL PROJECT

An Addendum to the 2002 OARB Redevelopment Plan EIR
and the 2006 OARB Auto Mall SEIR

Addendum to SCH Nos. 2001082058 and 2006012092



October 2009

City of Oakland

Community and Economic Development Agency
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Oakland, CA 94612



LAMPHIER - GREGORY

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AGGREGATE RECYCLING AND FILL PROJECT

Initial Study Determination / Addendum to 2002 OARB Redevelopment Plan EIR and 2006 OARB Auto Mall SEIR

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INITIAL STUDY DETERMINATION

TO DETERMINE WHETHER FURTHER CEQA REVIEW IS REQUIRED FOR DEVELOPMENT OF AN AGGREGATE RECYCLING & FILL OPERATION AT THE FORMER OAKLAND ARMY BASE

California Environmental Quality Act (CEQA)

The purpose of this evaluation is to determine whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the impacts of the Aggregate Recycling & Fill Project located at the former Oakland Army Base (OARB). The entire OARB is subject to the Oakland Army Base Redevelopment Plan and Reuse Plan for which an EIR has already been certified in 2002, and portions of the OARB have been reevaluated pursuant to the 2006 OARB Auto Mall Supplemental EIR (SEIR), and a 2007 Addendum (collectively known as “Previous CEQA Documents”). As detailed below, an Addendum is the appropriate CEQA document and no Supplemental or Subsequent EIR is required. This document constitutes the Addendum.

- 1. Project Title:** Aggregate Recycling & Fill 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:** Margaret Stanzione, Planner IV
(510) 238-4932
mstanzione@oaklandnet.com
- 4. Project Location:** The Aggregate Recycling & Fill Project site would be located within the Central Gateway portion of the former OARB, plus a 12-acre freeway parcel located between I-80 and Burma Road.
- 5. Project Sponsor’s Name and Address:** City of Oakland Redevelopment Agency
Al Auletta, Redevelopment Area Manager
250 Frank H. Ogawa Plaza, Suite 5313
- 6. General Plan Designation:** The Aggregate Recycling & Fill Project site is designated in the adopted City of Oakland General Plan Land Use and Transportation Element as General Industrial/Transportation.
- 7. Zoning:** The zoning designation is M-40, Heavy Industrial Zone.



8. Description of Project:

The Aggregate Recycling & Fill Project is primarily a concrete crushing and asphalt recycling operation. It will accept asphalt and concrete materials from off-site locations for crushing into recycled aggregate materials. Once crushed and appropriately recycled, the resulting aggregate material will be placed in stockpiles of varying size for reuse. A portion of this aggregate will be placed as engineered fill across the Central Gateway Development Area. Recycled aggregate materials in excess of that needed for on-site fill will be taken off-site to be used in Caltrans, City of Oakland and other roadway and sidewalk construction and repair projects. At the end of a 5-year operating period, the Aggregate Recycling & Fill Project will be completed. All recycling operations will be removed from the site and the Central Gateway will be appropriately graded to accommodate new redevelopment anticipated under the Redevelopment Plan, or as may be amended (see following sections for a more complete Project Description).

9. Surrounding Land Uses and Setting:

The Aggregate Recycling & Fill Project is located within the northerly portion of the former OARB. Land uses to the north consist of the I-80 freeway and the westbound San Francisco Bay Bridge toll plaza. Truck and container storage operations and the San Francisco Bay are located to the west. More container storage and Port of Oakland maritime operations are provided to the south and southeast. The I-880 freeway is to the east, with abutting railroad tracks principally used by the Port of Oakland for cargo distribution, consistent with the use of these lands as envisioned under the OARB Redevelopment Plan and as analyzed in the OARB Redevelopment Plan EIR. To the northeast is the East Bay Municipal Utility District (EBMUD) Wastewater Treatment Plant.

10. Other Public Agency Approvals Required: ¹

Bay Area Air Quality Management District - Since the crushing system and generator will be used on site for more than 12 months, these sources will be considered stationary sources by the BAAQMD and will be required to obtain air quality permits to construct and operate.

11. Requested Actions and Required Approvals:

This environmental evaluation addresses all steps necessary to implement the Project including without limitation, the following local actions:

- Oakland Redevelopment Agency (ORA) issuance of an Operations Lease and any related documents as necessary for the operation and use of the site;

¹ A Covenant to Restrict Property Use ("Covenant") for the Oakland Army Base was recorded on August 8, 2003 as part of the overall EDC transaction transferring the Oakland Army Base property to the Oakland Base Reuse Authority. The Covenant was recorded against the 363-acre Oakland Army Base property. The Covenant prohibits sensitive land uses at the property including residential housing, schools, day-care facilities, hospitals and hospices. The Covenant restrictions are incorporated into all leases and real estate documents executed for Oakland Army Base property. The Covenant does not require approval from DTSC for allowable land uses (uses that are not prohibited). Additionally, in the event the Redevelopment Agency wants to consider prohibited sensitive land uses, the Covenant includes a waiver process. The Aggregate & Recycling Fill Project is an allowable land use under the Covenant, and thus does not require any DTSC approval or action. The Covenant is included as **Appendix B**.



- Administrative approval of subsequent demolition, grading and building permits, infrastructure improvements and environmental remediation activities.



Environmental Factors Potentially Affected

Environmental factors which may be affected by the Project are listed alphabetically below.

Factors marked with a filled in block (■) have been determined to be potentially affected by the Project, involving at least one impact that has been identified as a “Potentially Significant Impact”, as indicated in the attached CEQA Evaluation and related discussion that follows.

Unmarked factors (□) were determined to be either not significantly affected by the Project, adequately examined under the Previous CEQA Documents, or fully mitigated through implementation of standard conditions of approval or (revised) mitigation measures adopted by the City of Oakland as both lead agency and project sponsor.

- | | | |
|--|---|---|
| <input 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 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 type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |



Determination:

On the basis of this initial evaluation:

I find that although changes are proposed as part of the current Project that would involve revisions to the Previous CEQA Documents, and that changes have occurred with respect to circumstances under which the current Project are undertaken, and there is new information, none of these involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Only minor changes to the previous EIR are required to address these changes in the project, its circumstance, and new information. Thus, an ADDENDUM to the Previous CEQA Documents is appropriate, and this document constitutes that ADDENDUM.



Signature

10/19/09

Date

Eric Angstadt, Deputy Director of CEDA
Environmental Review Officer



INTRODUCTION

Background

Army Base Closure

In 1995, the Federal Base Realignment and Closure (BRAC) Commission recommended closure and realignment/disposal of the approximately 430-acre Oakland Army Base (OARB). The U.S. Army, the lead agency for base closure and transfer, conducted or participated in the required environmental processes pursuant to the closure, and conveyed the majority of the OARB land to the Oakland Base Reuse Authority (OBRA). Three parcels (26 acres) were reserved for the U.S. Army Reserve, and 15 acres were assigned to the Department of the Interior for conveyance to the East Bay Regional Park District (EBRPD).

The OBRA was established as the local reuse authority responsible for managing OARB assets and planning for reuse of the former OARB. OBRA operated leasing operations of the facilities remaining on the OARB, and acquired the land from the U.S. Army and from the U.S. Army Reserves. OBRA in turn transferred former OARB and U.S. Army Reserves property to other entities (the Oakland Redevelopment Agency and the Port of Oakland) for redevelopment and reuse

Establishment of OARB Planning Areas

Immediately upon the BRAC Commission's recommendation to close the OARB, the City of Oakland began to evaluate how best to implement reuse of the OARB and the surrounding areas. The City investigated redevelopment options, designated a Redevelopment Survey Area, and prepared the Oakland Army Base Area Redevelopment Plan that established a 1,800-acre Redevelopment Project Area, including the 430-acre OARB. The OARB Redevelopment Area is divided into three sub-districts. The boundaries of the OARB Redevelopment Area and its subareas are shown in **Figure 1**. The sub-districts within the City Gateway Development Area are shown in **Figure 2**.



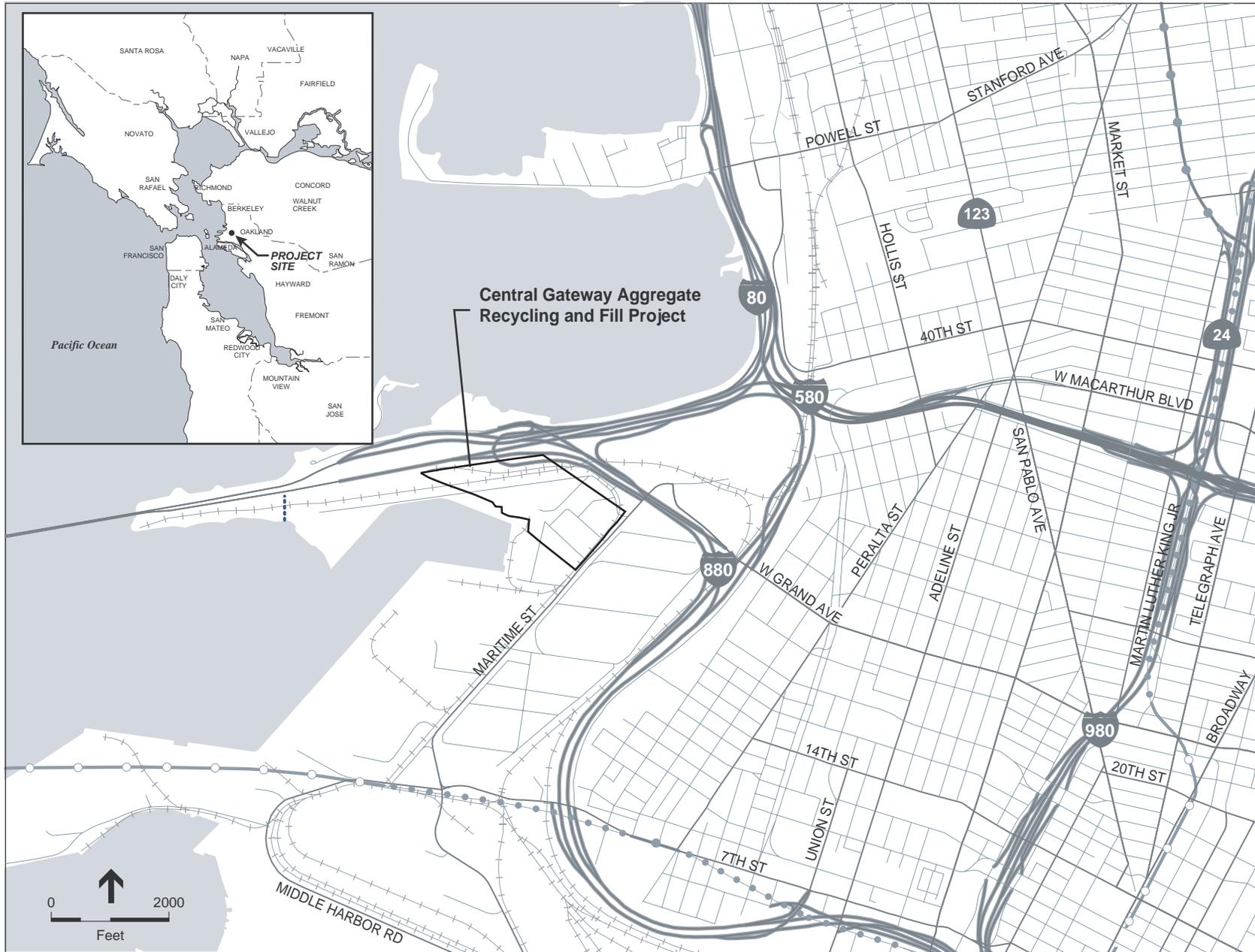


Figure 1 - Project Location



SOURCE: Lamphier-Gregory

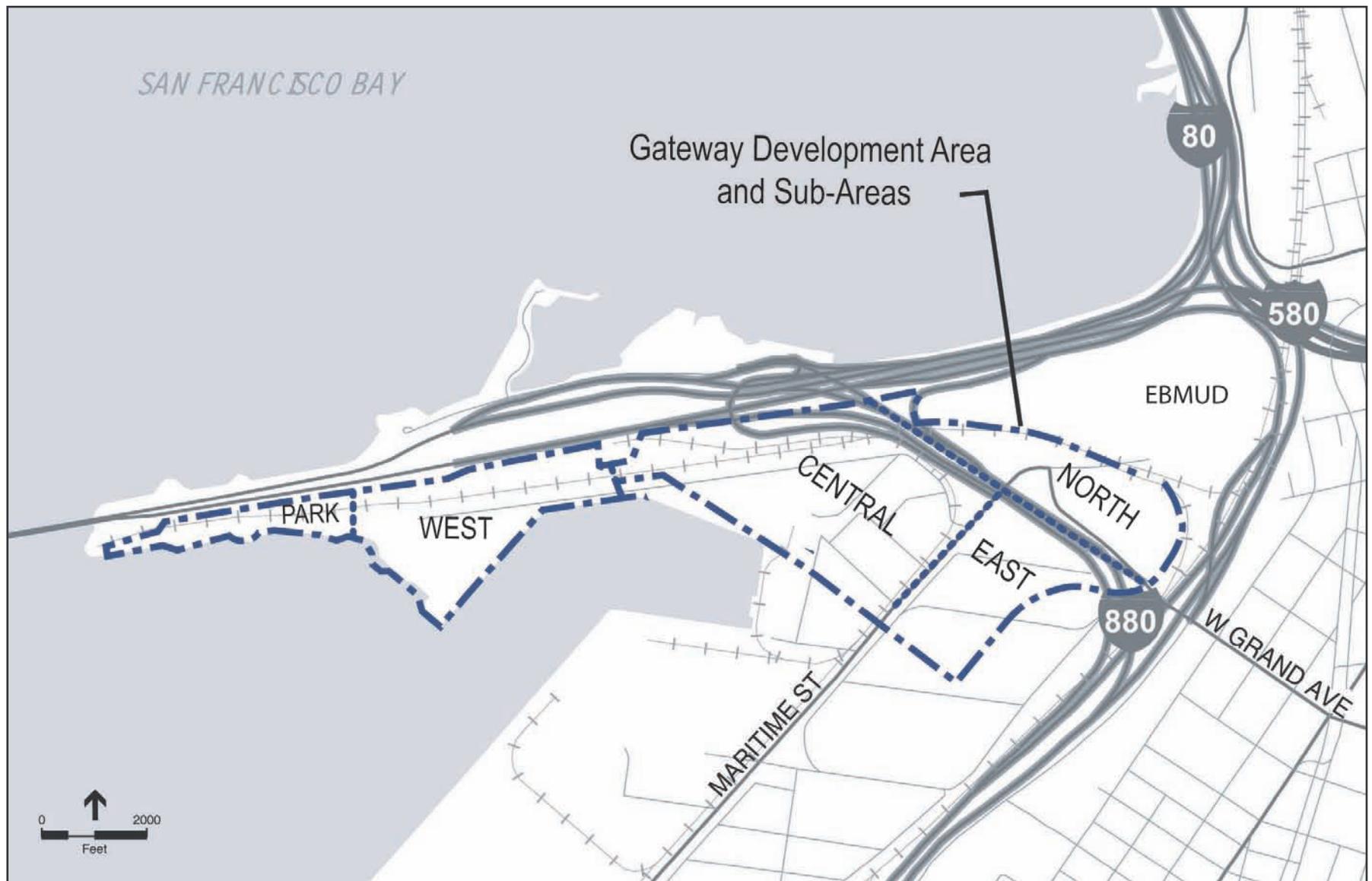


Figure 2 - Gateway Development Sub-Areas

SOURCE: Modified from 2002 OARB Redevelopment EIR

OARB Subarea

This Subarea is 470 acres in size, consisting of the 430-acre OARB (both the land and submerged parcels of the Base, including lands currently owned by the Reserves) and several parcels immediately adjacent to the northern boundary of OARB, between the Base and I-80, totaling approximately 39 acres. The OARB Subarea is bounded (clockwise from the north) by the Bay Bridge, I-880, the Port of Oakland and the San Francisco Bay. This Subarea comprises two development areas:

- The 220-acre Port Development Area (primarily in the west and southeast portion of the OARB); and
- The City of Oakland's 170-acre Gateway Development Area (primarily in the northwest portion of the OARB). The Gateway Development Area is further subdivided into the following districts:
 - a) North Gateway, north of West Grand Avenue
 - b) East Gateway, south of West Grand Avenue and east of Maritime Street
 - c) Central Gateway, south of West Grand Avenue and I-80 and west of Maritime Street
 - d) West Gateway, south of I-80
 - e) Gateway Park, the most westerly point of the OARB

Maritime Subarea

This Subarea is approximately 1,290 acres in size. The majority of this subarea comprises that portion of the Port of Oakland dedicated to maritime use. It extends from the Outer Harbor on the west to and including Howard Terminal on the east (including Schnitzer Steel, a non-Port property, and from the Inner Harbor on the South to Berth 10 on the north).

16th/Wood Subarea

This Subarea is approximately 41 acres in size. It is located roughly between the realigned Cypress Freeway (I-880) to the west and Wood Street to the east; West Grand Avenue to the north to 7th Street to the south.

OARB Redevelopment and Reuse Plan

A summary of the assumptions for land use redevelopment as contained in the Redevelopment Plan and Reuse Plan for the Redevelopment Area is shown on the following **Table 1**.



Table 1 - OARB Redevelopment Area Buildout, through 2020

	Units	Redevelopment Subareas			16 th /Wood ¹	Total
		OARB	Maritime	Port		
		Gateway				
Potential Land Uses						
Light Industry	sq. ft.	494,000	-	-	305,000	799,000
Office, R&D	sq. ft.	1,528,000	-	-	1,437,000	2,965,000
Retail	sq. ft.	25,000	-	-	1,300	26,300
Warehouse/distribution	sq. ft.	300,000	-	-	-	300,000
Total square feet	sq.ft.	2,347,000	-	-	1,743,300	4,090,300
Live/work units	sq.ft	-	-	-	375	375
Acres						
From uses listed above:	ac.	168	-	-	40	208
Park, Public Access	ac.	29	-	-	1	30
New Maritime	ac.	-	55	65	-	120
Terminal Recon.	ac.	-	-	82	-	82
Maritime Support	ac.	15	2	88 ^e	-	105
Rail	ac.	-	130	35	-	165
Acres redeveloped	ac.	212	187	270	41	710
Total acres	ac.	228	241	1,290	41	1,800

Source: City of Oakland, 2002 OARB Redevelopment Plan EIR, Table 3-1, Page 3-8.

Notes: 1. 16th/Wood buildout was amended with the approval of the General Plan Amendment to allow the Wood Street Development Project.

The Redevelopment Plan involved replacing existing uses, some in derelict condition, with a variety of new uses described as a “Flexible Alternative” of office/R&D, light industry, warehouse/distribution and retail use, as well as the Port of Oakland’s plans for maritime and rail facilities in the Port Development Area. The “Flexible Alternative” strategy which was intended to balance economic and community interests while maintaining flexibility to meet changing market conditions.

Redevelopment/Reuse Plan Assumptions for the Central Gateway

Pursuant to the 2002 OARB Redevelopment Plan, redevelopment of the Central Gateway Development Area is anticipated to accommodate a high yield of approximately 552,000 square feet of Research and Development facilities and flexible office space buildings, approximately 444,000 square feet of new light industrial activity and 25,000 square feet of retail use, but indicated that prior to development of these uses:



“In order to correct drainage, reduce the risk of flooding or tsunami and create sites geometrically suitable for development, site grading and surface land fill would be required.”²

OARB Redevelopment/Reuse Plan Environmental Review (Previous CEQA Review)

An Environmental Impact Report (EIR) for the OARB Area Redevelopment Plan and Reuse Plan (OARB Redevelopment EIR) was certified in July of 2002.³ That EIR described and disclosed the potential environmental consequences associated with adoption by the City of Oakland, the OBRA and the Port of Oakland of the Redevelopment Plan for an area comprising about 1,800 acres including and surrounding the 430-acre former OARB. The analysis contained in the Redevelopment EIR identified all potentially significant environmental impacts of the Redevelopment Plan and provided mitigation measures that reduced the majority of impacts to a less than significant level. The Redevelopment EIR identified some impacts that would be Significant and Unavoidable in the following areas:

- Transportation and Traffic
- Air Quality
- Cultural Resources
- Aesthetics
- Biology

To acknowledge these significant and unavoidable impacts, OBRA, the City of Oakland and the Port of Oakland respectively adopted Statements of Overriding Considerations after certification of the OARB Redevelopment EIR.

Auto Mall Project and Supplemental EIR (Previous CEQA Review)

In 2006 the City of Oakland Redevelopment Agency contemplated an amendment to the OARB Redevelopment Plan and Reuse Plan to consider development of an auto mall within the North Gateway of the OARB. An approximately 30-acre site located north of West Grand Avenue was envisioned for land uses that would include automobile dealerships arranged as an Auto Mall. Four or five separate automobile dealerships would occupy five separate parcels of approximately 4 to 6 acres each. With reconsideration of this site for auto dealership uses, the AMS land use designation for this area needed to be relocated. In conjunction with the Auto Mall project planning processes, the City transferred the AMS land use requirement to a 15-acre portion of the East Gateway at the southern boundary adjacent to the Port's Development Area.

A Draft Supplemental Environmental Impact Report (SEIR) for the OARB Auto Mall Project was prepared in April of 2006.⁴ That Draft SEIR described and disclosed the potential environmental consequences associated with the proposed amendment to the Redevelopment Plan for the Auto Mall project. As part of the Final SEIR for this Auto Mall project, the City also explored the environmental

² City of Oakland, 2002 OARB EIR, page 3-43

³ City of Oakland, 2002 OARB EIR, SCH# 2001082058

⁴ City of Oakland, SCH# 2006012092



consequences associated with providing 13 acres of land within the East Gateway for ancillary maritime support (AMS) uses. An Addendum to the Auto Mall SEIR was also prepared to address changes related to the Auto Mall site layout and to address additional information regarding traffic and wastewater. The 2002 EIR, 2006 SEIR and 2007 Addendum are collectively referred to as the Previous CEQA Documents.

The East Bay Municipal Utilities District (EBMUD) challenged the City's approval of the Auto Mall project and certification of the Supplemental EIR and the Addendum to the SEIR. The Court ultimately set aside the City's December 18, 2007 approval of the Auto Mall project and certification of the Auto Mall SEIR, but only to the extent applicable to the Auto Mall project and its environmental review and/or clearance under CEQA for (1) any discharges from new development into an existing 15-inch sewer line and/or (2) vacation and/or relocation of Wake Avenue which presently provides ingress and egress to EBMUD's Main Wastewater Treatment Plant.⁵ The current Aggregate Recycling & Fill Project does not propose any discharges into the existing 15-inch sewer line, nor any vacation and/or relocation of Wake Avenue, and thus the Previous CEQA Documents are still valid for use in this analysis.

Purpose of this Initial Study Determination

This document evaluates an Aggregate Recycling & Fill Project (the "Project") located on a portion of the former OARB and within the OARB Redevelopment Area.

The purpose of this evaluation is to determine, pursuant to Public Resources Code Sections 21090 and 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15180, 15162 and 15163, whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the Aggregate Recycling & Fill Project located at the former OARB or whether the City can rely on the Previous CEQA Documents.

CEQA provides that when an EIR has been certified, no Subsequent or Supplemental EIR shall be prepared unless the Lead Agency determines, on the basis of substantial evidence, one or more of the following:

- substantial changes are proposed as part of the Project that would involve major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects,
- substantial changes have occurred with respect to circumstances under which the Project is undertaken (i.e., a significant change in the existing or future condition) that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and/or
- new information of substantial importance indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects.

⁵ Superior Court of California, County of Alameda Case No.:RG07-326552 (CEQA Action), March 2009



If none of these factors are applicable then no Subsequent or Supplemental EIR or negative declaration would be required. If some changes or additions to the original EIR are necessary, but none of the changes would warrant preparation of a Subsequent or Supplemental EIR or negative declaration, the City may prepare an Addendum to the Previous CEQA Documents, pursuant to CEQA Guidelines Section 15164.

Changes in the Project

This Initial Study will assess the extent to which changes that are proposed as part of the Aggregate Recycling & Fill Project may result in new or significantly increased effects. The environmental review now necessary for the Project is only required to address substantial changes to the Previous CEQA Documents necessary to adequately address new or different information specific to the current proposal. The new or different aspects of the current project include the following:

- An on-site crushing and recycling operation is now proposed as the source of aggregate fill material to create sites geometrically suitable for development.
- Off-site export of a certain amount of crushed and recycled aggregate is now proposed and not contemplated in the previous EIR.

Changes in Circumstances

There have been a number of circumstances that have changed since certification of the OARB Redevelopment EIR in 2002 (i.e., a change in the existing or future condition), including:

- A major portion of the OARB Redevelopment District's 16th and Wood Street subarea has since been approved for residential and limited commercial development.⁶
- Those portions of West Oakland not located in a previously established redevelopment area or the OARB Redevelopment Area have since been included in the West Oakland Redevelopment Area.
- The City of Oakland and the Port of Oakland have conducted minor land transfers for purposes of facilitating more accessible access and rail yard configurations.
- Hazardous materials clean-up operations have been conducted in several portions of the OARB, pursuant to the approved OARB Remedial Action Plan/Risk Management Plan (RAP/RMP).
- The U.S. Army Reserves have completed transfer of their former land ownerships within the former OARB to the Oakland Redevelopment Agency.
- The City of Oakland and State Lands Commission have negotiated and settled issues related to the designation of lands subject to Tidelands Trust through the recordation of the Oakland Army Base Title Settlement and Exchange Agreement dated August 7, 2006.
- BCDC, through Resolution No. 07-07 dated January 22, 2007, has approved the relocation of the AMS use requirement to the East Gateway. The City of Oakland has received an application from Oakland Maritime Support Services (OMSS) for development of a 15-acre site in the East Gateway that would fulfill this requirement. The project would result in 99 tractor truck parking

⁶ City of Oakland, Wood Street Development Project (formerly Central Station), approved by the City Council on June 7, 2005



spaces and 183 container storage spaces. The ratio of trucks to container storage will vary over time to accommodate the market. However, there could be a maximum of 250 tractor trucks parked at the facility at any one time. Other aspects of the Project include ancillary facilities such as truck maintenance and washing, gasoline, biodiesel and LNG fuel service, a truck-to-truck transfer facility, and on-site circulation improvements. The OMSS Project would also include several new, permanent structures including 44,500 square feet of office/retail space and a small 3,200 square foot mini-mart. The OMSS project is expected to employ approximately 35 to 46 employees in such jobs as leasing and management, dispatch, scheduling and maintenance, insurance and retail operations. The OMSS project is expected to commence operations as early as 2011.

Given that the OMSS project is a reasonably foreseeable future project with the potential to construct and operate during the same time frame as operation of the Aggregate Recycling & Fill project, it is included as part of a new cumulative scenario and analyzed as such in this Initial Study Determination (see discussion of cumulative impacts under Mandatory Finding of Significance).

- City staff has requested proposals from potential master developers that have interest in developing the OARB Gateway. No final plans for these areas have been developed and no applications filed. Although the potential for a master development of the OARB Gateway is a reasonable and feasible future project, its development would not occur until such time as the Aggregate Recycling & Fill project is completed. Since development of the OARB Gateway under a master development plan would not occur simultaneously with operation of the Aggregate Recycling & Fill Project, it is not included as part of the cumulative scenario for this Initial Study Determination.

For the most part, these changed circumstances are not anticipated to have any other implications on environmental consequences associated with the proposed Project. However, the inclusion of the OMSS project may result in cumulative effects, and such potential effects are more fully analyzed in this Initial Study Determination.

New Information

This Initial Study will assess whether new information, not known at the time of preparation of the Previous CEQA Documents may indicate a new or significantly increased environmental effect. New information specifically includes new guidance and review related to greenhouse gas emissions and global climate change which were not addressed in the previous EIR, as well as new draft thresholds for air quality impacts that are currently being considered by the Bay Area Air Quality Management District.⁷

⁷ The BAAQMD's document; *Assessing the Air Quality Impacts of Projects and Plans* provides guidance to Lead Agencies, consultants, and other parties regarding air quality analyses conducted pursuant to the California Environmental Quality Act (CEQA). The document provides guidance on evaluating air quality impacts of development projects and local plans, determining whether an impact is significant, and mitigating significant air quality impacts. The most recent version of the BAAQMD CEQA Guidelines was published December 1999. The Air District is in the process of updating the CEQA Guidelines. The CEQA Guidelines Update will review, revise, and develop significance thresholds, assessment methodologies, and mitigation strategies for criteria pollutants, air toxics, odors, and greenhouse gas emissions. The Guidelines Update has been published in draft form, with hearings on adoption of these new guidelines anticipated in October.



As of preparation of this Initial Study Determination, these new draft thresholds have not been adopted by the BAAQMD but have been published for comment and review. Because there is the potential for these thresholds to be adopted in the near future, this Initial Study Determination includes a comparative review against these draft thresholds. This new information is included in this Initial Study Determination, along with an assessment of whether this new information indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effect.

Additionally, the City has since adopted Uniformly Applied Development Standards. These development standards are incorporated into projects as Standard Conditions of Approval (SCAs) regardless of a project's environmental determination, pursuant in part to CEQA Guidelines Section 15183. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City. These standards are designed to, and will substantially mitigate environmental effects. All applicable SCAs will be adopted as requirements of the Project. In the majority of cases, mitigation measures provide differing levels of details related to implementation. Both should be consulted to determine the appropriate implementation in each circumstance.

All applicable mitigation measures and City of Oakland Standard Conditions of Approval are included in the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMP) for the Project, attached as **Appendix A**.

Detailed Project Description

The Aggregate Recycling & Fill Project would be located within the Central Gateway portion of the former OARB and within the Oakland Army Base Redevelopment Area. The Central Gateway is situated northwest of Maritime Street and south of I-80. The Project site boundary is coterminous with the OARB Redevelopment Plan's Central Gateway district; plus a 12-acre freeway parcel located between I-80 and Burma Road, known as the "Freeway Parcel". The Project site location is graphically depicted in **Figure 1**.

Aggregate Recycling

The Aggregate Recycling & Fill Project is primarily a concrete crushing and asphalt recycling operation. It will accept asphalt and concrete materials from off-site locations for crushing into recycled aggregate materials. The Aggregate Recycling & Fill Project would also accept soil from defined and recognized sources.

It is estimated that approximately 200,000 cubic yards of such material will be brought to the site during the first three years of operation (67,000 cubic yards per year), and approximately 50,000 cubic yards will be brought to the site in years four and five (25,000 cubic yards per year). The operation will end at the conclusion of the fifth year. All of the material that is brought to the Project site will be stockpiled. About 50 percent of this material will be processed by a track-mounted crusher system to reduce the material to aggregate 3 inches or less and then be combined with the uncrushed material, and finally stored in stockpiles of varying aggregate size. Stockpile height is limited by the discharge height of the equipment used and can reach up to 50 feet. However, using a track-mounted crusher system as is proposed, stockpile height is likely to be limited to less than 20 feet. Assuming an average stockpile diameter of approximately 50 feet (roughly equivalent to an angle of repose of about 37 degrees), the amount of aggregate stockpiled each month (assuming an even amount of aggregate is generated throughout the



year) could be stored in 2 to 8 stockpiles if entirely unused. The actual number of stockpiles on site at any given time will depend on sorting as well as how quickly the material is being processed and how quickly it is being used as fill, either on- or off-site. Stockpiles of both raw material and crushed aggregate will be watered for dust control.

All materials brought to the site will meet City of Oakland off-site importation requirements, Oakland Army Base Remedial Management Plan requirements and Department of Toxic Substance's Control requirements and thresholds as specifically defined in Section 211-5: Import Fill Material of the Oakland Standard Details for Public Works Construction (see **Appendix C**), which provides specific materials acceptance controls including appropriate sampling data and analysis, monthly monitoring and reporting, and proper acceptance, removal and disposal standards. The Aggregate Recycling & Fill Project's operator will perform sampling and required testing of all materials before and after their arrival on-site. Once crushed and appropriately recycled, the resulting aggregate material will be placed in stockpiles of varying size for reuse.

The Aggregate Recycling & Fill Project will initially be sited on an approximately 40-acre site in the northwest corner of the Project site and may expand to include the 12-acre Freeway Parcel. The equipment used for aggregate recycling will be placed in open areas within the Central Gateway. Prior to the start of the crushing and recycling operations, the Project site would be prepared according to geotechnical recommendations and standards including mass grading, surcharging, site settlement and utility considerations. Over time the operation may be moved to other portions of the Project site as property and other considerations warrant.

On-Site Fill

The Aggregate Recycling & Fill Project operator will stockpile the resulting aggregate from the crushing and recycling operations. A portion of this aggregate will be placed as engineered fill across the Central Gateway Development Area and Freeway Parcel. A diagram showing areas where the fill may be placed is shown in **Figure 3**. Based on Redevelopment Agency estimates, as much as 160,000 cubic yards of fill may be necessary to appropriately level the Central Gateway Development Area. Based on the operator's estimate, it is likely that this volume of fill will be generated over an approximately 3-year period. At the Redevelopment Agency's discretion, the operator may also perform rough grading and surcharging activities to better ready the Central Gateway for future development. All materials to be used / reused on-site will be required to meet City of Oakland and DTSC requirements, as well as Oakland Army Base Remedial Management Plan requirements.

The fill portion of the Aggregate Recycling & Fill Project will need oversight from the Redevelopment Agency (or Redevelopment Agency consultants) to maintain control of site specific fill standards. The on-site fill project will be coordinated with the on-going OARB Remediation Management Plan (RMP) sampling program. The sites within the fill project site are RMP sites which could be filled and then remediated at a later date. The ongoing Army Base RMP sampling program will determine if remediation/abandonment in place is sufficient for closure or if removal of the infrastructure is necessary for closure. Aggregate Recycling & Fill Project oversight will also cover import material certification, sampling and analysis of crushed fill material, mitigation of potential dust created by the Project, as well as adherence to an agreed upon project time frame.



In order to appropriately fill and level the site, it is anticipated that three existing structures (Buildings 5T, 6, and 70) may be demolished and/or salvaged. None of these buildings historic resources or contribute to the OARB Historic District. No other structures will be removed for the placement of new fill material.



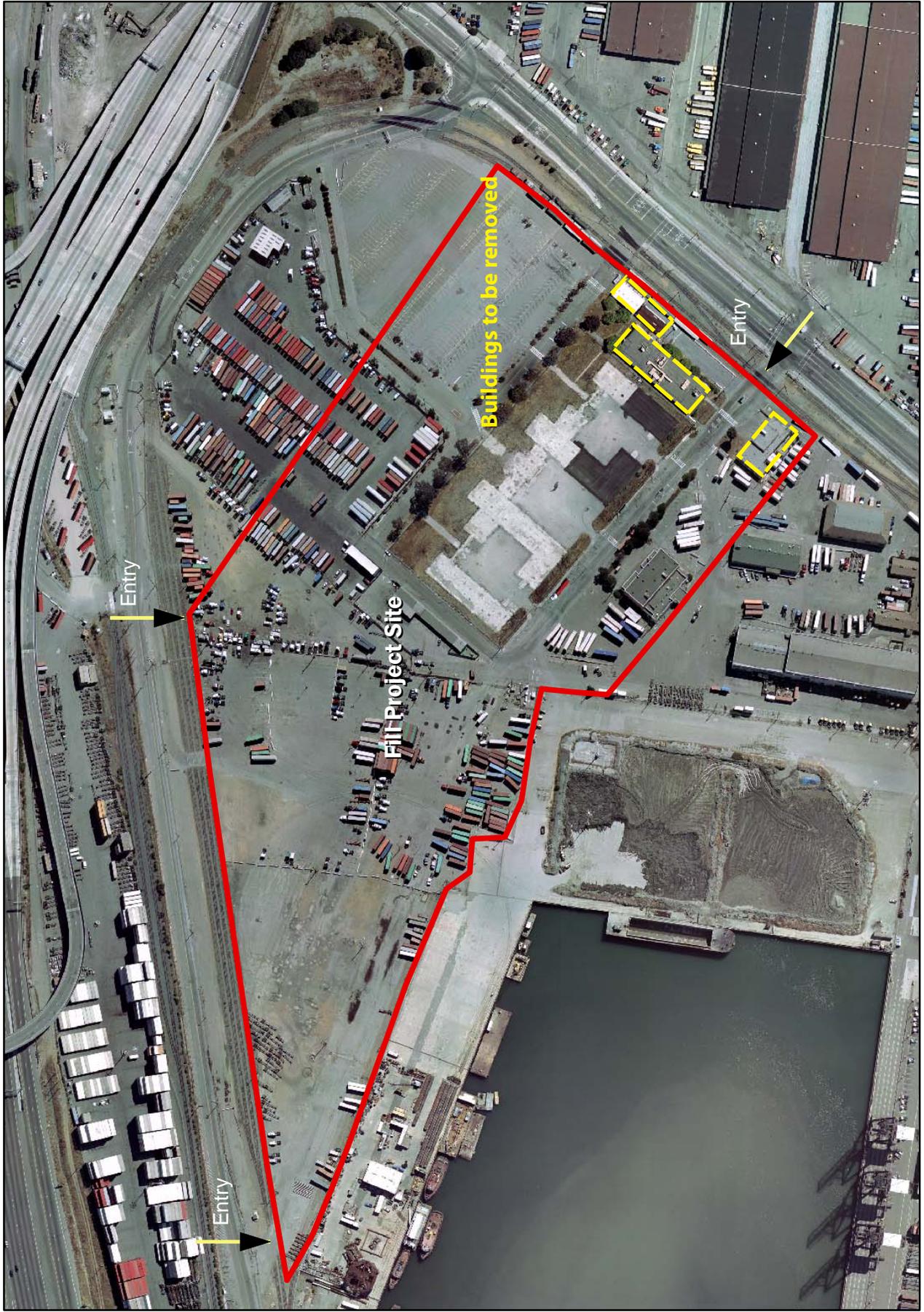


Figure 3 - Aggregate Recycling and Fill Project

Off-Site Reuse

Additional recycled aggregate materials in excess of that needed for on-site fill will be taken off-site to be used in Caltrans, City of Oakland and other roadway and sidewalk construction and repair projects. It is estimated that the project would generate an average of approximately 40,000 cubic yards of such excess material over the first three years of operation, or approximately 13,000 cubic yards per year. Once the necessary on-site fill material has been generated, the operation would then generate approximately 25,000 cubic yards of aggregate per year as export material for another two years, completing a 5-year operating period.

Equipment and Facilities

Equipment at the project site used for crushing and recycling will include a track-mounted crusher system (used to crush, screen and stack the aggregate), a bulldozer to place the crushed product, an excavator for feeding the crushing operation, a loader that will be used occasionally to load trucks or haul on site, and a water truck. A 100 kilowatt (kW) diesel-fueled generator will be used to power the electric motors on the crushing system's screens, conveyor, and stacker. All diesel-powered equipment would use the most recent (2009) engines meeting State and federal emission standards (Tier 3 standards) available for the class of engine used. The bulldozer would meet current (2008 or newer) standards. The track-mounted crusher system would use a Tier 2 emission standard engine.

On-site facilities would include a mobile office trailer and a self-contained portable restroom unit (no sewer connection). Further equipment might be needed to prepare the area and accelerate the consolidation of the underlying Bay Mud settlement, as well as to further mitigate crushing operation residue. The entire operation is expected to employ 8 to 10 people to operate the facility. Typical business hours will be Monday to Saturday, 7am to 4pm.

Additionally, large 20-ton trucks will be used to haul materials to be recycled in to the project site. During the first three years of operation, it is assumed that approximately 30 such large truck trips per day (or 3 truck trips per hour) will bring materials to the site. While some of these same trucks may haul recycled aggregate back out, it is conservatively assumed that an additional 5 trucks per day (or less than 1 truck per hour) will export recycled aggregate off-site. During the fourth and fifth years, truck hauls into and out of the facility would be considerably less.

At the end of the 5-year period, the Aggregate Recycling & Fill Project will be completed. All recycling operations will be removed from the site and the Central Gateway will be appropriately graded to accommodate new redevelopment anticipated under the Redevelopment Plan, or as may be amended.



EVALUATION OF ENVIRONMENTAL IMPACTS

Pursuant to CEQA Guidelines Section 15063, the following sections provide an evaluation of whether the Project will have any new significant effects on the environment.

- If an environmental issue would not be affected by the project or its impact would be less than significant, it is identified in the following evaluation as “**No Impact**” or “**Less than Significant**”.
- If an environmental issue may cause a significant effect on the environment, this evaluation also determines whether this effect was adequately examined in the Previous CEQA documents. If the environmental issue was adequately examined in the previous document, it is identified in the following evaluation as “**No New Impact from those identified in Previous CEQA Documents**”. To the extent that mitigation measures were adopted pursuant to the previous CEQA documents and these measures are applicable to the project, these measures are specifically identified in the following discussion. In some cases, the City has since adopted standard conditions of approval (SCAs) that would update or add to the adopted mitigation measure, and these have been identified as well. All mitigation measures from the OARB Redevelopment EIR are listed in **Appendix A**. This list also identifies which measures are specifically applicable to the Project and which are not.
- If an environmental issue may cause a significant effect on the environment that was examined in the Previous CEQA Documents, but revised or clarified mitigation measures are necessary, it is identified in the following evaluation as “**Less than Significant with Revised Mitigation**” and these revised/clarified measures are specifically identified.
- If there is a new significant environmental effect or a substantial increase in the severity of previously identified significant effect it is identified in the following evaluation as “**Potentially Significant**” and will be analyzed in a later Supplemental or Subsequent EIR.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
I. Aesthetics – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<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 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 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"/>
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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Cast a shadow that substantially impairs the beneficial use of the any public or quasi-public park, lawn, garden, or open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a) (see Appendix A for definition), 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Criteria a) Scenic Vista

Impact

The proposed Project would not result in a substantial adverse effect on a scenic vista, nor would it substantially increase any impacts on a scenic vista other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

The 2002 OARB Redevelopment Plan EIR determined that future development within the entire Redevelopment Area would result in blockage of views toward the Outer Harbor for east-bound travelers on I-80. However, that previous EIR concluded that these views are toward the industrialized portion of the Bay and generally include views of one-story warehouses and administration/ business buildings, container storage space, industrial maritime and rail facilities, and do not constitute important views or scenic vistas. This conclusion would hold true for the proposed Project, including the equipment and stockpiles. While the stockpiles proposed for the Aggregate Recycling & Fill project were not specifically envisioned in the previous EIR, they would not be significantly taller than structures proposed in the area as part of the Redevelopment Plan, which could include multi-story office uses and/or large retail uses. Additionally, the stockpiles would be temporary in nature, related to the construction period. The proposed Project would not result in a significant new impact on scenic vistas nor would it substantially increase any impacts on scenic vistas that were previously disclosed in the Previous CEQA Documents.

Criteria b) Damage to Scenic Resources

Impact

The proposed Project would not result in removal of historic buildings or other scenic resources visible from I-80, a locally designated scenic route, and a portion of the state scenic highway system. (*No Impact*)

No historic buildings or other scenic resources will be damaged or removed as part of the Aggregate Recycling and Fill project.

Criteria c) Visual Character and Quality

Impact

The proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (*No Impact*)

The Aggregate Recycling and Fill site consists of the entire 70+ acre Central Gateway Development area, which is predominantly industrial in nature and includes a complex of one-story warehouses and administration/ business buildings, container storage space, industrial maritime and rail facilities, and undeveloped land. The Freeway Parcel is currently used to store materials for the new Bay Bridge construction efforts. The area is typical of the surrounding transportation and industrial development and is visually unremarkable. Temporary operation of the Aggregate Recycling and Fill project would result in a change in the character of this site. During the 5-year operating period, the area would look less transportation-oriented and more industrial in nature, with crushing and recycling equipment and large



stockpiles of demolition debris and recycled aggregate. At the end of the Fill operation, the Project site would be cleared of current activities, and would be re-graded and ready to accept new redevelopment activity. This change would not be demonstrably adverse nor would it substantially degrade this visually unremarkable site.

Criteria d) Light and Glare

Impact

The proposed Project would potentially create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

Security lighting and lighting for night time operations is currently present throughout the OARB area. New construction in the OARB, including the Aggregate Recycling & Fill Project will require nighttime illumination for security. This could increase nighttime light and glare and light spillage across property boundaries. However, the proposed Project would not result in an increase in light and glare beyond that previously disclosed in the Previous CEQA Documents.

Mitigation Measures

The following 2002 OARB Redevelopment EIR mitigation measure is applicable to reduce this potential impact to a less than significant level:⁸

Mitigation 4.11-1: New lighting shall be designed to minimize off-site light spillage; "stadium" style lighting shall be prohibited.

Modern security lighting is available that directs light toward a specific site, and substantially reduces spillage of light onto adjacent properties. The City shall require the use of such directional lighting as a condition of approval for redevelopment projects throughout the project area. In no case shall the City allow the use of stadium-style lighting, which directs light outward across a broad area.

Uniformly Applied Development Standards

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

SCA VISUAL-1: Lighting Plan would also be applicable to the Aggregate Recycling & Fill project and adds more detail to Mitigation Measure 4.11.1.

⁸ Since the Project is not located near the Gateway Park, MM 4.11-2 is not applicable.



Resulting Level of Significance

Implementation of Mitigation Measure 4.11-1 and SCA VISUAL-1 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects to light or glare impact or a substantial increase in the severity of previously identified light or glare impact.

Criteria e and f): Shadowing of Solar Collectors

Impact

The proposed Project would not result in a significant new impact on shadowing of solar collectors, nor would it substantially increase any impacts on shadowing of solar collectors other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

No active or passive solar collection systems are present or currently planned in or near the Project area. The Aggregate Recycling & Fill project is a temporary use that would not include structures or landscaping that would shadow current solar collection systems or that would shadow any future solar collection systems that may be installed within the OARB at a later date.⁹

Criteria g and h): Shadowing of Public Spaces or Historic Resources

Impact

The proposed Project would not result in a significant new impact on shadowing of public spaces or historic resources, nor would it substantially increase the impacts on shadowing of public spaces or historic resources other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

As a temporary operation with minimal facilities and equipment, the Project would not cast any significant permanent shadows on public spaces or historic resources.

Criteria i): Provision of Adequate Light

Impact

The proposed Project would not result in a significant new impact on provision of adequate light, nor would it substantially increase any impacts on provision of adequate light other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

⁹ Given that there are no existing solar collectors in the vicinity, MM 4.11-3 through 4.11-5 from the 2002 OARB EIR regarding solar collectors are not applicable



As a temporary operation with minimal facilities and equipment, the Aggregate Recycling & Fill project would have no concerns about adequate natural light.

Criteria j) Wind

Impact

The proposed Project would not result in a significant new wind impact, nor would it substantially increase any impacts on wind other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

Although the Project is located adjacent to a substantial water body (San Francisco Bay), there are no components of the project that are 100 feet or greater as measured to the roof. Therefore, pursuant to the City's CEQA Thresholds of Significance, no wind analysis is required and the Project is presumed to have no effect regarding increased wind conditions.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
II. AGRICULTURAL RESOURCES -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non- agricultural use?	<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 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 checked="" type="checkbox"/>

Criteria a, b and c): Agricultural Resources

The Project would not convert any types of farmland to non-agricultural use, would not conflict with agricultural zoning or a Williamson Act contract, and would not involve any changes in the existing environment which could result in conversion of farmland to non-agricultural use. The proposed Project would not result in a significant new impact on agricultural resources, nor would it substantially increase any impacts on agricultural resources other than those disclosed in the Previous CEQA Documents. (*No Impact*)

The Previous CEQA Documents have found that the majority of the OARB Redevelopment Area, including the Project site, has already been developed for urbanized uses. There are no agricultural resources in the area and there is no potential impact to agricultural resources from the proposed Project. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects on agricultural resources, or a substantial increase in the severity of previously identified environmental effect on agricultural resources.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
III. AIR QUALITY -- 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 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 type="checkbox"/>	<input checked="" 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"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<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 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"/>
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater or 80 pounds (36 kilograms) per day or greater? The Port of Oakland maintains PM 10 and PM 2.5 monitoring stations in West Oakland and data from these stations should be obtained and used.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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 checked="" type="checkbox"/>
j) Result in a substantial increase in diesel emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that would (a) exceed adopted, numeric thresholds of an appropriate regulatory agency; or (b) conflict with any applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing GHG emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Background

The Project area is located within the City of Oakland, Alameda County and within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) administers air quality regulations applicable to this Air Basin. Recent air quality monitoring data collected in Alameda County shows air quality in the County periodically exceeds State and national air quality standards for ozone and fine particulate matter (PM_{2.5}) and State particulate matter standards for both fine and respirable (PM₁₀) particulate matter. The San Francisco Bay Area Air Basin has been designated as being a nonattainment area for the State ozone, PM₁₀ and PM_{2.5} standards, and nonattainment for the federal ozone and 24-hour PM_{2.5} standards.

The BAAQMD provides a guidance document titled, “*Assessing the Air Quality Impacts of Projects and Plans*” (BAAQMD CEQA Guidelines) which provides guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts conducted pursuant to the California Environmental Quality Act (CEQA). The document provides guidance on evaluating air quality impacts of development projects and local plans, determining whether an impact is significant, and mitigating significant air quality impacts. The most recent version of the BAAQMD CEQA Guidelines was published December 1999.

On September 4, 2009, the Bay Area Air Quality Management District (BAAQMD) published a new set of proposed CEQA Guidelines (Draft Guidelines) for consideration by lead agencies. In addition to proposing thresholds of significance for GHG emissions, these Draft Guidelines also propose new mechanisms for evaluating risk and hazard thresholds for the siting of stationary sources and of sensitive receptors. Also, the Draft Guidelines lower the threshold of significance for annual emissions of Reactive Organic Gases (ROG), Nitrogen Oxides (NO_x) and Particulate Matter Exhaust (PM₁₀) and set a standard for smaller particulates (PM_{2.5}) and fugitive dust. The Draft Guidelines have been published in draft form and BAAQMD has asked for all comments to be submitted by September 25, 2009 (extended until October 9th), and is proposing to hold a hearing to adopt the Guidelines on October 21, 2009. Because there is the potential for these Draft Guidelines to be adopted in the near future, this Initial Study Determination includes a comparative review against both current thresholds and the new, proposed (but not yet adopted) thresholds included in the Draft Guidelines.

Criteria a): Consistency with Air Quality Plan

Impact

The Project would not conflict with or obstruct implementation of the applicable air quality plan, nor would it substantially increase any impacts related to an inconsistency with air quality plans other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

The BAAQMD is the regional agency responsible for overseeing compliance with State and federal laws, regulations, and programs within the San Francisco Bay Area Air Basin. The BAAQMD has prepared and/or implements specific plans to meet the applicable laws, regulations, and programs. The Bay Area 2005 Ozone Strategy is the latest adopted plan (adopted in January 2006). The 2005 Ozone Strategy describes the Bay Area's strategy for compliance with State one-hour ozone standard planning requirements.



In formulating compliance strategies, the BAAQMD relies on planned land uses established by local general plans. When a project proposes to change planned uses by requesting a general plan amendment (GPA), the project may depart from the assumptions used to formulate Clean Air Plan strategies in such a way that the cumulative result of incremental changes may hamper or prevent the Plan from achieving its goals. This is because land use patterns influence transportation needs, and motor vehicles are the primary source of air pollution. Projects proposed in jurisdictions with general plans that are consistent with the BAAQMD's Clean Air Plan and projects that conform to the applicable general plan would not have significant cumulative impacts. The BAAQMD's Clean Air Plan also contains a list of transportation control measures that are intended to reduce emissions from vehicles travel. Among this list are 7 measures that the BAAQMD relies on local jurisdictions to implement through General Plan policies.

The Project is a temporary construction-period use intended to support planned development and redevelopment. As such, the Project is consistent with the City of Oakland General Plan, the Oakland Army Base Redevelopment Plan and City of Oakland's development plans for the Gateway Development Area. The Project is not anticipated to conflict with or obstruct the population and employment projections used in the Clean Air Plan.

Criteria b and f): Carbon Monoxide Emissions

Impact

The Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation for carbon monoxide (CO), or contribute to carbon monoxide concentrations exceeding the ambient air quality standards of 9 ppm averaged over 8 hours and 20 ppm for 1 hour, nor would it result in any substantial increase in violations of air quality standards for carbon monoxide other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Pursuant to current BAAQMD CEQA Guidelines¹⁰, localized carbon monoxide concentrations should be estimated for projects which exceed a screening criteria in which (1) vehicle emissions of CO would exceed 550 pounds per day (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. For those projects that exceed these screening criteria, the current thresholds for CO concentrations are set at 9 ppm averaged over 8 hours and 20 ppm for 1 hour.

As presented in **Table 2 and 3** below, CO emissions from vehicle traffic associated with the Project will be less than the 550 lb/day threshold. However, the Project would generate traffic that would contribute to congestion at several intersections. The 2006 Auto Mall SEIR evaluated potential localized concentrations of carbon monoxide emissions at the most congested intersections affected by that project, as well as from an option that included a big box retail use at the site currently reserved for AMS uses.

¹⁰ BAAQMD CEQA Guidelines for Assessing Air Quality Impacts from Projects and Plans, 1996, revised 1999



The results of these previous intersection analyses showed that all existing and predicted future CO concentrations would not exceed the 1-hr and 8-hr CO standards, when traffic from that project and from the retail option was added to the transportation network. It should be noted that the CO emission factors used for that prior analysis were for 2006, and are about 25 to 50 percent greater than those that would occur for vehicles associated with the currently proposed Project during the first three years (2010 through 2013), when vehicle trips would be highest.

In comparison to the CO intersection impact analyses prepared in Previous CEQA Documents (which assessed vehicle traffic volumes greater than those that would be generated by the current Project), the proposed Project would generate less vehicle emissions than previously studied, and would not cause or contribute to a violation of the CO air quality standard. The Recycling & Fill Project, both individually and cumulatively, would have a less than significant impact on local CO concentrations in the Project area.

Under the new Draft Guidelines, local CO emission thresholds are maintained at the 1- and 8-hour standards of 20 parts per million (ppm) and 9.0 ppm, respectively. By definition, these represent levels that are protective of public health. Thus, under the new draft Guidelines the Project would still result in a less-than significant impact to localized CO concentrations.¹¹

Criteria b and g): Criteria Pollutant Emissions

Impact

The Project would not result in total emissions of ROG, NO_x, or PM₁₀ of 15 tons per year or greater or 80 pounds per day or greater, nor would it substantially increase any regional emissions other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

The Bay Area is considered a non-attainment area for ground-level ozone and PM_{2.5} under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. The area is considered to be in attainment for all other regulated air pollutants (i.e., nitrogen dioxide, sulfur dioxide and lead). Attainment means the region normally does not violate air quality standards. In an effort to attain and maintain ambient air quality standards for ozone and PM₁₀, the BAAQMD has established thresholds of significance for evaluating direct and indirect emissions of air pollutants from projects. These thresholds are for ozone precursors (reactive organic gases and nitrogen oxides) and PM₁₀. Currently there are no thresholds for PM_{2.5}; however, the PM₁₀ thresholds would include PM_{2.5}.

The primary sources of air pollutant emissions from the Aggregate Recycling & Fill project include direct emissions from equipment at the Project site associated with the unloading, crushing, and stockpiling of

¹¹ The Draft Guidelines provide new screening criteria including; 1) if a Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans, and 2) if a project would not result in an affected intersection experiencing more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal



incoming materials, loading of aggregate to be exported, and indirect emissions from trucks importing recyclable material and exporting aggregate to off-site locations. Since the maximum quantities of recyclable material will be received and processed at the Project site during the first three years, the worst-case emissions analysis for Project-related sources was conducted as being the 3-year period from 2010 through 2013.

Maximum daily and annual average emissions were calculated for the following emission sources/activities associated with the Project:

- Haul trucks importing recyclable materials to the Project site,
- Haul trucks exporting processed aggregate from the site,
- Fugitive dust from the crushing operations,
- Fugitive dust from on-site mobile equipment, and
- Exhaust emissions from on-site stationary and mobile equipment.

Project emissions were estimated for nitrogen oxides (NO_x), CO, reactive organic gases (ROG), and PM₁₀. Due to the mandatory use of ultra-low sulfur diesel fuel, sulfur dioxide (SO₂) emissions would be small and were not estimated.

Exhaust emissions from haul trucks importing material and exporting aggregate were calculated using the California Air Resources Board (CARB) EMFAC2007 on-road emissions model with default vehicle information for Alameda County. All trucks were assumed to be heavy-duty diesel trucks with a load capacity of 20 tons. An average one-way travel distance of 13 miles was assumed for incoming trucks, and an average of 15 miles was assumed for outgoing trucks, traveling at an average speed of 45 mph. In addition to exhaust emissions, the trucks will generate dust while traveling on the roadways. Entrained dust emissions were calculated using emission factors from EPA's AP-42, Compilation of Air Pollutant Emission Factors¹² and assuming that 75 percent of the travel was on highways and 25 percent on surface streets. It was assumed that there will be 60 one-way truck trips per day (10,050 annual trips or 130,650 miles per year) for the incoming material, and 10 one-way truck trips per day (2,000 trips per year or about 30,000 miles per year) for the aggregate exporting.

Fugitive dust emissions from the crushing system and from on-site mobile equipment were also calculated using EPA AP-42 emission factors. Emission points associated with the crushing system include loading of material into the crusher feed hopper, crushing with a jaw crusher, screening, material transfer onto conveyors, and load-out to piles using a stacker conveyor. Emissions from other fugitive dust sources at the facility included inbound truck material dumping, loading the crusher using an excavator, use of a bulldozer to move material, and loading of the aggregate export trucks using a wheeled loader. It is estimated that about 50 percent of the incoming material will be processed through the crushing system. On average, about 500 tons per day will be processed by the crushing system, with a maximum of 800

mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway); then the impact of the project would be less than significant.

¹² EPA, AP-42 :<http://www.epa.gov/ttn/chief/ap42/index.html>



tons per day production rate. Maximum production rates were used in calculating daily emissions, while the average production rate was used in calculating the annual average emissions.

The Aggregate Recycle and Fill operation will use a loader, excavator, and a generator set for the Project. Exhaust emissions from the on-site mobile equipment and the 100kW diesel-fueled electric generator were calculated using emission factors from CARB's OFFROAD2007 emissions model along with equipment specific data such as engine horsepower, model year, load factor, and hours of use. This equipment would use the most recent diesel engines meeting State and federal emissions standards (Tier 3 standards) available for the class of engines (horsepower) used. In this case, use of model year of 2009 equipment and generator or newer was assumed. The bulldozer would meet current emission standards, 2008 or newer. The operator's track-mounted crushing system uses a Tier 2 engine and its information was used in the emission calculations.

Table 2 summarizes the maximum daily emissions from the Aggregate Recycling & Fill project, while Table 3 summarizes the annual average Project emissions.

Table 2: Daily Emissions from the Recycling & Fill Project

Emission Source/Activity	Maximum Daily Emissions From Recycling & Fill Project (pounds per day)				
	NOx	ROG	CO	PM10	PM 2.5
Emissions From Trucks Importing Material	23.4	1.2	5.7	12.49	
Emissions From Trucks Exporting Material	4.5	0.2	1.1	2.4	
Dust Emissions From Crushing System	-	-	-	1.5	
Dust Emissions From On-Site Mobile Equipment	-	-	-	2.7	
Exhaust Emissions From On-Site Equipment	24.4	1.3	7.6	0.8	
Total	<u>52.3</u>	<u>2.7</u>	<u>14.4</u>	<u>19.9</u>	<u>19.9</u>
<i>BAAQMD Daily Significance Threshold (lb/day)</i>	<i>80</i>	<i>80</i>	<i>550</i>	<i>80</i>	
<i>BAAQMD Draft Guidelines Significance Threshold (lb/day)</i>	<i>54</i>	<i>54</i>	<i>NA</i>	<i>82</i>	<i>54</i>

Table 3: Annual Average Emissions from the Recycling & Fill Project

Emission Source/Activity	Annual Average Emissions From Recycling & Fill Project (tons per year)				
	NOx	ROG	CO	PM10	PM2.5
Emissions From Trucks Importing Material	1.96	0.10	0.48	1.05	
Emissions From Trucks Exporting Material	0.45	0.02	0.11	0.24	
Dust Emissions From Crushing System	-	-	-	0.05	
Dust Emissions From On-Site Mobile Equipment	-	-	-	0.14	
Exhaust Emissions From On-Site Equipment	1.25	0.06	0.39	0.04	
Total	<u>3.7</u>	<u>0.2</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>
<i>BAAQMD Annual Significance Threshold (ton/yr)</i>	<i>15</i>	<i>15</i>	<i>100</i>	<i>15</i>	
<i>BAAQMD Draft Guidelines, Significance Thresholds (lb/day)</i>	<i>10</i>	<i>10</i>	<i>NA</i>	<i>15</i>	<i>10</i>



The inbound trucks bringing recyclable material to the Project site were assumed in the Previous CEQA Documents and are not “new emissions” associated with this Project. Only the emissions associated with the new trips from exporting aggregate from the Project site are considered new. Thus, the actual new emissions from the Aggregate Recycling and Fill Project are about one half those presented in the tables. However, even including emissions from the inbound trucks, the daily and annual project emissions are below the current BAAQMD significance thresholds. Thus, Project-level emissions would be a less than significant impact. (See **Appendix D** for air quality calculations.)

Draft Guidelines Assessment

Under the new Draft Guidelines, lower thresholds have been set which represent levels at which a project’s individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the Air Basin’s existing air quality conditions. If daily maximum or annual emissions of operational related criteria air pollutants or precursors would exceed these new thresholds of significance, the proposed project would result in a cumulatively significant impact. These new thresholds are set at 10 lbs/year and 54 lbs/day for ROG, NO_x and PM_{2.5}, and 15 lbs/year and 82 lbs/day for PM₁₀.

As shown in Tables 2 and 3 above, the Project would not result in total emissions of ROG or NO_x that would exceed 10 tons per year or 54 pounds per day; nor would the Project result in total emissions of PM₁₀ that would exceed 15 tons per year or 82 pounds per day. Even under a conservative assumption that all PM₁₀ emissions would be comprised of PM_{2.5}, the Project would not result in total emissions of PM_{2.5} that would exceed 10 tons per year or 54 pounds per day.¹³ Thus, under the new Draft Guidelines, the Project would still result in a less-than significant impact related to criteria pollutants.

Criteria c): Cumulative Increases in Criteria Pollutants (see also the discussion under Section XVII - Mandatory Findings of Significance, Cumulative Impacts)

Impact:

Although the Project would not generate emissions that would exceed BAAQMD significance thresholds on an individual basis, it would contribute to cumulative emissions resulting from redevelopment of the former Oakland Army Base that are projected to exceed these standards. This cumulative impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

As shown in **Table 4** below, the 2002 OARB EIR estimated that cumulative regional emissions of criteria pollutants would substantially exceed the currently applicable BAAQMD significance thresholds.

¹³ Based on a 1998 CARB Staff Report, about 96 percent of the mass of PM₁₀ in diesel exhaust comprises particles with diameters of 2.5 microns or less. Therefore, PM₁₀ emission estimates for diesel combustion essentially represent PM_{2.5} emission estimates, and on balance, provide a slightly conservative estimate of PM_{2.5} emissions.



Table 4
Redevelopment Program Year 2020 Estimated Emissions from Operations (tons/year)

	NO _x	ROG	CO	SO ₂	PM ₁₀ ^a
Port Development Area/Maritime Sub-District					
Marine Cargo Equipment	37	5	14	2	2
Ships	1,065	65	101	580	79
Tugs	33	1	5	6	1
Trains	29	2	7	5	1
Rail Cargo Equipment	8	1	2	Negligible	Negligible
Transport Trucks	402	67	625	Negligible	19
Cars/Delivery Trucks	9	16	94	Negligible	1
Total Gross Emissions, Port Activities:	1,583	157	848	593	103
Gateway Development Area					
Cars/Delivery Trucks	50	91	519	Negligible	8
Transport Trucks	54	9	85	Negligible	3
Total Gross Emissions, Gateway:	104	100	604	Negligible	11
16th/Wood Sub-District					
Cars/Delivery Trucks	37	67	382	Negligible	6
Transport Trucks	24	4	37	Negligible	1
Total Gross Emissions, 16 th /Wood:	61	71	419	Negligible	7
Redevelopment Program Gross Emissions:	1,748	328	1,871	593	121
Less Berths 55-58 and JIT Mitigated Emissions	454	68	0	0	40
Less 1995 Alternative Baseline Emissions	65	50	553	3	46
Redevelopment Program Net Total	1,229	210	1,318	590	35

Sources: Marine cargo equipment emissions and mitigated Port emissions from Berths 55-58 Project EIR (Port of Oakland 1998); Railyard cargo equipment and train emissions from JIT Project EIR (Port of Oakland 1999); transport trucks and passenger and delivery vehicle emissions from traffic analysis by Dowling Associates for this EIR (2002); alternative baseline emissions from Army EIS for disposal and reuse of the OARB (Corps 2001).

Note:

^a Considered a TAC from diesel fuel combustion.

The Project would result in a very minor increase in emissions of criteria pollutants as compared to the cumulative emissions resulting from implementation of the OARB Redevelopment Plan as presented above. The new or different aspects of the current Project that would increase emissions of criteria pollutants include the on-site crushing and recycling operation as the source of aggregate fill material, and the off-site export of a certain amount of crushed and recycled aggregate. These “new” sources would result in emissions of approximately 1.7 tons per year of NO_x, 0.08 tons per year of ROG and 0.5 tons per year of PM₁₀ (as derived from Table 3 above). These increased emissions are not considered a substantial increase in regional emissions over that previously analyzed for several reasons:

- The increased emissions attributable to the new aspects of the Project account for less than one-tenth of 1% of previously estimated cumulative emission of NO_x, far less than one-tenth of 1% of previously estimated cumulative emission of ROG, and approximately 1% of the previously



estimated cumulative emission of PM₁₀. These minor increases in cumulative criteria pollutants are not substantial.

- The Aggregate Recycling and Fill project will only operate for a period of five years. During this period it is unlikely that any other substantial redevelopment projects will become operational within the Central Gateway portion of the former OARB, as such redevelopment projects will be dependent on completion of the surface land fill to establish suitable development sites. Therefore, emissions generated by the Project are unlikely to combine with other redevelopment emissions such that they would result in a cumulative increase in criteria pollutants either exceeding the ambient air quality standards, exposing pollution-sensitive receptors to substantial pollutant concentrations, or substantially increasing the extent of regional emissions beyond that disclosed in the Previous CEQA Documents.
- The Previous CEQA Documents analyzed a conservative (i.e., “worst-case”) scenario whereby substantial new redevelopment activity was anticipated to occur both within the City Gateway Development Area and within the Port properties. Due to macro-economic conditions, it is uncertain when or if such intensive redevelopment activity will occur throughout the OARB Redevelopment Area. If such intensive redevelopment activity is not realized, then the extent of cumulative increases in criteria pollutants estimated in the Previous CEQA Documents may never be fully generated.
- The Previous CEQA Documents also analyzed a “High Intensity Alternative” which would result in a very large increase in economic activity over that assumed in the OARB Redevelopment Plan as approved, and which would also generate pollutant emissions in quantities substantially greater than those assumed under Table 4 above.

Thus, there are no changes in the Project, change in circumstances, or new information that would result in a substantial increase in the severity of previously identified impacts related to cumulative increases in criteria pollutants.

Mitigation Measures

The 2002 OARB Redevelopment EIR includes Mitigation Measure 4.4-5, subsequently modified by the Auto Mall SEIR as Mitigation Measure Air-1, calling for major developers within the former OARB to implement Transportation Control Measures (TCMs) for reducing vehicle emissions. Major developers are defined as City, Port, and private developers whose subsequent redevelopment activity would generate more than 20,000 square feet of employment-generating land uses, or that would generate 100 or greater local jobs. The Aggregate Recycling and Fill Project does not include any additional employment-generating building space, nor would it employ more than 100 workers. Therefore, this measure would not be applicable.

The 2002 OARB EIR also recommended the following mitigation measure for future redevelopment activities within the OARB, but these measures are the responsibility of the City and the Port, and are not assigned to individual development projects:

Mitigation 4.4-3: The Port shall develop and implement a criteria pollutant reduction program aimed at reducing or off-setting Port-related emissions in West Oakland from its maritime and rail operations. The program shall be sufficiently funded to reduce and/or off-set



redevelopment related contributions to local West Oakland air quality to the maximum extent feasible.

Mitigation 4.4-4: The City and the Port shall jointly create, maintain, and fund on a fair share basis, a truck diesel emission reduction program. The program shall be sufficiently funded to reduce and/or off-set redevelopment related contributions to local West Oakland diesel emissions to the maximum extent feasible.

Resulting Level of Significance

With implementation of the above mitigation measures, the cumulative air quality impact could be substantially reduced, but may not be reduced to a level that is less than significant, and the residual impact of emission of criteria pollutants is considered significant and unavoidable, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects related to increases in criteria pollutants or a substantial increase in the severity of previously identified impacts related to criteria pollutants.

Criteria d): Construction Emissions, Effects on Sensitive Receptors

Impact

Particulate matter as fugitive dust would be emitted during construction, demolition and remediation activities. Additionally, construction equipment exhaust could increase levels of NO_x, ROG, CO and PM₁₀ (the latter as primarily diesel PM). This dust and emissions could expose sensitive receptors to substantial pollutant concentrations. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

The Aggregate Recycling & Fill Project site would require mass grading, and potentially surcharging, settlement and utility considerations.

Construction Dust

During demolition, grading and construction activities, dust would be generated. Most of the dust would result during grading activities. The amount of dust generated would be highly variable and is dependent on the size of the area disturbed, amount of activity, soil conditions and meteorological conditions. Nearby residences could be adversely affected by dust generated during construction activities.

Although grading and demolition activities would be temporary, they would have the potential to cause both nuisance and health air quality impacts. PM₁₀ is the pollutant of greatest concern associated with dust. If uncontrolled, PM₁₀ levels downwind of actively disturbed areas could possibly exceed State standards. In addition, dust fall on adjacent properties could be a nuisance. If uncontrolled, dust generated by demolition, grading and construction activities represents a potentially significant impact.

The current BAAQMD CEQA Guidelines do not recommend quantification of construction dust emissions. Instead, these current Guidelines require implementation of effective and comprehensive feasible control measures to reduce particulate matter emissions. Experience has shown that there are a number of feasible control measures that can be reasonably implemented to reduce dust emissions during



construction. According to the current BAAQMD CEQA Guidelines, if all applicable control measures are implemented (as appropriate, depending on the size of the project area), dust emissions from construction activities would be considered less than significant. The control measures are divided into Basic (to be implemented at all construction sites), Enhanced (to be implemented at construction sites greater than four acres in area), and Optional (strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason may warrant additional emission reductions). The BAAQMD normally allows a presumption that dust impacts would be less than significant with implementation of these control measures.

Construction Equipment Exhaust

Construction equipment and associated heavy-duty truck traffic generate criteria pollutant emissions (NO_x, ROG, CO) which can also result in localized short-term impacts. Diesel exhaust (PM_{2.5}), which is a known toxic air contaminant (TAC) is also emitted from construction equipment and diesel-fueled trucks (see further discussion of diesel exhaust, below). Construction equipment emission, including diesel exhaust, can pose both a health and nuisance impact to nearby receptors.

The current BAAQMD CEQA Guidelines assume that impacts to air quality from construction emissions of CO, NO_x, and ROG are included in the emission inventory that is the basis of regional air quality plans and as such are not expected to impact attainment or maintenance of O₃ and CO standards in the Bay Area. However, the Previous CEQA Documents concluded that equipment emissions resulting for redevelopment throughout the OARB is unusual for several reasons:

- construction/remediation activity may take place throughout the entire 1,800 acre project area;
- at a minimum, approximately 370 acres of the OARB will be deconstructed, re-graded and redeveloped;
- numerous construction activities may take place in the same general vicinity and at the same time; and
- portions of the redevelopment project area are located within different jurisdictional boundaries, generally preventing a coordinated timing or phasing of construction activities.

For these reasons and in the interest of being conservative, the Previous CEQA Documents found the emission of construction/remediation equipment exhaust to be a potentially significant and unavoidable effect of redevelopment.

Draft Guidelines Assessment

Under the new BAAQMD Draft Guidelines, preliminary screening levels have been established which provide lead agency with a conservative indication of whether a proposed project would result in the generation of construction-related criteria air pollutants and/or precursors that could have a significant effect. If all of the Screening Criteria are met, the construction of the proposed project would likely result in a less-than-significant impact from criteria air pollutant and precursor emissions. These screening criteria include the following:

- The project is below the applicable screening level size (not applicable to the proposed Project), and



- All Basic Construction Mitigation Measures would be included in the project design and implemented during construction; and
- Construction-related activities would not include any of the following; a) demolition; b) simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously); c) simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site); d) extensive (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS]) site preparation (e.g., grading, cut/fill, or earth movement); or e) extensive material transport (e.g., soil import/export) requiring a considerable amount of haul truck activity.

The proposed Project would not be able to meet these screening criteria as it does include demolition, would include extensive site preparation activities, and would include a considerable amount of haul trucks. Therefore, the Project could not be presumed to have a less than significant construction emission impact. For those projects that do not meet the screening criteria, the Draft BAAQMD CEQA Guidelines present thresholds of significance for construction-related criteria air pollutant and precursor emissions. These represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the Air Basin's existing air quality conditions. If daily maximum emissions of construction-related criteria air pollutants or precursors would exceed these new thresholds of significance, the proposed project would result in a cumulatively significant impact. These new thresholds are set at 10 lbs/year and 54 lbs/day for ROG, NO_x and PM_{2.5}, and 15 lbs/year and 82 lbs/day for PM₁₀.

A conservative assumption has been made for this analysis that all emissions shown in Tables 2 and 3 above represent construction-related emissions (the Project is part of the "construction activities" assumed to occur pursuant to the 2002 Redevelopment Plan). Even under this conservative assumption, the Project would not result in total emissions of ROG or NO_x that would exceed 10 tons per year or 54 pounds per day; nor would the Project result in total emissions of PM₁₀ that would exceed 15 tons per year or 82 pounds per day. Thus, under the new Draft Guidelines, the Project would still result in a less-than significant impact related to construction-period emissions.

Mitigation Measures

The Previous CEQA Documents found the emission of OARB area-wide construction/remediation equipment exhaust to be a potentially significant and unavoidable effect of redevelopment, and identified the following mitigation measures specifically applicable to construction-period emissions that would be applicable to the Aggregate Recycling and Fill Project:

Mitigation 4.4-1: Contractors shall implement all BAAQMD "Basic" and "Optional" PM₁₀ (fugitive dust) control measures at all sites, and all "Enhanced" control measures at sites greater than four acres.

Mitigation 4.4-2: Contractors shall implement exhaust control measures at all construction sites.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR, the City of Oakland has adopted Uniformly Applied Development Standards pertaining to construction-period particulate matter, imposed as Standard



Conditions of Approval (SCA). These SCA serve to avoid or reduce the potential effects associated with construction-period particulate matter to at least the same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measures 4.4-1 and 4.4-2. These current SCA will not create additional adverse effects. Generally, these SCA are more current, more detailed, and provide greater clarity regarding process and procedures. Therefore, the following SCA replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measures 4.4-1 and 4.4-2.

SCA AIR-1: Dust Control. *Prior to issuance of a demolition, grading or building permit.* 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:

BASIC (Applies to ALL construction sites)

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as feasible. ¹⁴
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.

¹⁴ As a currently industrial area, there is almost no vegetation on site. Replanting would not be necessary.



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

ENHANCED (ALL "Basic" Controls listed above plus the following if the construction site is greater than 4 acres)

All "Basic" controls listed above, plus:

- m) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- n) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).¹⁵
- o) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.
- p) Install appropriate wind breaks at the construction site to minimize wind blown dust.

SCA AIR-2: Construction Emissions. *Prior to issuance of a demolition, grading or building permit.* To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

Resulting Level of Significance

Implementation of Mitigation Measures 4.4-1 and 4.4-2 as more specifically defined pursuant to SCA AIR-1 and AIR-2 would reduce impacts to a less than significant level. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental

¹⁵ As vegetation is not considered beneficial for an ongoing aggregate recycling and fill operation, it can be presumed soil stabilizers would be used and not hydroseed.



effects to sensitive receptors or a substantial increase in the severity of previously identified impacts to sensitive receptors.

Criteria h, I, and j): Diesel Emissions and Other Toxic Air Contaminants

Impact

Trucking activities associated with the Project would emit diesel emissions, and potentially expose sensitive receptors to pollutant concentrations. However, the Project would not result in a substantial increase in diesel emissions or other Toxic Air Contaminants (TACS) that have the potential to expose persons, such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million or results in ground-level concentrations on non-carcinogenic TACS such that the Hazard Index would be greater than 1 for the MEI. The impact associated with increased diesel emissions was fully discussed and disclosed for all redevelopment operations in the Previous CEQA Documents. The Project would not substantially increase any emissions of diesel or other toxic air contaminants other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

Diesel particulate matter (DPM) would be emitted from the on-site equipment and from haul trucks accessing the Project site. DPM has been identified by CARB as a toxic air contaminant that is a human carcinogen, and long-term exposure to diesel exhaust may pose a risk to human health. The current BAAQMD CEQA Guidelines consider emissions of a toxic air contaminant to be significant if a sensitive receptor will be exposed to a lifetime cancer risk greater than 10 in one million, based on a continuous exposure over 70 years, or if it would result in ground-level concentrations on non-carcinogenic TACS such that the Hazard Index would be greater than 1 for the maximum exposed individual (MEI).

Maximum DPM emissions would occur for the first three years of the Project then decrease for the next two years, with no DPM emissions thereafter since the facility will be shut down and removed. Because the distance to the nearest sensitive receptor is relatively large (greater than about 2000 feet) and since the Aggregate Recycling & Fill Project would operate intermittently for an operational period limited to five years, potential cancer risks from a lifetime (70-year) exposure to the Project emissions are expected to be minimal, and a formal risk assessment was not performed.

The Previous CEQA Documents analyzed potential emission of diesel exhaust and other TACs. Those Previous CEQA Documents found that, due to the prevailing meteorological conditions in the redevelopment project area and the distance of the closest residential areas from the emissions sources, levels of diesel particulate in the area of local impact are expected to be well dispersed. Increased levels of PM would be short-term, for the duration of those construction activities that generate such emissions. However, because details of construction were not yet completely defined at that time, the impact was considered potentially significant. With implementation of Mitigation Measure 4.4-2 (see above) the impact would be reduced, but not to a level that is less than significant, and the residual impact was considered significant and unavoidable.

Draft Guidelines Assessment

Under the new Draft Guidelines, new thresholds for operational-related emission of PM_{2.5} have been set which represent levels at which a project's individual emissions would result in a cumulatively



considerable contribution to the Air Basin's existing air quality conditions. If daily maximum or annual emissions of operational related PM_{2.5} emissions would exceed these new thresholds of significance, the proposed project would result in a cumulatively significant impact. These new thresholds are set at 10 lbs/year and 54 lbs/day for PM_{2.5}.

As shown in Tables 2 and 3 above, even under a conservative assumption that all PM₁₀ emissions would be comprised of PM_{2.5}, the Project would not result in total emissions of PM_{2.5} that would exceed 10 tons per year or 54 pounds per day. Thus, under the new Draft Guidelines, the Project would still result in a less-than significant impact.

The new BAAQMD Draft Guidelines also provide new thresholds of significance for local community risk and hazard impacts for siting a new source of toxic air contaminants. Under these Draft Guidelines, if emissions of TACs or PM_{2.5} exceed any of the thresholds of significance listed below, or if the proposed project would not implement Toxic Best Available Control Technology (T-BACT) and/or Toxic Best Practices (TBPs), the proposed project would result in a significant impact.

Siting a New Source within an Impacted Community¹⁶

- For impacted communities identified under the BAAQMD's CARE Program, and for projects within 500 feet of a K-12 school, an excess cancer risk level of more than 5 in one million, a chronic Hazard Index (HI) of more than 0.5 or an acute HI of more than 1.0 would be a cumulatively considerable contribution;
- For impacted communities, an incremental increase of greater than 0.2 micrograms per cubic meter (µg/m³) annual average PM_{2.5} would be a cumulatively considerable contribution.

As analyzed above under currently applicable thresholds, the distance to the nearest sensitive receptor is relatively large (greater than about 2000 feet) and the Aggregate Recycling & Fill Project would operate intermittently for an operational period limited to five years. Thus, potential cancer risks within this Impacted Community from a lifetime (70-year) exposure to the Project's emissions are expected to be minimal, and a formal risk assessment was not performed.

Furthermore, pursuant to SCA Air-1, the Project will be required 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.

¹⁶ Per Figure 4-1 of the Draft BAAQMD CEQA Guidelines, the Project is located within the Western Alameda County Impacted Communities Boundary



There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to sensitive receptors or a substantial increase in the severity of previously identified impacts to sensitive receptors.

Criteria e): Odors

Impact

The Project will not frequently create substantial objectionable odors affecting a substantial number of people, nor would it substantially increase any odor-related impacts other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

The Aggregate Recycling & Fill project will only accept clean asphalt and concrete demolition and construction debris with no paints, solvents, or other potential sources of odors present, and clean soils will only be accepted if they conform to the City of Oakland off-site importation requirements, Oakland Army Base Remedial Management Plan requirements, and the Department of Toxic Substances' Control requirements. No odor issues are expected since no materials that generate odors will be present at the project site.

Diesel exhaust from construction activities may generate localized temporary odors while construction of the project is underway. Once constructed, diesel equipment would be operated at the site during the daytime and diesel trucks would access the project site that could create localized odors. Due to the relatively large distances to nearby residences, diesel emissions from the project area are not likely to be noticeable and would not affect a substantial number of people.

Criteria k): Greenhouse Gasses and Climate Change

Impact:

The Project would generate greenhouse gas emissions, both directly and indirectly. However, the Project would not (a) exceed adopted, numeric thresholds of an appropriate regulatory agency; or (b) conflict with any applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing GHG emissions. (*Less than Significant*)

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 (CO₂), methane (CH₄), and nitrous oxide (N₂O) 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. CO₂, CH₄ and N₂O occur naturally as well as through human activity. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion,



whereas CH₄ results from off-gassing associated with agricultural practices and landfills. Man-made GHGs – with much greater heat-absorption potential than CO₂ – include fluorinated gases such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF₆) which are byproducts of certain industrial processes.

In 2005, it was estimated that the emission of CO₂ equivalents (CO₂e) from all major sources in Oakland totaled 2,200,000 tons, nearly half of which were from transportation. From year 2005, emissions are forecast to increase by 12 percent by 2010 (to 2,500,000 tons of CO₂e), and 19.5 percent (to 2,700,000 tons of CO₂e) 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 below 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 by 2020 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 was 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.

On December 11, 2008, CARB adopted its *Climate Change Scoping Plan* (Scoping Plan), which functions as a roadmap of CARB’s plans to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. The Scoping Plan contains the main strategies California will implement to reduce CO₂e emissions by 174 million metric tons (MMT), or approximately 30 percent, from the state’s projected 2020 emissions level of 596 MMT of CO₂e under a business-as-usual scenario. The Scoping Plan also breaks down the amount of GHG emissions reductions CARB recommends for each emissions sector of the state’s GHG inventory. While CARB has identified a GHG reduction target of 15 percent for local governments themselves, it has not yet determined what amount of GHG emissions reductions it recommends from local government land use decisions. However, the Scoping Plan does state that successful implementation of the plan relies on local governments’ land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions. CARB further acknowledges that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors. The measures approved by CARB will be developed over the next two years and be in place by 2012.

The Scoping Plan also includes recommended measures that were developed to reduce greenhouse gas emissions from key sources and activities while improving public health, promoting a cleaner environment, preserving our natural resources, and ensuring that the impacts of the reductions are equitable and do not disproportionately impact low-income and minority communities. These measures, shown below in Table AQ-3 by sector, also put the state on a path to meet the long-term 2050 goal of reducing California’s greenhouse gas emissions to 80 percent below 1990 levels.



Table 5 List of Recommended Actions by Sector

Measure No.	Measure Description	GHG Reductions (Annual Million Metric Tons CO₂e)
Transportation		
T-1	Pavley I and II – Light Duty Vehicle Greenhouse Gas Standards	31.7
T-2	Low Carbon Fuel Standard (Discrete Early Action)	15
T-3 ¹	Regional Transportation-Related Greenhouse Gas Targets	5
T-4	Vehicle Efficiency Measures	4.5
T-5	Ship Electrification at Ports (Discrete Early Action)	0.2
T-6	Goods Movement Efficiency Measures. <ul style="list-style-type: none"> • Ship Electrification at Ports • System-Wide Efficiency Improvements 	3.5
T-7	Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Measure – Aerodynamic Efficiency (Discrete Early Action)	0.93
T-8	Medium- and Heavy-Duty Vehicle Hybridization	0.5
T-9	High Speed Rail	1
Electricity and Natural Gas		
E-1	Energy Efficiency (32,000 GWh of Reduced Demand) <ul style="list-style-type: none"> • Increased Utility Energy Efficiency Programs • More Stringent Building & Appliance Standards Additional Efficiency and Conservation Programs	15.2
E-2	Increase Combined Heat and Power Use by 30,000 GWh (Net reductions include avoided transmission line loss)	6.7
E-3	Renewables Portfolio Standard (33% by 2020)	21.3
E-4	Million Solar Roofs (including California Solar Initiative, New Solar Homes Partnership and solar programs of publicly owned utilities) <ul style="list-style-type: none"> • Target of 3000 MW Total Installation by 2020 	2.1
CR-1	Energy Efficiency (800 Million Therms Reduced Consumptions) <ul style="list-style-type: none"> • Utility Energy Efficiency Programs • Building and Appliance Standards • Additional Efficiency and Conservation Programs 	4.3
CR-2	Solar Water Heating (AB 1470 goal)	0.1
Green Buildings		
GB-1	Green Buildings	26
Water		
W-1	Water Use Efficiency	1.4†
W-2	Water Recycling	0.3†
W-3	Water System Energy Efficiency	2.0†
W-4	Reuse Urban Runoff	0.2†
W-5	Increase Renewable Energy Production	0.9†
W-6	Public Goods Charge (Water)	TBD†
Industry		
I-1	Energy Efficiency and Co-Benefits Audits for Large Industrial Sources	TBD
I-2	Oil and Gas Extraction GHG Emission Reduction	0.2



Measure No.	Measure Description	GHG Reductions (Annual Million Metric Tons CO₂e)
I-3	GHG Leak Reduction from Oil and Gas Transmission	0.9
I-4	Refinery Flare Recovery Process Improvements	0.3
I-5	Removal of Methane Exemption from Existing Refinery Regulations	0.01

¹ This is not the SB 375 regional target. CARB will establish regional targets for each MPO region following the input of the regional targets advisory committee and a consultation process with MPO's and other stakeholders per SB 375

† GHG emission reduction estimates are not included in calculating the total reductions needed to meet the 2020 target

Senate Bill (SB) 375, signed in September 2008 (Chapter 728, Statutes of 2008), aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires metropolitan planning organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) that will prescribe land use allocation in the MPO's regional transportation plan. CARB, in consultation with MPOs, will provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets will be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. CARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned targets. If MPOs do not meet the GHG reduction targets, transportation projects will not be eligible for funding programmed after January 1, 2012.

The construction and occupation of 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.

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



Moreover, Governor Schwarzenegger signed Senate Bill (SB) 97 (Chapter 185, Statutes of 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. The Resources Agency must 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 CARB pursuant to the Global Warming Solutions Act, scheduled for 2012.

On June 19, 2008, OPR published a technical advisory on CEQA and climate change. The advisory provides OPR's perspective on the emerging role of CEQA in addressing climate change and greenhouse gas emissions, while recognizing that approaches and methodologies for calculating greenhouse gas emissions and addressing environmental impacts through CEQA review are rapidly evolving. The advisory recognizes that OPR will develop, and the Resources Agency will adopt, amendments to the CEQA Guidelines pursuant to SB 97. In the interim, the technical advisory "offers informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents."

The technical advisory points out that neither CEQA nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for performing an impact analysis. The advisory states, "This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable." OPR recommends that "the global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions." Until such a standard is established, OPR advises that each lead agency should develop its own approach to performing an analysis for projects that generate greenhouse gas emissions.

OPR sets out the following process for evaluating greenhouse gas emissions. First, agencies should determine whether greenhouse gas emissions may be generated by a proposed project, and if so, quantify or estimate the emissions by type or source. Calculation, modeling, or estimation of greenhouse gas emissions should include the emissions associated with vehicular traffic, energy consumption, water usage, and construction activities.

Lead agencies should then assess whether the emissions are "cumulatively considerable" even though a project's greenhouse gas emissions may be individually limited. OPR states, "Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment." Individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.

Finally, if the lead agency determines emissions are a cumulatively considerable contribution to a significant cumulative impact, the lead agency must investigate and implement ways to mitigate the emissions. OPR states, "Mitigation measures will vary with the type of project being contemplated, but may include alternative project designs or locations that conserve energy and water, measures that reduce vehicle miles traveled (VMT) by fossil-fueled vehicles, measures that contribute to established regional or programmatic mitigation strategies, and measures that sequester carbon to offset the emissions from the project." OPR concludes that, "A lead agency is not responsible for wholly eliminating all GHG



emissions from a project; the CEQA standard is to mitigate to a level that is “less than significant.” The technical advisory includes a list of mitigation measures that can be applied on a project-by-project basis.

In January 2008, the California Air Pollution Control Officers Association (CAPCOA) issued a “white paper” on evaluating and addressing GHGs under CEQA. This resource guide was prepared to support local governments as they develop their programs and policies around climate change issues. The paper is not a guidance document. It is not intended to dictate or direct how any agency chooses to address GHG emissions. Rather, it is intended to provide a common platform of information about key elements of CEQA as they pertain to GHG, including an analysis of different approaches to setting significance thresholds.

The paper notes that for a variety of reasons local agencies may decide not to have a CEQA threshold. Local agencies may also decide to assess projects on a case-by-case basis when the projects come forward. The paper also discusses a range of GHG emission thresholds that could be used. The range of thresholds discussed includes a GHG threshold of zero and several non-zero thresholds. Non-zero thresholds include percentage reductions for new projects that would allow the state to meet its goals for GHG emissions reductions by 2020 and perhaps 2050. These would be determined by a comparison of new emissions versus business as usual emissions and the reductions required would be approximately 30 percent to achieve 2020 goals and 90 percent (effectively immediately) to achieve the more aggressive 2050 goals. These goals could be varied to apply differently to new projects, by economic sector, or by region in the state.

Other non-zero thresholds discussed in the paper include the following:

- 900 metric tons/year CO₂e (a market capture approach);
- 10,000 metric tons/year CO₂e (potential CARB mandatory reporting level with Cap and Trade);
- 25,000 metric tons/year CO₂e (the CARB mandatory reporting level for the statewide emissions inventory);
- 40,000 to 50,000 metric tons/year CO₂e (regulated emissions inventory capture – using percentages equivalent to those used in air districts for criteria air pollutants);
- Projects of statewide importance (9,000 metric tons/year CO₂e for residential, 13,000 metric tons/year CO₂e for office project, and 41,000 metric tons/year CO₂e for retail projects); and
- Unit-based thresholds and efficiency-based thresholds that were not quantified in the report.

In January 2009, OPR released preliminary proposed amendments to the CEQA Guidelines regarding GHG emissions. No significance threshold is included in the draft and the guidelines afford the customary deference provided to lead agencies in their analysis and methodologies. The introductory preface to the amendments recommends that CARB set state-wide thresholds of significance. OPR emphasized the necessity of having a consistent threshold available to analyze projects, and the analyses should be performed based on the best available information. The revisions would include a new section specifically addressing the significance of GHG emissions that would build upon OPR’s 2008 technical advisory. Like the advisory, the proposed Guidelines section calls for quantification of GHG emissions. The



proposed section states that the significance of GHG impacts should include consideration of the extent to which the project would result in the following: help or hinder compliance with AB 32 goals; increase energy use, especially that generated by fossil fuel combustion; improve energy efficiency; and result in emissions that would exceed any applicable significance threshold. In April 2009, OPR forwarded the draft revisions to the California Natural Resources Agency for review and proposed adoption. On July 3, 2009, the California Natural Resources Agency began the formal rulemaking process for adopting the CEQA Guidelines. The draft GHG provisions of the Guidelines are generally similar to the draft submitted to the Resources Agency by OPR in April. As noted, under SB 97, final language for the CEQA Guidelines is to be adopted by January 1, 2010.

In April 2009, the Bay Area Air Quality Management District (BAAQMD) issued a draft report on CEQA thresholds of significance, as part of a planned update of BAAQMD's CEQA Guidelines, which were last updated in 1999. The existing BAAQMD CEQA Guidelines contain no thresholds of significance for GHGs. The April 2009 report identifies two potential approaches for determining the significance of GHG emissions, one based on AB 32 emission reduction goals, and the second based on thresholds currently being developed by CARB. The BAAQMD report identifies the following three options for proceeding under the AB 32 approach: establishment of a project-specific numerical threshold; establishment of a performance standard equal to the emissions reduction required to meet the AB 32 target; or a combination of performance standard and numerical threshold. Under the CARB approach, a project would generally be found to have a less-than-significant effect with respect to GHGs if it were to implement a series of performance standards and, potentially, have emissions at an amount less than a quantitative threshold (yet to be established for most types of projects), or if the project were consistent with a CARB-approved Sustainable Communities Strategy (SCS), which is a regional plan for GHG reduction to be developed by the applicable MPO (in the Bay Area, the Metropolitan Transportation Commission) (see discussion of SB 375, above).

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.

On September 4, 2009, the Bay Area Air Quality Management District (BAAQMD) published a new set of proposed CEQA Guidelines (Draft Guidelines) for consideration by lead agencies, which includes proposed thresholds of significance for GHG emissions. The Draft Guidelines have been published in draft form and BAAQMD has asked for all comments to be submitted by September 25, 2009 (extended to October 9th), and is proposing to hold a hearing to adopt the Guidelines on October 21, 2009. Because there is the potential for these Draft Guidelines to be adopted in the near future, this Initial Study Determination includes a comparative review against these proposed new thresholds. The proposed new thresholds that would apply to the Project are as defined below:

- The *Threshold of Significance* for operational-related GHG emissions for stationary source projects is 10,000 metric tons per year (MT/yr) of CO₂e. If annual emissions of stationary source operational-related GHGs would exceed this level, the proposed project would result in a



cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change.

- The *Threshold of Significance* for construction-related GHG emissions is the presence of the following performance-based best management practices, as applicable:
 - Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;
 - Use local (within 100 miles) building materials of at least 10 percent; and
 - Recycle at least 50 percent of construction waste or demolition materials.

For purposes of this Initial Study determination, the following threshold is used to determine the potential significance of the Project's greenhouse gas emissions:

- Would the project generate greenhouse gas (GHG) emissions, either directly or indirectly, that would (a) exceed adopted, numeric thresholds of an appropriate regulatory agency; or (b) conflict with any applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing GHG emissions.

Impact

The Project would generate greenhouse gas emissions, both directly and indirectly. However, the Project would not; a) exceed the proposed, numeric thresholds of BAAQMD; or b) conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (*Less than Significant*)

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.

Estimated Greenhouse Gas Emissions

Overall, the following activities associated with a typical 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.

CO₂ emissions represent more than 90 percent of the Project’s contribution of GHG emissions, so can be used for comparison purposes against local GHG emission levels. An estimate of the proposed Project’s CO₂ emissions is presented below:

Table 6: Project CO₂ Emissions, Compared to City of Oakland Emissions

<u>Aggregate Recycle and Fill</u>	<u>CO₂ Emissions (tons / year)</u>
Emissions from trucks importing materials	251
Emissions from trucks exporting materials	57
Exhaust emission from on-site equipment	<u>245</u>
Total	553
Total CO ₂ e Emissions for Oakland ¹⁷	2,248,667 tons per year
Project Percentage	0.02%

Draft Guidelines Assessment

Under the new Draft Guidelines, the proposed threshold for a stationary source project is 10,000 metric tons per year (MT/yr) of CO₂e. As shown in Table 6 above, the Project would result in the emission of approximately 550 tons / year of CO₂ emissions, far below the proposed new threshold for stationary source projects of 10,000 metric tons per year (MT/yr) of CO₂e.

Conflicts with Applicable Plans for Reducing the Emissions of Greenhouse Gases

In addition to evaluating the quantity of emission, the City also reviews 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) and by contributing to available mitigation programs, such as reforestation, tree planting, or carbon trading.

While the proposed Project and all development of similar land use would generate GHG emissions, the City of Oakland’s ongoing implementation of its Sustainability Community Development Initiative and

¹⁷ International Council for Local Environmental Initiatives (ICLEI), 2006. City of Oakland Baseline Greenhouse Gas Emissions Inventory Report, December 2006.



other programs/policies will collectively reduce the levels of GHG emissions and contributions to global climate change attributable to activities throughout Oakland.¹⁸

While no significant GHG emissions-related impacts have been identified, and no mitigation is required, Project characteristics and design features have been included in the Project that reduce the amount of GHG emissions generated during construction and operation. These include:

Construction Waste – The proposed project will be required to comply with the Construction and Waste Reduction Ordinance and submit a Construction and Demolition Waste Reduction Plan for review and approval. As a result, construction-related truck traffic, which primarily have diesel fueled engines, would be reduced since demolition debris hauled off site would be reused on site. In addition, reuse of concrete, asphalt, and other debris will reduce the amount of material introduced to area landfills.

Project Features –The Project’s GHG emissions generated during construction and operation would be minimized by virtue of the existing characteristics of the Project:

- The Project proposes to process fill materials for use in the immediate area, a location chosen to minimize the length of truck trips needed for this purpose.
- The project represents an opportunity for implementation of the City’s Construction and Demolition Waste Reduction Plan by providing an opportunity to recycle construction waste and debris into aggregate to be used for on-site fill and for other roadway and sidewalk construction and repair projects.
- In addition, emissions would also be reduced since the Project is subject to all the regulatory requirements, mitigation measures, and standard conditions in this Initial Study that would reduce GHG emissions of the Project. These include, for example, adherence to best management construction practices and equipment use.

Thus, the Project would not conflict with City of Oakland’s ongoing implementation of its Sustainability Community Development Initiative, the City’s Construction and Waste Reduction Ordinance, or other applicable programs, policies or regulations intended to collectively reduce the levels of GHG emissions and contributions to global climate change.

¹⁸ 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.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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 checked="" type="checkbox"/>
c) 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 checked="" type="checkbox"/>
d) 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 checked="" type="checkbox"/>
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan? Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<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 in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered Protected trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Criteria a, b and c): Sensitive Fish & Wildlife Species & Habitat

The proposed Project would not have a substantial adverse effect on a sensitive fish or wildlife species or on their habitat, nor would it substantially increase any impacts on a sensitive fish or wildlife species or on their habitat other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

Previous CEQA Documents determined that future development within the majority of the OARB Redevelopment Area, including development at the Project site, 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. The Project site is fully developed and nearly entirely covered with impervious surfaces (roofs, blacktop, etc.). There are no sensitive or special status species within the vicinity, and development of the Project site as proposed would not adversely affect any sensitive or special status species or their habitat. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects to sensitive fish or wildlife species or their habitat, or a substantial increase in the severity of previously identified environmental effect to sensitive fish or wildlife species or their habitat.

Criteria d): Wetlands

The Project would not have a substantial adverse effect on wetlands through direct removal, filling, hydrological interruption, or other means. The proposed Project would not result in a significant new impact on wetlands, nor would it substantially increase any impacts on wetlands other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

The Previous CEQA Documents identified two small urban wetlands located within the northeastern portion of the Maritime sub-district of the former OARB in the Desert railyard, and three small isolated wetlands within the North Gateway sub-district. Neither of these wetlands occurs within the Project area. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects on wetlands, or a substantial increase in the severity of previously identified environmental effect on wetlands.

Criteria e and g): Conservation Plan/Creek Protection Ordinance Conflicts

The proposed Project would not result in a significant impact on any applicable habitat conservation plan, natural community conservation plan or Creek Protection Ordinance, nor would it substantially increase any conflicts with applicable habitat conservation plan, natural community conservation plan or the City of Oakland Creek Protection Ordinance other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan is currently applicable to the Project site. There are no creeks that would be adversely affected by development at the Project site that would be subject to the City of Oakland Creek Protection Ordinance. There are no changes in the project, change in circumstances, or new information that would result in new significant conflict with an applicable habitat conservation plan



or natural community conservation plan, or a substantial increase in the severity of previously identified conflict with an applicable habitat conservation plan or natural community conservation plan.

Criteria f): Tree Preservation and Removal Ordinance Conflict

The proposed Project would not fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code Chapter 12.36), but could result in removal of certain protected trees as defined under that ordinance. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

There are trees located within the Central Gateway Development Area in the portion of the former OARB where the Aggregate Recycling & Fill project would operate and where fill is to be applied. To the extent that such trees will need to be removed to appropriately fill and grade this site, their removal was fully discussed and disclosed in the Previous CEQA Documents.

Mitigation Measures

The 2002 OARB Redevelopment Plan EIR recommended the following mitigation measure to address potential impacts related to tree removal, which would apply to the Aggregate Recycling and Fill project to the extent that tree removal may be required during the fill operation:

Mitigation 4.12-7: Application for a tree preservation/tree removal permit from the City of Oakland for all protected trees shall comply with the Tree Ordinance, which includes replacement of native trees at a minimum of a 1:1 ratio.

Mitigation 4.12-8: Trees shall be removed between September 1 and January 31 to avoid the nesting season (February 1 to August 31). Alternatively, field surveys shall be conducted no earlier than 45 days and no later than 20 days prior to the removal of any trees during the nesting/breeding season of bird species potentially nesting on the site to determine whether birds are present.

Mitigation 4.12-9: Construction shall not occur within 150 feet of an active nest until the nest is vacated or the juveniles have fledged.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR the City of Oakland has adopted Uniformly Applied Development Standards pertaining to tree removal and nesting birds, imposed as SCAs. These SCAs serve to avoid or reduce the potential effects associated with tree removal and nesting birds to at least the same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measures 4.12-7, 4.12-8, and 4.12-9. These current SCAs will not create additional adverse effects. Generally, these SCAs are more current, more detailed, and provide greater clarity regarding process and procedures. Therefore, the following SCAs replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measures 4.12-7, 4.12-8, and 4.12-9.

SCA BIO-1: Tree Removal During Breeding Season. *Prior to issuance of a tree removal permit.* 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 by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to 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 the 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 the 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.

SCA BIO-2: **Tree Removal Permit.** *Prior to issuance of a demolition, grading, or building permit.* 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.

SCA BIO-3: **Tree Replacement Plantings.** Prior to issuance of a final inspection of the building 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:

- a) 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.
- b) 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.
- c) Replacement trees shall be at least of 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.
- d) Minimum planting areas must be available on site as follows: i). For *Sequoia sempervirens*, three hundred fifteen square feet per tree; ii). For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) 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.
- f) 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.

SCA BIO-4: Tree Protection During Construction (when a Tree Protection/Removal Permit because a protected tree is located within 10' of construction). *Prior to issuance of a demolition, grading, or building permit.* Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

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

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

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

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

All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall



be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

Resulting Level of Significance

Implementation of Mitigation Measures 4.12-7 through 4.12-9 as more specifically defined pursuant to SCAs BIO-1 through BIO-4 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects related to the City of Oakland Tree Preservation and Removal Ordinance, or a substantial increase in the severity of previously identified environmental effect to tree preservation and removal.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
V. CULTURAL RESOURCES — Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §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"/>
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"/>
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"/>
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"/>

Criteria b, c and d): Archaeological or Paleontological Resources and Human Remains

Impact:

Remediation, demolition, deconstruction and construction activities associated with the Project have the potential to encounter previously unknown subsurface cultural resources during ground-disturbing activities. This impact was fully discussed and disclosed in the Previous CEQA Documents. *(No New Impact)*

Most of the former OARB area, including the Project site, consists of land established through filling activities between 1900 and 1941. This precludes any likelihood of prehistoric archaeological resources being present within the Project site. As indicated in the Previous CEQA Documents, no archaeological sites, cultural landscapes, or other resources of concern to local Native Americans have been identified within the vicinity of the Project site.

Mitigation Measures

The following mitigation measure from the 2002 OARB EIR is applicable to ensure a less than significant impact, in the very unlikely event archaeological resources are encountered.



Mitigation 4.6-1: Should previously unidentified cultural resources be encountered during redevelopment, work in that vicinity shall stop immediately, until an assessment of the finds can be made by an archaeologist. If the resource is found to be significant under CEQA, an appropriate mitigation plan must be developed.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR the City of Oakland has adopted Uniformly Applied Development Standards pertaining to the discovery of previously unknown cultural resources, imposed as SCAs. These SCAs serve to avoid or reduce the potential effects associated with the discovery of previously unknown cultural resources to at least the same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measure 4.6-1. These current SCAs will not create additional adverse effects. Generally, these SCAs are more current, more detailed, and provide greater clarity regarding notification process and procedures. Therefore, the following SCAs replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.6-1.

SCA CULTL-1: Archaeological Resources. Ongoing throughout demolition, grading, and/or construction. Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. 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.

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



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

SCA CULTL-2: Human Remains. *Ongoing throughout demolition, grading, and/or construction.* In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

SCA CULTL-3: Paleontological Resources. *Ongoing throughout demolition, grading, and/or construction.* In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995, 1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Resulting Level of Significance

Implementation of Mitigation Measure 4.6-1 from the 2002 OARB EIR as more specifically defined pursuant to SCAs CULTL-1, CULTL-2 and CULTL-3 would reduce potential impacts to unknown subsurface cultural resources that may be discovered during ground-disturbing activities to ***less than significant***, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects to archaeological or paleontological resources or human remains, or a substantial increase in the severity of previously identified environmental effects to archaeological or paleontological resources or human remains.

Criteria a): Historic Resources

Impact:

The proposed Project would not cause a substantial adverse change in the significance of a historical resource. (***No Impact***)



Structures 5T, 6, and 70 may be demolished and salvaged as part of the Aggregate Recycling and Fill Project, but these buildings are neither historic resources nor contributing to the OARB Historic District. The equipment used for this project will be placed in open areas within the Central Gateway and no other structures will be removed for the placement of new fill material. Mitigation measures relating to commemoration and recordation of the Army Base as a whole (and not necessarily tied to specific buildings) would also not be applicable because this is a temporary use of the site.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
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.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>

Criteria a, b and c) Geologic Hazards & Erosion

Impact

The proposed Project is located in a region of high seismic activity and could result in moderate soil erosion, but has no potential for landslides. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

The Project is located within an active seismic area and constructed on man-made fill. In addition, groundwater below the OARB is generally within approximately 5 to 9 feet of the ground surface. Therefore, conditions exist at the Project site that could result in seismic-related ground failure such as



liquefaction, lateral spreading (lurching), and differential settlement that could expose people or structures to substantial risk of loss, injury, or death.

The Project site is located less than 12 miles from the San Andreas Fault, approximately 5 miles from the Hayward Fault, but not within an Alquist-Priolo Special Study zone. While the site will be subject to future strong ground shaking because of its proximity to the Hayward and San Andreas faults, the likelihood of a fault rupture is very low. The Project site includes soils that are either artificial fill or are over-covered and do not constitute topsoil. Expansive soils could be present. The Project area is flat to gently sloping and not subject to land sliding.

Mitigation Measures

The Prior CEQA Documents identified the following mitigation measures related to geologic hazards, erosion and landslides. (Note that Mitigation Measures 4.13-3 and 4.15-3 are functionally equivalent and only 4.15-3 has been reproduced in this document, as the more detailed of the two.)

Mitigation 4.15-3: Prior to ground-disturbing activities, the contractor shall develop and implement a Stormwater Pollution Prevention Plan to be reviewed by the City or the Port, including erosion and sediment control measures.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR the City of Oakland has adopted Uniformly Applied Development Standards pertaining to erosion, imposed as SCAs. These SCAs serve to avoid or reduce the potential effects associated with erosion to at least the same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measure 4.15-3. These current SCAs will not create additional adverse effects. Generally, these SCAs are more current, more detailed, and provide greater clarity regarding process and procedures. Therefore, the following SCAs replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.15-3.

SCA GEO-1: Erosion and Sedimentation Control [When no grading permit is required]. *Ongoing throughout demolition grading, and/or construction activities.* The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

SCA GEO-2: Erosion and Sedimentation Control Plan [When a grading permit is required].

- a) *Prior to any grading activities.* The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan 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) *Ongoing throughout grading and construction activities.* The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

SCA GEO-3: Stormwater Pollution Prevention Plan (SWPPP). *Prior to and ongoing throughout demolition, grading, and/or construction activities.* The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

Resulting Level of Significance

Implementation of Mitigation Measure 4.15-3 as more specifically defined pursuant to SCAs GEO-1, GEO-2 and GEO-3 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant geologic hazard effects, or a substantial increase in the severity of previously identified geologic hazard effect.

Criteria d and e): Landfills or Unknown Belowground Features

Impact:

The proposed Project site had functioned as a military base for approximately 50 years; some portions are previously-developed, and now vacant. There is potential for wells, pits, sumps,



mounds, tank vault, unmarked sewer lines, landfills, and unknown fill materials to exist at the Project site. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

The Project site does not constitute a former landfill but could contain certain below-ground features with the potential to result in risk to life or property.

Mitigation Measures

The Previous CEQA Documents identified the following mitigation measures, which would be applicable to the Project:

Mitigation 4.13-4: The project applicant shall thoroughly review available building and environmental records.

The City shall keep a record of, and the designer shall review, available plans, and facility, building, and environmental records in order to identify underground utilities and facilities, so that these may be either avoided or incorporated into design as relevant.

Mitigation 4-13.5: The developer shall perform due diligence, including without limitation, retaining the services of subsurface utility locators and other technical experts prior to any ground-disturbing activities.

The contractor shall utilize Underground Service Alert or other subsurface utility locators to identify and avoid underground utilities and facilities during construction of redevelopment elements. The contractor shall keep a record of its contacts regarding underground features, and shall make these records available to the City upon request. This condition shall be enforced through contract specification.

Resulting Level of Significance

Implementation of Mitigation Measures 4.13-4 and -5 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant effect related to below ground features, or a substantial increase in the severity of previously identified effect related to below ground features.

Criteria f): Septic Systems

The proposed Project would not result in a significant new impact on septic systems, nor would it substantially increase any impacts on septic systems other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

The Aggregate Recycling & Fill project would rely on portable restrooms during its period of operation. Use of septic systems is not anticipated.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VII. HAZARDS AND HAZARDOUS MATERIALS -				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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 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 checked="" type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>

Criteria a and b): Routine Use and Potential Accident Conditions

Impact

The proposed Project would not result in a significant impact related to the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, nor would it substantially increase any impacts related to the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

As discussed below under criteria c) Cortese List, the former OARB is an active site listed on the hazardous waste site list commonly referred to as the Cortese list. Redevelopment of the Project site will



require cleanup of sites with soil and groundwater contaminated with metals, volatile and semi-volatile organic compounds and total petroleum hydrocarbons. Cleanup will also be required at numerous locations where storage tanks, incidental vehicular maintenance, railroad tracks, and other activities involving the handling of hazardous materials occurred, and where hazardous substances or petroleum have been or may be discovered. This cleanup (or remediation) is required to demonstrate that concentrations of chemical compounds in soil do not exceed specific remediation goals that have been approved by DTSC for the protection of human health and the environment. Improper management of hazardous materials or accidental release during remediation and construction activities could pose a substantial hazard to human health and the environment. However, management of hazardous materials during remediation and construction shall comply with applicable laws. Therefore, consistent with the conclusions of the Previous CEQA Documents, this impact is considered less than significant.

All materials brought to the site will meet City of Oakland off-site importation requirements, Oakland Army Base Remedial Management Plan requirements and Department of Toxic Substance's Control requirements and thresholds, as specifically defined in Section 211-5: Import Fill Material of the Oakland Standard Details for Public Works Construction (see **Appendix C**), which provides specific materials acceptance controls including appropriate sampling data and analysis, monthly monitoring and reporting, and proper acceptance, removal and disposal standards. The Aggregate Recycling & Fill Project's operator will perform sampling and required testing of all materials before and after their arrival on-site.

The fill portion of the Aggregate Recycling & Fill Project will be overseen by the Redevelopment Agency (or Redevelopment Agency consultants) to maintain control of site specific fill standards. The on-site fill project will be coordinated with the on-going OARB Remediation Management Plan (RMP) sampling program. The sites within the Central Gateway to be filled include RMP sites which could be filled and then remediated at a later date. The ongoing Army Base RMP sampling program will determine if remediation/abandonment in place is sufficient for closure or if removal of the infrastructure is necessary for closure.

Mitigation Measures

There are no mitigation measures that would directly relate to the routine use of hazardous materials on the Project site.

Uniformly Applied Development Standards

SCA HAZ-1: Hazards Best Management Practices. *Prior to commencement of demolition, grading, or construction.* The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) is implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;



- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

SCA HAZ-2: Hazardous Materials Business Plan. *Prior to issuance of a business license.* The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information.
- d) A plan that describes the manner in which these materials are handled, transported and disposed.

Resulting Level of Significance

Consistent with the conclusions of the Previous CEQA Documents, impacts related to the routine use of hazardous materials and/or reasonably foreseeable upset and accident conditions involving the release of hazardous materials would be less than significant. Implementation of SCAs HAZ-1 and HAZ-2 would serve to further reduce and avoid potential impacts, consistent with current City of Oakland practice. There are no changes in the project, change in circumstances, or new information that would result in new significant effect related to hazardous materials, or a substantial increase in the severity of previously identified environmental effect related to hazardous materials.



Criteria c): Hazards near Schools

The proposed Project would not result in a significant impact related to hazards near schools, nor would it substantially increase any impacts related to hazards near schools other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

Several public and private schools are located within the West Oakland neighborhood, east of the project area, including Prescott Elementary, Prescott Development Center, St. Martins DePorres, and Head Start. None of these schools are within a quarter-mile radius from the Aggregate Recycling and Fill project.

Criteria d): Cortese List

Impact

The Project site in the Central Gateway is part of the former Oakland Army Base previously conveyed by the U.S. Army to OBRA. The former OARB is an active site, listed on the hazardous waste site list commonly referred to as the Cortese list compiled pursuant to Government Code Section 65962.5 by DTSC, the Water Board and local agencies. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

The federal Comprehensive Environmental Responsibility, Compensation, and Liability Act (CERCLA) requires cleanup of inactive or abandoned sites that are contaminated with hazardous substances. CERCLA specifically applies to federal facilities and includes provisions to facilitate the reuse and redevelopment of property within closed federal facilities. Under CERCLA, a federal agency must take all necessary remedial actions before it can convey the property. The deed for the property in question must include a covenant that all remedial action necessary to protect human health and the environment with respect to any [hazardous] substances remaining on the property has been taken.

Transferring of remediated federal property requires a Finding of Suitability to Transfer (FOST) before the property can be conveyed. A FOST ensures that all necessary hazardous waste remediation has been completed and provides the basis for the covenant that is included on the deed of the property. With the approval by the state governor of a Covenant Deferral Request, however, the federal agency may undertake “early transfer” and issue a warranty that satisfies the deed covenant requirement. The early transfer process requires a Finding of Suitability for Early Transfer (FOSET). A FOSET must be based upon an approved Remedial Action Plan/Risk Management Plan (RAP/RMP) which defines remediation goals, establishes remediation actions and describes health protective measures to be taken. Under the “early transfer” scenario, the federal agency can convey property to a local agency without conducting environmental remediation; however, it must provide funds to the local agency for remediation efforts in accordance with the RAP/RMP.

The no-cost Economic Development Conveyance of the former OARB to OBRA occurred under a Finding of Suitability for Early Transfer (FOSET) from the Army. The following documents in support of the FOSET were signed on September 27, 2002 by the Army and OBRA/Oakland Redevelopment Agency. The latter two agreements also involve the State of California:

- Environmental Services Cooperative Agreement (ESCA),
- Land Use Covenant,



- DTSC approved RAP/RMP, and
- Consent Agreement with State of California.

The RAP/RMP provides for risk-based remediation of hazardous materials throughout the base. It is anticipated that the Army will fund, in full or in part, remediation required under CERCLA at the OARB, and that remediation funding will be provided on a reimbursement basis pursuant to an Environmental Services Cooperative Agreement entered into by the Army, OBRA and the Oakland Redevelopment Agency (ORA).

The RAP/RMP defines the target risk-based remediation goals for use during and after redevelopment of the OARB and establishes the remedial actions for identified and reasonably anticipated locations where releases have occurred that necessitate response when compared with the agency-approved remediation goals. The RAP/RMP approach adopted by OBRA, consistent with the City of Oakland Urban Land Redevelopment (ULR) Program and other applicable requirements, allows for the phasing of the investigation and remediation of most locations at the OARB to coincide with implementation of planned infrastructure upgrades and redevelopment activities. This integrated remediation/redevelopment program assures that affected subsurface conditions are fully addressed in conjunction with planned redevelopment uses and allows for substantial economies of scale in completing subsurface earthwork activities for remediation purposes in tandem with site excavation and grading work needed for redevelopment. These remediation activities would be conducted as necessary, pursuant to redevelopment activities on the former OARB property.

The Project site includes identified RAP and RMP sites where hazardous materials are known to occur and where remediation will be required.

Mitigation Measures

The 2002 OARB Redevelopment EIR incorporated by reference and summarized the RAP/RMP for the OARB that recognizes the planned future commercial/industrial uses of the former base.¹⁹

The on-site fill portion of this project will be coordinated with the on-going OARB Remediation Management Plan (RMP) sampling program. The sites within the fill project site are RMP sites which could be filled and then remediated at a later date. The ongoing Army Base RMP sampling program will determine if remediation/abandonment in place is sufficient for closure or if removal of the infrastructure is necessary for closure and will take any necessary action under the RMP prior to accepting fill from the Aggregate Recycling and Fill Project.

Due to the presence of the hazardous materials, mitigation measures identified in the 2002 OARB EIR will be required of the Project, as applicable. These measures include:

¹⁹ The Project is located within the former OARB and within areas addressed by the RAP/RMP. The 2002 OARB EIR identifies mitigation measures that are applicable to all areas covered by the RAP/RMP, as well as additional measures to address locations not included in the RAP/RMP. Only those measures applicable to RAP/RMP sites are identified as being applicable to the Project. Note that the use proposed is allowable under the Covenant to Restrict Property Use for the Oakland Army Base (recorded on August 8, 2003 as part of the overall EDC transaction transferring the Oakland Army Base property to the Oakland Base Reuse Authority), and thus does not require any DTSC approval or action.



Mitigation 4.7-3 Implement RAP/RMP as approved by DTSC, and if future proposals include uses not identified in the Reuse Plan and incorporated into the RAP/RMP, or if future amendments to the remediation requirements are proposed, obtain DTSC and City approval.

Mitigation 4.7-9 For above-ground and underground storage tanks (ASTs/USTs) on the OARB, implement the RAP/RMP.

Both ASTs and USTs are known to have been present on the OARB and in the redevelopment project area generally. Many have been removed from the OARB and the redevelopment project area, but others may remain. For the OARB, implementation of the RAP/RMP would address the risk of exposure to a tank that is unexpectedly encountered, disturbed or damaged during construction.

Mitigation 4.7-11 For LBP-impacted ground on the OARB, implementation of RAP/RMP to be approved by DTSC as part of the project will result in avoidance of this potentially significant impact.

Mitigation 4.7-15 Known PCB transformers or PCB-contaminated transformers at the OARB shall be removed, monitored and/or maintained in accordance with applicable laws and regulations.

In addition, surface and subsurface contamination from any PCB equipment that remains in use should be investigated and remediated in compliance with all applicable laws and regulations.

Mitigation 4.7-16 Oil-filled electrical equipment in the redevelopment project area that has not been surveyed shall be investigated prior to the equipment being taken out of service to determine whether PCBs are present.

Equipment found to contain PCBs should be part of an ongoing monitoring program. Surface and subsurface contamination from any PCB equipment shall be investigated and remediated in compliance with applicable laws and regulations.

Mitigation 4.7-17 PCB-containing or PCB-contaminated equipment taken out of service shall be handled and disposed in compliance with applicable laws and regulations.

Equipment filled with dielectric fluid (oil) including transformers, ballast, etc. containing more than 5 ppm PCBs is considered a hazardous waste in California. Additionally, because buildings may be removed as part of the Project, the following mitigation measures would be applicable toward implementation of the RAP/RMP remediation program:²⁰

Mitigation 4.7-6 Buildings and structures constructed prior to 1978 slated for demolition or renovation that have not previously been evaluated for the presence of LBP shall be sampled to determine whether LBP is present in painted surfaces, and the safety precautions and work practices as specified in government regulations shall be followed during demolition.

²⁰ Because no buildings are proposed for reuse under the Project, MM 4.7-12 from the 2002 OARB EIR regarding the reuse of asbestos-containing materials is not applicable.



- Mitigation 4.7-7 Buildings, structures and utilities that have not been surveyed for ACM, shall be surveyed to determine whether ACM is present prior to demolition or renovation, and the safety precautions and work practices as specified in government regulations shall be followed during demolition.
- Mitigation 4.7-8 Buildings and structures proposed for demolition or renovation shall be surveyed for PCB-impacted building materials, and the safety precautions and work practices as specified in government regulations shall be followed during demolition.

Uniformly Applied Development Standards

The RAP/RMP includes site-specific analysis and remediation requirements, the details of which are more site-specific and particular to the Project than most of the City's SCAs that pertain to hazardous materials. However, there are several City of Oakland SCAs that are not fully addressed under the RAP/RMP and these SCAs would be applicable to the Project, as described below:

- SCA HAZ-3: Asbestos Removal in Structures.** *Prior to issuance of a demolition permit.* If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.
- SCA HAZ-4: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment.** Prior to issuance of any demolition, grading or building permit. The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.
- SCA HAZ-5: Lead-based Paint Remediation.** *Prior to issuance of any demolition, grading or building permit.* If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.
- SCA HAZ-6: Other Materials Classified as Hazardous Waste.** *Prior to issuance of any demolition, grading or building permit.* If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.
- SCA HAZ-7: Health and Safety Plan per Assessment.** *Prior to issuance of any demolition, grading or building permit.* If the required lead-based paint/coatings, asbestos, or PCB



assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

The requirements of mitigation measures 4.7-6, 4.7-7 and 4.7-8 for assessment of LBP, ACM and PCB, if not already completed, are reiterated in SCA HAZ-4: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment with additional detail of the process. SCAs HAZ-7: Health and Safety Plan per Assessment, HAZ-5: Lead-based Paint Remediation, and HAZ-3:Asbestos Removal in Structures provide additional details of the process in the event LBP, ACM and/or PCBs are discovered through the process above.

SCA HAZ-6: Other Materials Classified as Hazardous Waste becomes applicable if other materials classified as hazardous waste are discovered during the assessment process above (assuming they are not already covered in the RAP/RMP).

Resulting Level of Significance

Implementation of the RAP/RMP and Mitigation Measures 4.7-3, -6 through -9, -11, and -15 through -17 and SCAs HAZ-3 through HAZ-7 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant effect related to hazardous materials, or a substantial increase in the severity of previously identified environmental effect related to hazardous materials.

Criteria e-h): Other Potential Hazards

The proposed Project would not result in a significant new impact related to other potential hazards, nor would it substantially increase any impacts related to other potential hazards, other than those impacts disclosed in the Previous CEQA Documents. **(No Impact)**

The Aggregate Recycle and Fill project site is not near a public airport or private airstrip, nor is it located within an airport plan area. There are no wildlands on site or adjacent that could pose a risk of wildland fires. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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"/>
d) Result in substantial flooding on- or off-site?	<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 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"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 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 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 checked="" type="checkbox"/>
k) Result in inundation by seiche, tsunami, or mudflow?	<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 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 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
endangering public or private property or threatening public health or safety?				

Criteria c) Erosion and Increased Siltation

Impact:

Disturbance of soils during construction and fill operations could result in erosion, which in turn could increase siltation in receiving waters. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

The Aggregate Recycling & Fill Project will accept asphalt and concrete materials from off-site locations for crushing into recycled aggregate materials. Once crushed and appropriately recycled, the resulting aggregate material will be placed in stockpiles of varying size for reuse. A portion of this aggregate, estimated to be as much as 160,000 cubic yards, will be placed as engineered fill across the Central Gateway Development Area to appropriately level this area for future development. The operator of the project may also perform rough grading and surcharging activities to better ready the Central Gateway for future development. All of this activity has the potential for causing erosion and/or accidental release of sediment into surface runoff.

Mitigation Measures

The Previous CEQA Documents identified the following mitigation measure to reduce this potential impact to a less than significant level, and this measure would be applicable to the Aggregate Recycling & Fill project:

Mitigation 4.15-3: Prior to ground-disturbing activities, the contractor shall develop and implement a Stormwater Pollution Prevention Plan that is acceptable to the RWQCB, including erosion and sediment control measures.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR the City of Oakland has adopted Uniformly Applied Development Standards pertaining to erosion and increased siltation, imposed as SCAs. These SCAs serve to avoid or reduce the potential effects associated with erosion and siltation to at least the same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measure 4.15-3. These current SCAs will not create additional adverse effects. Generally, these SCAs are more current, more detailed, and provide greater clarity regarding process and procedures. Therefore, the following SCAs replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.15-3.

SCA GEO-1: Erosion and Sedimentation Control. (Refer to the geology section, under the topic of erosion.)



SCA GEO-2: **Erosion and Sedimentation Control Plan.** (Refer to the geology section, under the topic of erosion.)

SCA GEO-3: **Stormwater Pollution Prevention Plan (SWPPP).** (Refer to the geology section, under the topic of erosion.)

Resulting Level of Significance

Implementation of Mitigation Measure 4.15-3, as more specifically defined pursuant to SCAs GEO-1, GEO-2 and GEO-3 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant erosion or siltation effect, or a substantial increase in the severity of previously identified erosion or siltation effect.

Criteria a): Water Quality Standards

Impact:

The proposed Project could potentially result in a violation of water quality standards. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

Groundwater underlying the project area is shallow, particularly in the near-shore areas. Contamination of groundwater by chemicals has been identified within the OARB. During construction and/or remediation, shallow groundwater may be encountered that could be contaminated with sediment or chemicals and could enter nearby receiving waters, as could contaminate stormwater.

The Aggregate Recycling and Fill project is not anticipated to include any excavation activity. However, the on-site fill project will be coordinated with the on-going OARB Remediation Management Plan (RMP) sampling program. Although RMP sites within the fill area could be filled and then remediated at a later date, the ongoing Army Base RMP sampling program will determine if remediation/abandonment in place is sufficient for closure, or if removal of the infrastructure is necessary for closure. If removal is required, then such activity could encounter shallow groundwater.

Mitigation Measures

The Previous CEQA Documents identified the following mitigation measure to reduce this potential impact to a less than significant level:

Mitigation 4.15-4: Prior to construction or remediation, the contractor shall develop and implement a Stormwater Pollution Prevention Plan, including protocols for determining the quality and disposition of construction water which includes shallow groundwater encountered during construction/remediation.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR the City of Oakland has adopted Uniformly Applied Development Standards pertaining to water quality standards, imposed as SCAs. These SCAs serve to avoid or reduce the potential effects associated with violation of water quality standards to at least the



same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measure 4.15-4. These current SCAs will not create additional adverse effects. Generally, these SCAs are more current, more detailed, and provide greater clarity regarding process and procedures. Therefore, the following SCAs replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.15-4.

SCA HYDRO-1: Best Management Practices for Soil and Groundwater Hazards. *Ongoing throughout demolition, grading, and construction activities.* The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.

- a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.
- b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources
- c) Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.

SCA GEO-3: Stormwater Pollution Prevention Plan (SWPPP). (Refer to the geology section, under the topic of erosion.)

Resulting Level of Significance

Implementation of Mitigation Measure 4.15-4, as more specifically defined pursuant to SCAs HYDRO-1 and GEO-3 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant water quality impact, or a substantial increase in the severity of previously identified water quality impact.



Criteria e): Increased Runoff

Impact:

The Project will not result in a net change in impervious surface so would have no impact related to stormwater system capacity. (*No Impact*)

The Aggregate Recycling and Fill project will not increase impervious surface area. All materials brought to the site will meet City of Oakland off-site importation requirements, Oakland Army Base Remedial Management Plan requirements and Department of Toxic Substance's Control requirements and thresholds as specifically defined in Section 211-5: Import Fill Material of the Oakland Standard Details for Public Works Construction (see **Appendix C**). These requirements provide specific materials acceptance controls including appropriate sampling data and analysis, monthly monitoring and reporting, and proper acceptance, removal and disposal standards. The Aggregate Recycling & Fill project's operator will perform sampling and required testing of all materials before and after their arrival on-site to ensure that runoff from the site would not contain increased pollutant loads. The Aggregate Recycling and Fill project would have no impact on increased runoff with the potential for higher pollutant loads.

Criteria f): Polluted Runoff

Impact:

The Project will use recycled water, which could result in higher pollutant loads to receiving waters. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

EBMUD intends to provide recycled water to the redevelopment project area for non-potable purposes as part of its East Bayshore Recycled Water Project. Title 22 of the California Code of Regulations does not allow runoff of recycled water to surface waters. The Aggregate Recycling and Fill project intends to use recycled water for operations and dust suppression. Use of recycled water for non-potable purposes could lead to degradation of surface water quality.

Mitigation Measures

The Previous CEQA Documents identified the following mitigation measure to reduce this potential impact to a less than significant level:

Mitigation 4.15-6: Site-specific design and best management practices shall be implemented to prevent runoff of recycled water to receiving waters.

Design of subsequent redevelopment activities shall ensure recycled water does not leave the site and enter receiving waters. Best management practices shall be implemented to prevent runoff of recycled water. These BMPs may be either structural or non-structural in nature and may include but are not limited to the following:

- Preventing recycled water from escaping designated use areas through the use of:
- berms



- detention/retention basins
- vegetated swales (biofilters)
- Not allowing recycled water to be applied to irrigation areas when soils are saturated.
- Plumbing portions of irrigation systems adjacent to receiving waters with potable water.

EBMUD intends to provide recycled water to the Aggregate Recycling and Fill project for non-potable operations purposes and dust suppression as part of its East Bayshore Recycled Water Project. Title 22 of the California Code of Regulations does not allow runoff of recycled water to surface waters.

Uniformly Applied Development Standards

SCA GEO-3: Stormwater Pollution Prevention Plan (SWPPP). (Refer to the geology section, under the topic of erosion.)

Resulting Level of Significance

Implementation of Mitigation Measures 4.15-6 and SCA GEO-3 would reduce the impacts related to runoff of recycled water to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects that would otherwise degrade water quality, or a substantial increase in the severity of previously identified environmental effect related to polluted runoff.

Criteria g): Otherwise Degrade Water Quality

Impact:

The proposed Project includes elements that could otherwise degrade water quality. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

Groundwater Contamination

Groundwater extraction could occur as part of remedial efforts, and groundwater removal during construction (*e.g.*, dewatering of excavations). Extraction of groundwater in the study area may cause contaminants to migrate to areas where contamination has not previously been detected. This could include drawing contaminants into underlying deeper aquifers.

Mitigation Measures

The Previous CEQA Documents identified the following mitigation measure to reduce this potential impact to a less than significant level:

Mitigation 4.14-1: Installation of groundwater extraction wells into the shallow water-bearing zone or Merritt Sand aquifer for any purpose other than construction de-watering and remediation, including monitoring, shall be prohibited.

Implementation of this measure would prevent saltwater from being drawn into the aquifer and potentially causing fresh water to become brackish or saline. Limiting extraction of shallow groundwater



and groundwater from the Merritt Sand unit will prevent potential impacts to existing study area groundwater resources.

Mitigation 4.14-2: Extraction of groundwater for construction de-watering or remediation, including monitoring, shall be minimized where practicable; if extraction will penetrate into the deeper aquifers, than a study shall be conducted to determine whether contaminants of concern could migrate into the aquifer; if so, extraction shall be prohibited in that location.

Implementation of this measure would prevent unnecessary extraction of groundwater and prohibit its extraction where contaminants of concern could migrate into deeper aquifers; therefore it will help avoid or reduce the potential migration of contaminants. The City shall ensure that groundwater extraction, other than for remediation or construction dewatering, is minimized where practicable in the redevelopment project area.

Resulting Level of Significance

Implementation of Mitigation Measures 4.14-1 and 4.14-2 would reduce the impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects that would otherwise degrade water quality, or a substantial increase in the severity of previously identified environmental effect on water quality degradation.

Criteria d, h, i, j, and k): Flooding, Seiche and Tsunamis

Impact

The project site would not be subject to inundation by seiche or tsunami, but new construction could result in changes in localized flooding. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No Impact*)

The Previous CEQA Documents concluded that seiche and tsunami run-up would have little or no effect on study area flooding. Although the entire former OARB is not currently included on FEMA flood hazard maps, the Project does not propose any permanent structures.

Criteria b): Groundwater Supplies

The proposed Project would not result in a significant new impact on groundwater supplies, nor would it substantially increase any impacts on groundwater supplies other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

The Project would not 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.



Criteria l and m): Creeks**Impact:**

The proposed Project would not result in a significant new impact related to alteration of drainage patterns or conflict with the creek ordinance, nor would it substantially increase any impacts related to alteration of drainage patterns or conflict with the creek ordinance other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

The Project would not fundamentally conflict with elements of the City of Oakland Creek Protection Ordinance or substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a Creek, river or stream in a manner that would result in substantial erosion, siltation, or flooding. There are no creeks within the Project area.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
IX. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?	<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 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 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 checked="" type="checkbox"/>

Criteria a) Divide Established Community

Impact:

The Project would not physically divide an established community. (*No Impact*)

The OARB Redevelopment Plan established new land use classifications and zoning designations providing for non-residential land uses. The Project would include or accommodate future non-residential uses that are entirely separated by the elevated I-880 freeway from residential land uses.

Criteria b) Land Use Conflict

Impact:

The Project would not result in a fundamental land use conflict. (*No Impact*)

The Aggregate Recycling and Fill project would not result in a new permanent land use. Rather, it would facilitate the future design and construction of development projects that are in conformance with applicable land use plans, policies and regulations.

Criteria c): Plan, Policy or Regulation Conflict

Impact:

The proposed Project would not fundamentally conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or



mitigating an environmental effect and actually result in a physical change in the environment.
(No Impact)

The Aggregate Recycling & Fill project would result in the preparation of the Gateway development area for future development projects consistent with adopted plans, policies and regulations. Therefore, the Aggregate Recycling & Fill Project would result in no impact.

Criteria d): Conservation Plan Conflict

Impact:

The Project site is not subject to a Habitat Conservation Plan or Natural Community Conservation Plan. *(No Impact)*



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
X - MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<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 checked="" type="checkbox"/>

Criteria a and b): Mineral Resources

Impact:

The Project would not result in the loss of availability of a known mineral resource. (*No Impact*)

The Prior CEQA Documents eliminated the presence of mineral resources as a focus of study. The current Project does not alter this conclusion. There are no mineral resources at the Project site. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effect on mineral resources, or a substantial increase in the severity of previously identified environmental effect on mineral resources.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XI. NOISE – 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"/>
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"/>
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all feasible mitigation measures are imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001. 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"/>
d) Violates the City of Oakland Noise Ordinance (Oakland Municipal Code Section 18.18.020) regarding nuisance of persistent construction-related noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 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 checked="" type="checkbox"/>
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 (Appendix B, Figure 2)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 checked="" type="checkbox"/>



Existing Setting

Land uses in the immediate vicinity are industrial and transportation in character. Freeways and major roadways in the Project vicinity include I-880, I-80, I-580, and the I-880 Frontage Road. An elevated portion of the BART system passes through the Maritime Area along Seventh Street, going underground westerly of Maritime Street. Freight trains operate in the Port and trucks serve the Port. Rail operations include the Port's Joint Intermodal Terminal and Union Pacific's West Oakland and Desert rail yards. In addition, aircraft operating to and from Oakland International and San Francisco International Airports affect ambient noise.

The nearby West Oakland neighborhood is bordered by those same freeways and is close to the Port's marine and rail terminals. The West Oakland neighborhood is generally residential at the southern end, transitioning to industrial land uses in the northern end. Within the West Oakland neighborhood, the 2002 OARB Redevelopment EIR found that noise levels were typical for an urban area that includes major transportation facilities. The most significant consistent noise sources in the area of West Oakland are from vehicle traffic on I-880. Noise from BART operations is a major contributor to the noise environment, depending on the proximity of the line. BART operations are audible at the intersection of 14th and Wood Streets, and are possibly audible farther away. BART's daily operations begin around 5:30 a.m. and run until approximately 1:00 a.m. Commercial aircraft overflight is also a noise source in the area. The rail yard facilities do not constitute a major noise source because of substantial distance, intervening structures, and existing ambient noise levels. There are also minor noise sources from industrial facilities within the residential neighborhood area, mostly involving heavy trucks and forklifts during the day.

Sensitive Receptors

The Previous CEQA Documents identified sensitive receptors in the Project area as including that portion of the West Oakland neighborhood that is generally residential at the southern end. In 2005, a portion of the 16th/Wood Sub-district of the OARB Redevelopment Area was approved for residential development with the approval of a General Plan Amendment and rezoning to allow the Wood Street Development Project. The 29-acre site west of Wood Street, from 10th Street to West Grand Avenue, was approved for up to 1,557 residential units and 13,000 square feet of neighborhood serving commercial development. At present, 693 units have been approved for development with 392 units under construction or occupied. Other sensitive receptors include:

- Three parks are within the area, Raimondi, Willow and Bertha Port. Raimondi Park is located at 18th and Wood Streets, and Willow Park is located at 14th and Willow Streets. Bertha Port is a small "pocket park" located at the corner of Goss and Wood Streets.
- Several public and private schools are located within the area, Prescott Elementary, Prescott Development Center, St. Martins DePorres, and Head Start. None of the schools are within a quarter-mile of the project site.
- The nearest public medical facility is the West Oakland Health Center (7th and Adeline Streets), approximately 0.8-mile from the OAB.
- There are also several churches in the noise study area.



Ambient Noise Levels

Noise measurements collected in the area along Wood Street for the Previous CEQA Documents indicate that noise levels of between 61 dBA and 63 dBA during the daytime, which is considered a reasonable range for daytime noise levels in a residential area that is close to a major freeway.

New noise measurements were collected in May 28, 2009 for this Initial Study Determination near the new residential areas. A measurement was made at the east edge of the Central Station Project (also near Zephyr Gate) at 18th Street and the Frontage Road. Elevated traffic noise levels occur at the west-facing facades of the new residential development resulting from Frontage Road traffic. The average noise level during the mid-afternoon measurement was 68 dBA L_{eq} . Maximum noise levels resulting from truck traffic on Frontage Road reached 77 dBA. Train horns were intermittently audible. A second new measurement was conducted near the soccer field at 20th and Wood Streets. The average noise level was 64 dBA L_{eq} . Traffic on freeways generated noise ranging from 62 to 65 dBA. Noise levels along Wood Street are consistent with those reported in the Previous CEQA Documents.

Regulatory Setting

Federal regulations establish noise emission standards for transportation equipment. The regulations include noise limits for medium and heavy trucks that are greater than 4.5 tons in gross vehicle weight rating. Vehicle noise limits are implemented through federal regulatory controls on vehicle manufacturers. Federal regulations also pertain to railroad noises.

The City of Oakland implements noise controls through noise/land use compatibility guidelines referenced in the General Plan and the Noise Ordinance. Noise/land use compatibility guidelines identify the range of noise levels with which various land uses are deemed compatible. This permits local jurisdictions to achieve noise/land use compatibility for the land uses exposed to noise, even if the noise sources themselves cannot be regulated.

- Noise levels within Oakland are considered to be compatible with residential land uses up to 60 L_{dn} (City of Oakland, 2005). The L_{dn} noise descriptor is the average day and night noise in an area, and takes into account the increased sensitivity of people to noise during the nighttime (typically defined as 7:00 p.m. to 7:00 a.m.).
- For industrial uses, such as transportation, manufacturing, mining, and quarrying, the City's operational noise standards stipulate that a maximum allowable noise level (dBA) of 70-90 dBA is considered to be compatible with other surrounding land uses.

Criteria c and d): Construction Noise

Impact:

Construction could result in short-term noise levels in excess of established standards, or that may violate the City of Oakland Noise Ordinance at and near the Project area and along construction haul routes. The crushers and other equipment associated with the Project would result in an increase in ambient noise levels. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)



The noise associated with the Aggregate Recycling and Fill project will result from heavy equipment and facilities including a truck-mounted crusher and excavator, screen and conveyor belt, scale, a loader (rubber tires) a bulldozer, and a water truck. Large 20-ton trucks will be used to haul materials to be recycled into the project site. During the first three years of operation, it is assumed that approximately 30 such large truck trips per day (or three truck trips per hour) will bring materials to the site. While some of these same trucks may haul recycled aggregate back out, it is conservatively assumed that an additional five trucks per day will export recycled aggregate off-site. During the fourth and fifth years, truck hauls into and out of the facility would be considerably less. At the end of the five-year period, the Aggregate Recycling and Fill Project will be completed. All recycling operations will be removed from the site and the Central Gateway will be appropriately graded to accommodate new redevelopment anticipated under the redevelopment plan, or as may be amended.

The Previous CEQA Documents concluded that site preparation activities that involve bulldozers, concrete crushers, backhoes, loaders, and trucks would fall within the range of 80 to 91 dBA at 50 feet. The Project will involve deconstruction activities generally consistent with the types of activities evaluated in the Previous CEQA Documents. The noise generated by rock crushing, conveyor, on-site material handling, grading, and general trucking activity would be up to 91 dBA at 50 feet, and at 79 dBA at a distance of 200 feet considering all of the sources combined (a worst-case scenario).

- Because noise from localized sources dissipates at a rate of about 6 dB for each doubling of distance, and because freeway structures located between the Aggregate Recycling and Fill project site and the West Oakland neighborhood would provide additional attenuation, the noise at the West Oakland neighborhood from the Aggregate Recycling and Fill project during full operations would be about 50 dBA. Noise from the Aggregate Recycling and Fill project would not influence the local noise characteristics in the area due to the already relatively high ambient noise, mix of noise sources, and shielding provided by the freeway noise barrier. Noise resulting from the Aggregate Recycling and Fill project would be below all applicable exterior and interior noise standards and policies for nearby sensitive receptors in West Oakland.
- For industrial uses, such as transportation, manufacturing, mining, and quarrying, the City's operational noise standards stipulate that a maximum allowable noise level (dBA) of 70-90 dBA is considered to be compatible with other surrounding land uses. As indicated above, the noise generated by rock crushing, conveyor, on-site material handling, grading, and general trucking activity would be up to 79 dBA at a distance of 200 feet considering all of the sources combined (a worst-case scenario), which is within the acceptable range for nearby existing industrial uses.
- Because the crushers and other equipment associated with the Aggregate Recycling and Fill project would precede potential future sensitive uses located within the Central Gateway, no significant impact is identified.

Materials would be imported to the site and exported from the site, utilizing a maximum of approximately 30 to 40 total truck trips per day. Truck traffic would utilize Burma Road, Maritime Street, and Grand Avenue to and from local area freeways. No noise sensitive receptors are located along the local streets. The addition of 30 to 40 truck trips onto the local area freeways would cause no predictable or measurable increase in traffic noise on the freeway network because of the heavy volume of truck traffic already using these area freeways.



Although the Aggregate Recycling and Fill project will result in an increase in ambient noise conditions in the area for a period of up to five years, its operation will precede development of any potential future sensitive uses within the OARB, so no significant impact on sensitive receptors is identified.

Mitigation Measures

The 2002 OARB EIR recommended the following mitigation measure for future redevelopment activities within the OARB:

Mitigation 4.5-1: Developers and/or contractors shall develop and implement redevelopment-specific noise reduction plans. Each developer and/or contractor should be contractually required to demonstrate knowledge of the Oakland Noise Ordinance, and to construct in a manner whereby noise levels do not exceed significance criteria. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise to thresholds levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance.

This measure shall be enforced via contract specifications. The measure as written was intended to effectively limit construction noise, while allowing the sponsors of redevelopment activities and their contractors flexibility in controlling site-specific noise.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR the City of Oakland has adopted Uniformly Applied Development Standards pertaining to construction noise, imposed as SCAs. These SCAs serve to avoid or reduce the potential effects associated with construction noise to at least the same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measure 4.5-1. These current SCAs will not create additional adverse effects. These SCAs are more current, more consistent with regulatory requirements, and provide greater clarity regarding the scheduling of noise generating activities and noise control and complaint procedures. Therefore, the following SCAs replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.5-1.

SCA NOISE-1: Days/Hours of Construction Operation. *Ongoing throughout demolition, grading and/or construction.* The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.



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

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

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.



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

SCA NOISE-3: Noise Complaint Procedures. *Ongoing throughout demolition, grading, and/or construction.* Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

SCA NOISE-4: Pile Driving and Other Extreme Noise Generators. *Ongoing throughout demolition, grading, and/or construction.* To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

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



- b) Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

SCA NOISE-5: Operational Noise-General. *Ongoing.* Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

Resulting Level of Significance

Implementation of Mitigation Measure 4.5-1 as more specifically defined pursuant to SCAs NOISE-1 through NOISE-5 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. The developer and/or operator shall be contractually required to demonstrate knowledge of the Oakland Noise Ordinance, and to operate in a manner whereby noise levels do not exceed significance criteria. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise to thresholds levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. Pursuant to SCA NOISE-2, the developer and/or operator shall develop and implement a noise reduction program subject to review and approval by the City. Typical noise reduction programs pursuant to these standards seek to limit construction activities to weekdays during working hours to reduce impacts to nearby sensitive receptors. However, as suggested by Mitigation Measure 4.5-1, the noise reduction plan for the Aggregate Recycling and Fill project should instead be unique to the industrial character of the surrounding area. There are no changes in the project, change in circumstances, or new information that would result in new significant construction noise environmental effects or a substantial increase in the severity of previously identified construction noise environmental effects.

Criteria a, b, f, g and h): Operational Noise

Impact:

The proposed Project would not result in a significant new operation noise impact, nor would it substantially increase any operational noise impacts other than those impacts disclosed in the Previous CEQA Documents. (*No Impact*)

Although the Aggregate Recycling and Fill project’s construction period will last for up to five years, it is best characterized as a construction activity. As such, its operational noise impacts are analyzed as construction-period noise impacts (see above).



Criteria e): Vibration

The proposed Project would not create a vibration which is perceptible without instruments by the average person at or beyond any lot line. (*No Impact*)

The Aggregate Recycling and Fill Project would not involve the use of impact tools (i.e., jack hammers, pavement breakers, rock drills, pneumatic), drilling equipment, or pile driving activities that could cause vibration. Therefore, there would be no impact related to these activities.

Criteria i and j): Airport Noise

The proposed Project is not located within an airport land use plan, nor is it located within the vicinity of a private airstrip. (*No Impact*)

While the Project area is located within the General Referral Area of the ALUPP, it is not located within a Noise or Safety Referral Zone. The project area is not located within two miles of a public airport or private airstrip.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in a manner not contemplated in the General Plan either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 checked="" type="checkbox"/>

Criteria a, b and c): Population Growth and Displacement

Impact:

The proposed Project would not result in a significant new impact on population growth and displacement, nor would it substantially increase any impacts on population growth and displacement other than those impacts disclosed in the Previous CEQA Documents. (**No Impact**)

The Previous CEQA Documents determined that future redevelopment pursuant to implementation of the OARB Redevelopment Plan would not cause significant impacts regarding population and housing. The proposed Project does not include construction or displacement of housing, displacement of people or any other indirect inducement for substantial population increase. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects on population and housing, or a substantial increase in the severity of previously identified environmental effect on population and housing.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XIII. PUBLIC SERVICES –				
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Criteria a-i): Fire Protection:

Impact:

Redevelopment in the City Gateway Development Area would contribute to demand for increased fire services that may ultimately need to be built to provide an adequate level of public safety and construction could interfere with emergency response routes. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

The Previous CEQA Documents evaluated fire protection service capacity for the City Gateway Development Area and concluded that the increase in building space and people in the area may increase the demand for fire protection services to a greater degree than can be provided by existing fire stations. However, this would be a cumulative effect related to full development of the entire Redevelopment Area. As a temporary use consistent with the existing intensity of uses in the area, it is not anticipated that the Aggregate Recycle and Fill project will generate a demand for an additional fire station.

The Oakland Fire Department Office of Emergency Services (OES) is responsible for coordination of response to a wide-spread emergency. The OES prepares, maintains, and updates the City’s Response Concept, a written plan that describes how OES intends to respond to widespread incidents (OFD 2002). The Response Concept, prepared in accordance with state requirements under the Standardized Emergency Management System (SEMS), describes the structure and role of the City’s emergency management organization.

Construction projects have the potential to interfere with emergency first responder/evacuation routes, including the Maritime Street emergency response staging area, or with the West Grand Avenue and 7th



Street evacuation routes. Because occurrence of this impact depends on a large scale emergency that may or may not occur, the impact is considered potentially significant.

Mitigation Measures

The proposed Project will be required to comply with the following public services mitigation measures included in the OARB Redevelopment EIR:

Mitigation 4.9-3 The Port and City shall require developers within their respective jurisdictions to notify OES of their plans in advance of construction or remediation activities.

Each developer proposing construction in the redevelopment project area would be required to notify OES prior to initiation of construction, so that OES may plan emergency access and egress taking into consideration possible conflicts or interference during the construction phase. The developer would also be required to notify OES once construction is complete.

Resulting Level of Significance

Implementation of Mitigation Measures 4.9-3 would reduce impacts to a less than significant level, consistent with the conclusions of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant fire and emergency services environmental effects, or a substantial increase in the severity of previously identified fire and emergency services environmental effects.

Criteria a-ii through a-v): Other Public Services

Impact:

The proposed Project would contribute to a larger service demand placed on all other public services. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No New Impact*)

The OARB Redevelopment EIR concluded that implementation of the Redevelopment/Reuse Plan would lead to a larger service demand placed on all other public services. However, as the proposed Project is a temporary use only, not all previously identified public service impacts would be applicable. The Project's construction vehicles and operations would accelerate or advance deterioration of local roadways and the timing and extent of roadway maintenance/repair.

Mitigation Measures

The proposed Project will be required to comply with the following public services mitigation measures included in the OARB Redevelopment EIR:

Mitigation 4.9-10 The Port and City of Oakland shall work cooperatively to develop an ongoing joint program to identify and evaluate impacted local roadways and identify required maintenance/repair activities. The agencies will fund needed repairs and maintenance on a fair-share basis.



- a) Complete a baseline study that assesses the pre-project conditions of the approved construction routes. A baseline study and monitoring work plan will be submitted by the developers/sponsors or their consultant to the City for review and an approval. Upon approval, street baseline study will be completed jointly with the City's representative.
- b) The baseline study and monitoring work plan will identify the segments, frequency and method of monitoring the construction traffic routes to assess the post-project conditions of public streets.
- c) The City's contractor will keep track of the number and type of all truck trips from/to the job site. The information will be summarized in a log for use in the periodic and final street condition assessment.
- d) Correction of any damage or loss of expected life to the public streets will be upon mutual agreement reached between the City of Oakland and the developer/sponsor.
- e) Ongoing roadway monitoring will be completed by the developer/sponsor's consultant as outlined in an approved Pavement Monitoring Plan including:
- f) The developer/sponsor's consultant will conduct frequent visual debris surveys to identify any debris (including but not limited to dirt, gravel, etc) that is found along the project's approved truck routes. These surveys will be conducted on a weekly basis during periods of heavy construction, preferably on the last day of the work week. A written log of the surveys will be maintained and submitted regularly to City Staff, and all project-generated debris will be promptly cleaned up.

Uniformly Applied Development Standards

SCA TRAF-1: Construction Traffic and Parking. (Refer to the Transportation section, under the topic of Roadway Design Hazards, which specifically list the following under sub-condition g):

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

Resulting Level of Significance

Implementation of Mitigation Measures and 4.9-10 and SCA TRAF-1g would reduce roadway damage impacts to a less than significant level, consistent with the conclusions of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant public services environmental effects, or a substantial increase in the severity of previously identified public services environmental effects.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XIV. RECREATION —				
a) Would the Project 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"/>
b) Does the Project 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 checked="" type="checkbox"/>

Criteria a and b): Recreation

The proposed Project would not induce any significant impacts on nearby recreational facilities. The land use proposed is temporary and would not include new residents that would normally make more use of recreation facilities than would users of the non-residential land uses proposed for the site. *(No Impact)*



Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
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XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e., street closures, changing direction of travel) in a manner that would substantially impact access or traffic load and capacity of the street system, as defined below:
 - i) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?
 - ii) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?
 - iii) At a study, signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?
 - iv) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e., F)?
 - v) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately)?
 - vi) At a study, unsignalized intersection the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?
- b) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project?
- c) Cause a cumulative traffic impact? A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project exceeds at least one of the intersection-related thresholds listed above in thresholds a) i through a) vi or b) for years 2015 or 2030
- d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
e) Substantially increase hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle routes, pedestrian safety)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Criteria a) and b) Increase in Construction-Period Traffic

Impact:

Remediation, demolition, deconstruction and construction activities associated with the Project would utilize a significant number of trucks and could cause significant circulation impacts on the street system. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*Less Than Significant*)

The primary traffic issue for the Aggregate Recycling and Fill project is its potential increased contribution of new vehicle trips (particularly large haul trucks) to the surrounding roadway system during its period of operation. The proposed Aggregate Recycling and Fill project is not a permanent facility that would cause a permanent increase in traffic. Instead, the Aggregate Recycling and Fill project is scheduled to operate for a total of about five years, and as such its traffic concerns are more similar to construction-period traffic effects.

- During the first three-year operations phase (during on-site fill) it is assumed that approximately 30 large truck trips per day (or 3 truck trips per hour) will bring materials to the site. These trucks would also leave the site, resulting in an additional 30 trips per day (and 3 trips per hour) outbound.
- An additional 5 trucks per day (less than 1 truck per hour) will export recycled aggregate off-site during years one through three, and approximately 10 trucks per day (or 1 truck per hour) will export recycled aggregate off-site during years four and five. These trucks would also arrive at the site, resulting in an equivalent number of inbound trips. Although it is possible that some trucks that bring materials to the site might also export recycled aggregate off-site, the conservative assumption was made that this would not occur.

In addition to trips generated by material transport, there would be a marginal number of trips generated by an estimated 5 on-site employees. Hours of operation are expected to be from 7:00 a.m. to 4:00 p.m. Table 7 provides a summary of anticipated trip generation.



Table 7: Trip Generation for Aggregate Recycling and Fill Project

Type of Trips	Daily Trips (Typical Maximum)			AM Peak Hour Truck Trips			PM Peak Hour Truck Trips				
	In	Out	Total	%	In	Out	Total	%	In	Out	Total
Inbound Material	30	30	60	10%	3	3	6	0%	0	0	0
Outbound Material	10	10	20	10%	1	1	2	0%	0	0	0
Employees (5)	9	9	17		2	0	2		0	2	2
Total	49	49	97		6	4	10		0	2	2

Source: *Trip Generation, 8th Edition*, Institute of Transportation Engineers 2008, General Office Building (710) for Employee trips.

The 10 trips expected during the a.m. peak hour would be distributed among several directions of travel to and from the project site. Trips between construction sites and the Aggregate Recycling and Fill project site are expected to be primarily on I-880 and on access roads to the freeway.

The in-bound materials trips shown in Table 7 for the Aggregate Recycling and Fill project are not new trips beyond the number of construction trips anticipated as part of future site preparation and grading activities assumed in the Previous CEQA Documents. The 2002 OARB EIR anticipated that in order to correct drainage and create sites geometrically suitable for development, site grading and surface land fill would be required. A similar number of in-bound material trips were assumed as part of this anticipated construction traffic. These construction trips, combined with other remediation, demolition/deconstruction, and construction activities within the redevelopment project area would utilize a significant number of trucks and could cause significant circulation impacts on the street system. This impact was fully discussed in the Previous CEQA Documents.²¹

The only increase in the number of trips associated with the Aggregate Recycling and Fill project are those 20 daily trips (2 am peak hour trips) associated with outbound material trips. The Previous CEQA Documents had not anticipated that recycled fill material would be exported from the site. However, these 20 daily materials export trips added by the proposed Aggregate Recycling and Fill project would not cause any Level of Service impacts at identified local intersections, and would not increase the volume/capacity ratio on roadway segments in the Metropolitan Transportation System by more than three percent. The added increment of traffic associated with the Aggregate Recycling and Fill project would therefore have a less-than-significant impact according to the City's standards of significance.

Deconstruction and salvage of buildings on site would also generate haul, delivery, and employee trips, potentially degrading LOS on roadways and intersections on a temporary basis in the immediate vicinity.

²¹ 2002 OARB EIR, Impact 4.3-11, page 4.3.36



Criteria a and b): Permanent Increase in Traffic

Impact:

The proposed Project would not 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. (*Less than Significant*)

As indicated above, the Aggregate Recycling and Fill project is a temporary operation that will not result in new, permanent trips added to the transportation system. No permanent traffic impacts are anticipated.

Criteria c): Cumulative Traffic Impacts

Impact:

The proposed Project's contribution of vehicle trips would not exceed any intersection-related thresholds or roadway segment thresholds for years 2015 or 2030. The proposed project would only operate for a period of 5 years and thus would not contribute any vehicle trips to future cumulative scenarios beyond that period. (**Less than Significant**)

As fully discussed and disclosed in the Previous CEQA Documents, cumulative construction and/or remediation activities throughout the OARB would generate haul and delivery trips that would involve the use of public streets by diesel trucks, construction vehicles and potentially the transport of hazardous materials. It is possible that other construction activities throughout the OARB including demolition/deconstruction of buildings and structures; removal and recycling of paving and concrete; excavation and fill, and hauling of excavated and fill materials; removal of surface and subsurface contaminants; grade correction, and other site preparation activities could occur simultaneously with the Aggregate Recycling and Fill Project. However, the construction trips associated with the Aggregate Recycling & Fill Project would not individually exceed the thresholds for significant traffic impacts, nor would its contribution of traffic exceed the thresholds for significant cumulative traffic impacts.

The Aggregate Recycling and Fill project is also a temporary operation that will not result in new, permanent trips added to the transportation system. The Aggregate Recycling and Fill project would not contribute to permanent cumulative traffic impacts.

Criteria g): Conflict with Alternative Transportation Programs

The Project would not conflict with adopted policies, plans, or programs supporting alternative transportation. (*No Impact*)

The Aggregate Recycling and Fill project is a temporary operation that will not result in conflict with adopted policies, plans, or programs supporting alternative transportation.



Criteria e): Hazards

Redevelopment of the City's Gateway Development Area could result in traffic hazards to motor vehicles, bicycles, or pedestrians due to inadequate design features or incompatible uses. This impact was fully disclosed in the Previous CEQA Documents. *(No New Impact)*

Site Design

The Aggregate Recycling and Fill project is a temporary operation that will not result in new, permanent design hazards. The Aggregate Recycling and Fill project would not contribute to permanent design hazard impacts.

Parking

Although no longer addressed by the City of Oakland as a CEQA issue, parking at the Aggregate Recycling and Fill project site for the 8 to 10 project employees will be minor, and accommodated in ad-hoc spaces adjacent to the project facilities.

Construction Traffic

Construction and/or remediation would generate haul and delivery trips that would involve the use of public streets by diesel trucks, construction vehicles and potentially the transport of hazardous materials. Such use is potentially incompatible with passenger cars and a hazard, and therefore identified as a potentially significant impact in the 2002 OARB Redevelopment EIR.

Mitigation Measures

The 2002 OARB Redevelopment EIR concluded that construction associated with redevelopment activities could cause significant circulation impacts on the street system and recommended the following mitigation measure to mitigate this impact:

Mitigation 4.3-13: Prior to commencing hazardous materials or hazardous waste remediation, demolition, or construction activities, a Traffic Control Plan (TCP) shall be implemented to control peak hours trips to the extent feasible, assure the safety on the street system and assure that transportation activities are protective of human health, safety, and the environment.

Construction and remediation TCPs shall be designed and implemented to reduce to the maximum feasible extent traffic and safety impacts to regional and local roadways.

The TCP shall address items including but not limited to: truck routes, street closures, parking for workers and staff, access to the project area and land closures or parking restrictions that may require coordination with and/or approval by the City and/or Caltrans. The TCP shall be submitted to the City Traffic Engineering and Planning divisions for review and approval prior to the issuance of any building, demolition or grading permits. The City and the Port shall coordinate their respective approvals to maximize the effectiveness of the TCP measures. DTSC would have ongoing authority under its Remedial Action Plan/Remedial Monitoring Plan oversight and the Hazardous Substances Account Act to regulate remediation transportation activities, which must be protective of human health, safety and the environment.



Remediation and demolition/construction traffic shall be restricted to designated truck routes within the City, and the TCP shall include a signage program for all truck routes serving the site during remediation or demolition/construction. A signage program details the location and type of truck route signs that would be installed during remediation and demolition/construction to direct trucks to and from the project area. Truck access points for entry and exit should be included in the TCP. In addition, as determined by the City, the developer shall be responsible for repairing any damage to the pavement that is caused by remediation or demolition/construction vehicles for restoring pavement to pre-construction conditions.

Remediation and demolition/construction-related trips will be restricted to daytime hours, unless expressly permitted by the City, and to the extent feasible, trips will be minimized during the a.m. and p.m. peak hours.

The TCP shall identify locations for construction/remediation staging. Remediation staging areas are anticipated to be located near construction areas, since remediation will be largely coordinated with redevelopment. In addition, the TCP shall identify and provide off-street parking for remediation and demolition/construction staff to the extent possible throughout all phases of redevelopment. If there is insufficient parking available within walking distance of the site for workers, the developer shall provide a shuttle bus or other appropriate system to transfer workers between the satellite parking areas and remediation or demolition/construction site.

The TCP shall also include measures to control dust, requirements to cover all loads to control odors, and provisions for emergency response procedures, health and safety driver education, and accident notification.

Uniformly Applied Development Standards

SCA TRAFFIC-1: Construction Traffic and Parking. *Prior to the issuance of a demolition, grading or building permit.* The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.



- e) Provision for accommodation of pedestrian flow.
- f) [Measure f relates to construction worker parking to avoid use on on-street spaces. On-street parking provisions are not an issue for the project area. Thus, measure f would not be applicable.]
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

Resulting Level of Significance

With implementation of Mitigation Measure 4.3-13 and SCA TRAFFIC-1, the potential impacts of construction-period traffic impacts would be substantially reduced, and the residual impacts would be less than significant, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects due to construction traffic, or a substantial increase in the severity of previously identified construction traffic effect.

Criteria d): Air Traffic Patterns

The Project would not 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. (*No Impact*)

The Project is not located near an airport or in an established flight path that would be affected by construction of the Project.



Criteria f): Emergency Access

The Project would not result in less than two emergency access routes for streets exceeding 600 feet in length. (*No Impact*)

The Aggregate Recycling and Fill project will rely on existing roadways for access to the Central Gateway and will not result in conflicts with emergency access routes.

Transit Ridership

Redevelopment of the City's Gateway Development Area would contribute on an incremental basis toward a cumulative increase in the demand for alternative transportation modes but would not significantly increase the average ridership on AC Transit lines or BART. This impact was fully discussed and disclosed in the Previous CEQA Documents. (*No Impact*)

The Aggregate Recycling and Fill project is a temporary operation that will not result in new, permanent transit ridership. The Aggregate Recycling and Fill project would not contribute to permanent transit impacts.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
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 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	<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 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 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"/>

Criteria a and d) Wastewater Infrastructure

Impact:

The proposed Project would not generate any permanent increase in wastewater collection, treatment or disposal. *(No Impact)*

The Aggregate Recycling and Fill project is a temporary use that will not generate any permanent increase in wastewater collection, treatment or disposal. As proposed, the Aggregate Recycling and Fill project will include a self-contained portable restroom unit provided by the operator that will be cleaned and emptied on a weekly basis. Approximately 50 gallons of waste product would be generated per week.



No new or expanded wastewater treatment facilities would be required for the project, and no sewer connection will be required to serve this project.

Criteria c) Water Infrastructure

Impact:

The proposed Project would not require any new or expanded water supply facilities. (*No Impact*)

The Aggregate Recycling and Fill project would not require any new or expanded water supply facilities. The minor amount of water needed for drinking water for employees and for water to be used for dust suppression would be provided either via existing water supplies, or from off-site sources. The Aggregate Recycling and Fill project is a temporary operation that will not result in new, permanent increases in demand for potable water and would not contribute to impacts related to water and water infrastructure.

Criteria b) Storm Drainage Infrastructure

Impact:

The proposed Project would not have a substantial adverse effect on a storm drainage infrastructure. (*No Impact*)

The Aggregate Recycling and Fill project does not include any plans for connections to the City's storm drainage infrastructure. The on-site fill operation associated with the Aggregate Recycling and Fill project represents implementation of the 2002 OARB Redevelopment EIR Project Description for correction of existing grade and surface drainage problems.

Criteria e and f) Solid Waste

Impact

The proposed Project would increase the quantity of solid waste and the demand for solid waste services. This impact was fully discussed and disclosed in a previously certified environmental document. (*No New Impact*)

The Aggregate Recycling and Fill project would not generate additional sources of solid waste or increase the demand for solid waste services. Instead, the Aggregate Recycling and Fill project represents an opportunity to divert construction waste from other locations for reuse as aggregate materials for necessary fill operations, and as raw material for other construction projects.

Mitigation Measures

The following 2002 OARB Redevelopment EIR mitigation measure is applicable to reduce this potential impact to a less than significant level:



Mitigation 4.9-8: Concrete and asphalt removed during demolition/construction shall be crushed on-site or at a near-site location, and reused in redevelopment or recycled to the construction market.

Mitigation 4.9-9: The City and Port shall require developers to submit a plan that demonstrates a good faith effort to divert at least 50 percent of operations phase solid waste from landfill disposal.

Uniformly Applied Development Standards

Since the time of publication of the 2002 OARB EIR, the City of Oakland has adopted Uniformly Applied Development Standards pertaining to waste reduction and recycling, imposed as SCAs. These SCAs serve to avoid or reduce the potential effects associated with waste reduction and recycling to at least the same degree as, or to a greater degree than the specific requirements pursuant to OARB EIR Mitigation Measures 4.9-8 and 4.9-9. These current SCAs will not create additional adverse effects. These SCAs are more current, more consistent with regulatory requirements, and provide greater clarity regarding the process and procedures. Therefore, the following SCAs replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.9-8 and 4.9-9.

SCA UTILITY-1: Waste Reduction and Recycling. The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

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

Resulting Level of Significance

Implementation of Mitigation Measures 4.9-8 and -9 as more specifically defined pursuant to SCA UTILITY-1 would reduce impacts to a less than significant level, consistent with the conclusion of the Previous CEQA Documents. There are no changes in the project, change in circumstances, or new



information that would result in new significant environmental effects related to solid waste or a substantial increase in the severity of previously identified environmental effects related to solid waste.

Criteria g and h) Energy

Impact

The proposed Project would not result in a significant new impact related to energy, nor would it substantially increase any impacts related to energy other than those impacts disclosed in the Previous CEQA Documents. (*Less than Significant*)

The 2002 OARB Redevelopment Plan EIR determined that, while future development within the entire Redevelopment Area (including the Project site) would require substantial power, there is excess capacity in the existing system that would allow for considerable growth. Existing capacity is adequate to serve the Project and additional facilities or sources of energy would not need to be developed.



	Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Criteria a) Degrade the Quality of the Environment

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 not require demolition of buildings that have been formally identified as “historic resources” as defined in CEQA Guidelines Section 15064.5. (*No New Impact*).

There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects that would potentially degrade the quality of the environment, or a substantial increase in the severity of previously identified environmental effect that would potentially degrade the quality of the environment.

Criteria b) Cumulative Impacts

Cumulative Scenario

Cumulative effects are defined as changes in the environment which may result from the incremental impact of the Project when added to other closely related past, present, existing, pending and reasonably foreseeable probable future projects. This Initial Study Determination considers potential cumulative effects associated with two different cumulative scenarios; a) cumulative construction-period effects, and b) cumulative operational effects. These different cumulative scenarios are more fully described below.



Cumulative Construction Scenario

This Project represents a portion of the types of cumulative construction activities assumed to occur pursuant to the 2002 Redevelopment Plan. Specifically, the 2002 Redevelopment Plan and its associated EIR recognized that in order to correct drainage, reduce the risk of flooding or tsunami and to create sites suitable for future development, site grading and surface land fill would be required. The Aggregate Recycling and Fill project is a major implementation element of this anticipated site grading and surface land fill. As such, cumulative construction activity throughout the former OARB is one of the cumulative scenarios analyzed for the Aggregate Recycling and Fill project. It is possible that other construction activities throughout the OARB including demolition/de-construction of buildings and structures; removal and recycling of paving and concrete; excavation and fill, and hauling of excavated and fill materials; removal of surface and subsurface contaminants; grade correction, and other site preparation activities could occur simultaneously with the Aggregate Recycling and Fill Project, or their effects could combine over time to result in potentially significant cumulative effects.

Cumulative Operations Scenario

The Aggregate Recycling and Fill project will only operate for a period of five years. During this period it is unlikely that any substantial redevelopment projects will become operational within the Central Gateway portion of the OARB Gateway Development Area, as such redevelopment projects will be dependent on completion of the surface land fill /regarding portion of the Aggregate Recycling and Fill Project to establish suitable development sites. Therefore, buildout of the Central Gateway is not assumed to be part of the cumulative operations scenario for the Aggregate Recycling & Fill project. However, an application has been submitted to the City for development of Ancillary Maritime Support Services, the Oakland Maritime Support Services (OMSS) truck parking facility project, proposed in the East Gateway on the east side of Maritime Street. This site is not dependent on surface land fill from the Aggregate Recycling and Fill Project, and thus could be anticipated to be constructed and to begin operation during the operations period for the Aggregate Recycling and Fill project. Thus, the OMSS project is included in the cumulative operations scenario for the Project.

No Cumulative Effects

This Initial Study Determination has concluded that the proposed Aggregate Recycling & Fill Project would have **no impact** (as compared to Less Than Significant impacts), and therefore would also not contribute on a cumulative basis (i.e., not considered to be “cumulatively considerable”) to environmental effects related to the following:

- Aesthetics effects (the Project will not impact scenic vistas, shadow any solar collection systems, shadow public spaces or historic resources, nor increase wind conditions in the area)
- Agricultural resources (no agricultural resources are present)
- Air quality pertaining to conflicts with or obstructing implementation of the applicable air quality plan, and the creation of substantial objectionable odors (the Project would not conflict with the assumptions underlying the applicable Clean Air Plan and would not generate objectionable odors)
- Biological resources (no biological resources are present)



- Historic and cultural resources (although the Previous CEQA Documents have found that other redevelopment activity throughout the OARB will have significant and unavoidable impacts on historic resources, the Project will not impact historic or cultural resources, and will thus not contribute to this effect)
- Hazards related to airports, wildland fires and emergency evacuation routes (the Project is not located near an airport nor a wildland fire area, nor would it interfere with an emergency evacuation route)
- Hydrology pertaining to groundwater, flooding and creek modifications (the Project is not located within a flood hazard area nor adjacent to an existing creek)
- Land use (the Project is consistent with the underlying Industrial land use designation of the area, and its surrounding industrial nature)
- Mineral resources (no mineral resource are present)
- Noise issues related to interior noise and aircraft noise effects (the Project does not include any permanent structures potentially subject to external noise effects and is not affected by aircraft noise)
- Population and housing (the Project will not add nor displace existing populations or housing units, nor will it displace existing jobs)
- Public services and recreation (the Project will not result in any effect on other public services other than fire protection and roadway maintenance, which are discussed below)
- Traffic effects pertaining to a permanent increase in traffic congestion, conflicts with alternative transportation programs, parking and design hazards (the Project will be a temporary use only and thus will not contribute to any permanent increase in cumulative traffic congestion, its parking requirements will be minor and accommodated on site, and the project will rely on existing roadways for access)
- Utilities and service systems (the Project will have no permanent impact on, on increased demand upon existing utilities)

Other potentially significant cumulative effects are discussed below.

Cumulative Construction Effects

As part of the construction activities assumed to occur pursuant to the 2002 Redevelopment Plan, the Project would contribute incrementally to the following types of cumulative impacts:

Air Quality - Dust

As fully discussed and disclosed in the Previous CEQA Documents, the Project, together with other construction and remediation-related activity throughout the former OARB would result in a substantial increase in dust (expressed as PM10) due to demolition/de-construction of buildings and structures; removal and recycling of paving and concrete; excavation and fill, and hauling of excavated and fill materials; removal of surface and subsurface contaminants; grade correction, and other site preparation activities. Because these dust emissions would be short-term for the duration of specific construction/remediation activities, it is unlikely that dust generated by the Project would combine with



other construction/remediation activities such that fugitive dust PM₁₀ emissions would cumulatively violate the ambient air quality standards or expose pollution-sensitive receptors to substantial pollutant concentrations. However, there is the possibility that other remediation efforts, infrastructure improvements, excavations and construction activities could occur simultaneously. Should this occur, it would be considered a significant cumulative impact. The Project and all other cumulative construction activity throughout the OARB would be required to comply with the dust control measures specified in the 2002 OARB EIR Mitigation Measure 4.4-1 and Standard Condition of Approval Air-1, which are consistent with the proposed Draft BAAQMD CEQA Guidelines for Redevelopment Plans. These measures would substantially reduce cumulative dust emissions, and the cumulative impact would be reduced to a less than significant level. This cumulative construction-period air quality impact was fully discussed and disclosed in the Previous CEQA Documents.

Air Quality - Construction Equipment Emissions

As fully discussed and disclosed in the Previous CEQA Documents, the Project, together with other construction and remediation-related activity throughout the former OARB would result in a substantial increase in emissions of NO_x, ROG, CO, diesel emissions (expressed as PM_{2.5}), and other toxic air contaminants due to construction equipment. Similar to dust emissions discussed above, these construction equipment emissions would be short-term for the duration of specific construction/remediation activities, and it is unlikely that construction emissions generated by the Project would combine with other construction/remediation emissions such that they would cumulatively violate the ambient air quality standards or expose pollution-sensitive receptors to substantial pollutant concentrations. However, there is the possibility that other remediation efforts, infrastructure improvements, excavations and construction activities could occur simultaneously. Should this occur, it would be considered a significant cumulative impact. The Project and all other cumulative construction activity throughout the OARB would be required to comply with the exhaust control measures specified in the 2002 OARB EIR Mitigation Measure 4.4-2 and Standard Condition of Approval Air-2. Although these measures would substantially reduce cumulative construction emissions, the cumulative impact would not be reduced to a less than significant level, and the residual impact is considered cumulatively significant and unavoidable. This cumulative construction-period air quality impact was fully discussed and disclosed in the Previous CEQA Documents.

Although the Project would generate slightly more construction equipment emissions than previously identified, this does not constitute a substantial increase in the severity of a previously identified impact because:

- these increases in cumulative criteria pollutants are so minimal;
- the Project will only operate for a period of five years, during which time all other previously considered cumulative redevelopment projects will certainly not become operational;
- due to macro-economic conditions it is uncertain when or if the full extent of intensive redevelopment activity throughout the OARB Redevelopment Area will occur; and
- the Previous CEQA Documents also analyzed a “High Intensity Alternative” which would generate pollutant emissions in quantities substantially greater than those assumed for the Project.

See also the full discussion of this issue on pages 30 - 35 of this Initial Study under the topic of Cumulative Criteria Pollutant Emissions



Hazardous Materials

As fully discussed and disclosed in the Previous CEQA Documents, remediation and construction workers could be exposed on a cumulative basis 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 operations. The type and quantity of hazardous materials that may be used in, stored or transported through the area would vary over time. Improper management of hazardous materials or accidental release could pose a substantial hazard to human health and the environment. Management of hazardous materials during construction and operations shall comply with applicable laws and legal requirements, including but not limited to the remediation requirements and health and safety and other measures required under the approved RAP/RMP as well as Standard Conditions of Approval Haz-1 through Haz-7. In addition, OARB EIR Mitigation Measure 4.15-1 requires development and implementation of a site-specific Water Quality Protection Plan, which requires use of Best Management Practices intended to avoid or minimize impacts to surface water. Its implementation would also avoid or minimize impacts from potential accidental releases to humans and the broader environment. These measures would substantially reduce cumulative hazardous materials impacts, and the cumulative impact would be reduced to a less than significant level. This cumulative construction-period hazardous materials impact was fully discussed and disclosed in the Previous CEQA Documents.

Hydrology – Erosion, Siltation and Pollution of Stormwater Runoff

As fully discussed and disclosed in the Previous CEQA Documents, the Project, together with other construction and remediation-related activity throughout the former OARB could result in mobilization of soil that can become entrained in stormwater and could result in contamination of stormwater runoff due to oils, metals and other potential pollutants associated with construction activities. This polluted stormwater could reach receiving waters, cumulatively affecting surface water quality through increased turbidity and associated pollutant loads. Should this occur, it would be considered a significant cumulative impact. The Project and all other cumulative construction activity throughout the OARB would be required to comply with the stormwater pollution prevention and erosion control measures specified in the 2002 OARB EIR Mitigation Measure 4.15.3 and Standard Conditions of Approval Geo-1 through Geo-3. These measures would substantially reduce cumulative erosion, siltation and stormwater pollution impacts, and the cumulative impact would be reduced to a less than significant level. This cumulative construction-period water quality impact was fully discussed and disclosed in the Previous CEQA Documents.

Hydrology - Groundwater Contamination

As fully discussed and disclosed in the Previous CEQA Documents, groundwater extraction could occur as part of cumulative remedial efforts, and as part of groundwater removal during cumulative construction activities (*e.g.*, dewatering of excavations). Cumulative extraction of groundwater throughout the OARB over time may cause contaminants to migrate to areas where contamination has not previously been detected. This could include drawing contaminants into underlying deeper aquifers. Should this occur, it would be considered a significant cumulative impact. The Project and all other cumulative construction activity throughout the OARB would be required to minimize groundwater extraction to the extent feasible, consistent with measures specified in the 2002 OARB EIR Mitigation Measures 4.14-1 and -2. These measures would reduce cumulative groundwater extraction impacts to a less than significant level.



This cumulative construction-period groundwater impact was fully discussed and disclosed in the Previous CEQA Documents.

Noise

As fully discussed and disclosed in the Previous CEQA Documents, cumulative noise impacts include demolition/deconstruction, selected remediation, grade correction and site preparation, excavation and filling, and infrastructure installation. Although the occurrence of construction noise from the Project is unlikely to overlap with other cumulative construction activity, there is the possibility that other remediation efforts, infrastructure improvements, excavations and similar construction activities could occur simultaneously. Should this occur, it would be considered a significant cumulative impact. The Project and all other cumulative construction activity throughout the OARB would be required to minimize construction noise to the extent feasible, consistent with measures specified in the 2002 OARB EIR Mitigation Measures 4.5-1 and Standard Conditions of Approval Noise-1 through Noise-6. These measures would substantially reduce cumulative construction noise impacts to a less than significant level. This cumulative construction-period noise impact was fully discussed and disclosed in the Previous CEQA Documents.

Public Services – Fire Safety

As fully discussed and disclosed in the Previous CEQA Documents, the Project, together with other construction and remediation-related activity throughout the former OARB could interfere with emergency response routes. The Project and all other cumulative construction activity throughout the OARB would be required to comply with the Fire Department/OES notification requirements specified in the 2002 OARB EIR Mitigation Measures 4.9-3. This measure would substantially reduce cumulative construction interference with emergency response to a less than significant level. This cumulative construction-period fire safety impact was fully discussed and disclosed in the Previous CEQA Documents.

Traffic – Construction Trips

As fully discussed and disclosed in the Previous CEQA Documents, cumulative construction and/or remediation activities throughout the OARB would generate haul and delivery trips that would involve the use of public streets by diesel trucks, construction vehicles and potentially the transport of hazardous materials. Such use is potentially incompatible with passenger cars and therefore a potentially significant cumulative effect. The Project and all other cumulative construction activity throughout the OARB would be required to comply with the requirements of a Traffic Control Plan as specified in the 2002 OARB EIR Mitigation Measures 4.3-13 and Standard Condition of Approval Traf-1. These requirements would substantially reduce cumulative construction-period traffic impacts to a less than significant level. This cumulative construction-period impact was fully discussed and disclosed in the Previous CEQA Documents.

Conclusions

There are no changes in the Project, change in circumstances, or new information that would result in new significant cumulative construction-period effects, or a substantial increase in the severity of previously identified cumulative construction-period effect.



Cumulative Operational Effects

Although buildout of the Redevelopment Plan is not assumed to be part of the cumulative scenario for this Project, it is reasonable to assume that the OMSS project may be constructed and in operation during the operations period for the Aggregate Recycling and Fill project. The following provides an analysis of potential cumulative operational effects associated with concurrent operations of these two projects.

Air Quality

Table 8 below shows that on a cumulative or combined basis, the Aggregate Recycling & Fill Project and the proposed OMSS Project would generate daily and annual emissions, but that these emission rates would be below the current BAAQMD significance thresholds of 80 lbs/day and 15 tons/year for NO_x, ROG and PM₁₀, and the current threshold of 550 lbs/day of CO.

Table 8: Total Daily and Annual Emissions from the Aggregate Recycling & Fill Project and the Proposed OMSS Project

<u>Period/Scenario</u>	<u>Cumulative Emissions</u>				
	<u>NO_x</u>	<u>ROG</u>	<u>CO</u>	<u>PM10</u>	<u>PM2.5</u>
<u>Daily Emissions (lb/day)</u>					
Recycling & Fill Project	52.3	2.7	14.4	19.9	
OMSS Project	20.1	19.5	175.4	11.4	
Total	72.4	22.2	189.8	31.3	31.3
<i>BAAQMD Daily Thresholds (lb/day)</i>	80	80	550	80	
<i>BAAQMD Draft Guidelines Significance Threshold (lb/day)</i>	54	54	NA	82	54
<u>Annual Emissions (ton/yr)</u>					
Recycling & Fill Project	3.7	0.2	1.0	1.5	
OMSS Project	4.2	3.8	33.3	2.1	
Total	7.9	4.0	34.3	3.6	3.6
<i>BAAQMD Annual Thresholds (ton/yr)</i>	15	15	-	15	
<i>BAAQMD Draft Guidelines, Significance Thresholds (lb/day)</i>	10	10	NA	15	10

However, the combined emissions of NO_x from these two projects would exceed the draft threshold level of 54 lbs/day for this criteria pollutant that is currently under consideration by the BAAQMD as part of their on-going CEQA Guidelines Update process. These Draft BAAQMD thresholds have not been adopted and are not currently the City of Oakland criteria for defining environmental impacts. They are presented here for informational purposes and because their potential adoption is pending in the near future.

The Previous CEQA Documents recognized that redevelopment activity throughout the former OARB (including construction activity such as the Aggregate Recycling & Fill project, and operation of redevelopment projects such as the OMSS project) would result in significant and unavoidable cumulative air quality impacts associated with emissions of nitrogen oxides (NO_x), reactive organics gases (ROG), carbon monoxide (CO), particulate matter (PM₁₀), and diesel exhaust (almost entirely PM_{2.5}). The 2002 OARB EIR included mitigation measures requiring the Port of Oakland to implement a criteria pollutant reduction program to reduce and off-set redevelopment-related cumulative contributions



of criteria pollutants to local West Oakland air quality (Mitigation Measure 4.4-3), and requiring the City and the Port to develop and implement a diesel emission reduction program to reduce and off-set redevelopment-related cumulative diesel emissions to local West Oakland air quality (mitigation Measure 4.4-4). The Previous CEQA Documents concluded that cumulative air quality impacts would be substantially reduced through implementation of these programs, but not reduced to a level that is less than significant, and the residual impact is considered cumulatively significant and unavoidable. This cumulative air quality impact was fully discussed and disclosed in the Previous CEQA Documents.

Traffic

The Aggregate Recycling & Fill Project is a temporary use and would not individually exceed the thresholds for significant traffic impacts, nor would its contribution of traffic exceed the thresholds for significant cumulative traffic impacts. The OMSS Project would add trips on a permanent basis and will need to assess its own contribution to cumulative traffic impacts.

Public Services – Fire Safety

Cumulative construction and remediation-related activity throughout the former OARB could contribute to an increased cumulative demand for new or expanded fire service facilities to provide an adequate level of public safety. However, as a temporary use consistent with the existing intensity of uses in the area, it is not anticipated that the Aggregate Recycle and Fill project will generate a demand for an additional fire station. Additionally, since its operations will cease after a period of five years it will not contribute to a permanent increase in fire service demands.

Conclusions

There are no changes in the Project, change in circumstances, or new information that would result in new significant cumulative operational effects. Although the emissions of NO_x generated by the proposed Aggregate Recycling and Fill Project would increase the emission of criteria pollutants over the amount anticipated in Previous CEQA Documents, this increased emissions do not represent a substantial increase in the severity of previously identified cumulative air quality effects.

Criteria c) Substantially Adverse Effects

The Project may result in the emission of air quality pollutants that may contribute on a cumulative basis toward exceeding established air quality thresholds. The emission of these air quality pollutants could cause adverse effects on the health of nearby residents. This impact was fully discussed and disclosed in a previously certified environmental document. (*No New Impact*). There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects that would cause a substantial adverse effect on humans, or a substantial increase in the severity of previously identified environmental effect that would cause a substantial adverse effect on humans.



Appendix A

CHECKLIST OF MITIGATION MEASURES FROM PREVIOUS CEQA DOCUMENTS AND STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM (SCAMMP)

Standard Conditions of Approval & Mitigation Monitoring and Reporting Program (SCAMMRP)

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) was formulated based on the findings of the Addendum to the 2002 OARB Redevelopment Plan Environmental Impact Report (EIR) and the 2006 OARB Auto Mall Supplemental Environmental Impact Report (SEIR) prepared for the Aggregate Recycling and Fill project in the City of Oakland. This SCAMMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists standard conditions of approval and mitigation measures recommended in the Addendum and identifies monitoring requirements.

The following table presents the mitigation measures identified in the Addendum to the 2002 OARB Redevelopment Plan Environmental Impact Report (EIR) and the 2006 OARB Auto Mall Supplemental Environmental Impact Report (SEIR) for the Aggregate Recycling and Fill project that are necessary to mitigate potentially significant impacts. The City’s Standard Conditions of Approval identified in the Addendum as measures that would minimize potential adverse effects that could result from implementation of the project are also included in this SCAMMRP to ensure the conditions are implemented and monitored. The Standard Conditions are identified with a SCA prefix (e.g., SCA Traf-1).

The first column of the following table identifies the Standard Condition of Approval or Mitigation Measure. The second column identifies the monitoring schedule or timing, while the third column names the party responsible for monitoring the required action. The fourth column, “Monitoring Procedure,” outlines the steps for monitoring the action identified in the mitigation measure. The fifth and sixth columns deal with reporting and provide spaces for comments and dates and initials. These last columns will be used by the City to ensure that individual mitigation measures have been monitored.

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
Aesthetics					
<p>Mitigation 4.11-1: New lighting shall be designed to minimize off-site light spillage; “stadium” style lighting shall be prohibited.</p> <p>Modern security lighting is available that directs light toward a specific site, and substantially reduces spillage of light onto adjacent properties. The City shall require the use of such directional lighting as a condition of approval for redevelopment projects throughout the project area. In no case shall the City allow the use of stadium-style lighting, which directs light outward across a broad area.</p>	Prior to the issuance of an electrical or building permit.	Planning and Zoning Division and the Electrical Services Division of the Public Works Agency	Ensure that proposed lighting fixtures are adequately shielded to prevent unnecessary glare onto adjacent properties.		
<p>SCA VISUAL-1:Lighting Plan. 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.</p>	Prior to the issuance of an electrical or building permit.	Planning and Zoning Division and the Electrical Services Division of the Public Works Agency	Ensure that proposed lighting fixtures are adequately shielded to prevent unnecessary glare onto adjacent properties.		
Air Quality					
<p>Mitigation 4.4-1: Contractors shall implement all BAAQMD “Basic” and “Optional“ PM₁₀ (fugitive dust) control measures at all sites, and all “Enhanced” control measures at sites greater than four acres.</p>	See details under SCA Air-1 below. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measures 4.4-1.				
<p>SCA AIR-1: Dust Control. <i>Prior to issuance of a demolition, grading or building permit.</i> 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</p>	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	Make regular visits to the project site to ensure that all dust-control mitigation measures are being implemented.		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>control procedures required for construction sites. These include: BASIC (Applies to ALL construction sites)</p> <ul style="list-style-type: none"> a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites. e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. f) Limit the amount of the disturbed area at any one time, where feasible. g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. i) Replant vegetation in disturbed areas as quickly as feasible. j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). k) Limit traffic speeds on unpaved roads to 15 miles per hour. 			Verify that a designated dust control coordinator is on-call during construction periods.		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.</p> <p>ENHANCED (ALL "Basic" Controls listed above plus the following if the construction site is greater than 4 acres)</p> <p>All "Basic" controls listed above, plus:</p> <p>a) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>b) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>c) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.</p> <p>d) Install appropriate wind breaks at the construction site to minimize wind blown dust.</p>					
<p>Mitigation 4.4-2: Contractors shall implement exhaust control measures at all construction sites.</p>	<p>See details under SCA Air-2 below. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measures 4.4-2.</p>				
<p>SCA AIR-2: Construction Emissions. <i>Prior to issuance of a demolition, grading or building permit.</i> To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:</p> <p>a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2,</p>	<p>Prior to issuance of a demolition, grading, or building permit; and ongoing throughout construction</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>Verify that all construction equipment meets mitigation measures.</p>		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>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.</p> <p>b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.</p>					
Biological Resources					
<p>Mitigation 4.12-7: Application for a tree preservation/tree removal permit from the City of Oakland for all protected trees shall comply with the Tree Ordinance, which includes replacement of native trees at a minimum of a 1:1 ratio.</p>	See details under SCA Bio-2, -3 and -4 below. Generally, these SCAs are more current, more detailed, and provide greater clarity regarding process and procedures and therefore replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measures 4.12-7.				
<p>SCA BIO-2: Tree Removal Permit. 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.</p>	Prior to issuance of a demolition, grading, or building permit.	City of Oakland, Tree Division of the Public Works Agency	Verify that a tree removal permit has been prepared and approved.		
<p>SCA BIO-3: Tree Replacement Plantings. 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</p>	Prior to issuance of a final inspection of the building permit.	City of Oakland, Tree Division of the Public Works Agency	Verify that the tree removal permit shows all necessary tree replacement plantings.		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>following criteria:</p> <p>a) 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.</p> <p>b) 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.</p> <p>c) Replacement trees shall be at least of 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.</p> <p>d) Minimum planting areas must be available on site as follows: i). For Sequoia sempervirens, three hundred fifteen square feet per tree; ii). For all other species listed in #2 above, seven hundred (700) square feet per tree.</p> <p>e) 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.</p> <p>f) 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</p>			<p>Make visit to the project site at completion of operations to ensure that all replacement trees have been installed per the requirements of the tree removal permit.</p>		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
established within one year of planting shall be replanted at the project applicant's expense.					
<p>SCA BIO-4: Tree Protection During Construction. Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <p>a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</p> <p>b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</p> <p>c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or</p>	When a Tree Protection/Removal Permit is required because a protected tree is located within 10' of construction. Prior to issuance of a demolition, grading, or building permit.	City of Oakland, Tree Division of the Public Works Agency	<p>Verify that the tree removal permit shows protection measures for all trees to remain.</p> <p>Make regular visits to the project site to ensure that all trees to remain standing are adequately protected.</p>		

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<p>construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p> <p>d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p>					
<p>Mitigation 4.12-8: Trees shall be removed between September 1 and January 31 to avoid the nesting season (February 1 to August 31). Alternatively, field surveys shall be conducted no earlier than 45 days and no later than 20 days prior to the removal of any trees during the nesting/breeding season of bird species potentially nesting on the site to determine whether birds are present.</p> <p>Mitigation 4.12-9: Construction shall not occur within 150 feet</p>	See details under SCA Bio-1 below. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measures 4.12-9 and -9.				

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of an active nest until the nest is vacated or the juveniles have fledged.					
SCA BIO-1: Tree Removal During Breeding Season. 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 by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to 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 the 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 the 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.	Prior to issuance of a tree removal permit.	City of Oakland Planning and Zoning Division	Verify that tree removal will not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, verify that the required pre-removal surveys have been conducted, provided to the Planning and Zoning Division, and if necessary an adequate nest buffer is implemented.		
Cultural Resources					
Mitigation 4.6-1: Should previously unidentified cultural resources be encountered during redevelopment, work in that vicinity shall stop immediately, until an assessment of the finds can be made by an archaeologist. If the resource is found to be significant under CEQA, an appropriate mitigation plan must be developed.	See details under SCA Cultl -1. -2 and -3 below. Generally, these SCAs are more current, more detailed, and provide greater clarity regarding process and procedures and therefore replace and/or supersede the specific requirements listed under the 2002 OARB EIR Mitigation Measures 4.6-1.				

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<p>SCA CULTL-1: Archaeological Resources. Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <p>a) 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.</p> <p>b) 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</p>	Ongoing throughout demolition, grading, and/or construction.	City of Oakland, CEDA, Building Services Division and Planning and Zoning Division – Historic Preservation Staff	Ensure that all work within 50 feet of the site where any prehistoric or historic subsurface cultural resources are discovered is halted.		

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significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.					
SCA CULTL-2: Human Remains. <i>Ongoing throughout demolition, grading, and/or construction.</i> 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.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division and Planning and Zoning Division	Ensure that all work is halted if any human skeletal remains are uncovered at the project site and that the Alameda County Coroner is contacted.		
SCA CULTL-3: Paleontological Resources. 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	Ongoing throughout demolition, grading, and/or construction.	City of Oakland, CEDA, Building Services Division and Planning and Zoning Division	Ensure that excavations within 50 feet of any paleontological resource discovery are halted and that a qualified paleontologist is		

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paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.			notified.		
Geology and Soils					
SCA GEO-1: Erosion and Sedimentation Control The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City’s storm drain system and creeks.	When no grading permit is required. Ongoing throughout demolition grading, and/or construction activities.	City of Oakland, CEDA, Building Services Division	Verify that an erosion and sedimentation control plan has been adequately prepared. Verify that the plan has been implemented.		
SCA GEO-2: Erosion and Sedimentation Control Plan [When a grading permit is required]. a) <i>Prior to any grading activities.</i> 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	When a grading permit is required. Prior to any grading activities and ongoing throughout grading and construction activities.	City of Oakland, CEDA, Building Services Division; Planning and Zoning Division	Verify that an erosion and sedimentation control plan has been adequately prepared. Verify that the applicant has obtained permissions and easements necessary for any off-site work required by the plan. Verify that the plan has been implemented. Conduct visits to the		

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<p>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.</p> <p>b) <i>Ongoing throughout grading and construction activities.</i> 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.</p>			<p>construction site to ensure that no grading is taking place during the wet weather season unless specifically authorized by the Building Services Division.</p>		
<p>Mitigation 4.15-3: Prior to ground-disturbing activities, the contractor shall develop and implement a Stormwater Pollution Prevention Plan to be reviewed by the City or the Port, including erosion and sediment control measures.</p>	<p>See details under SCA Geo-3 below. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.15-3.</p>				
<p>SCA GEO-3: Stormwater Pollution Prevention Plan (SWPPP). The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a</p>	<p>Submit SWPP to SWRCB prior to applying for first building permit; Submit copy of</p>	<p>City of Oakland, CEDA, Building Services Division; Planning and Zoning Division</p>	<p>Verify the preparation and approval of the SWPPP. Conduct regular site visits to ensure</p>		

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notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.	approved SWPP prior to issuance of first building permit; Comply with measures in SWPP: ongoing throughout demolition, grading, and/or construction activities		compliance with the SWPPP throughout the completion of the project.		
<p>Mitigation 4.13-4: The project applicant shall thoroughly review available building and environmental records.</p> <p>The City shall keep a record of, and the designer shall review, available plans, and facility, building, and environmental records in order to identify underground utilities and facilities, so that these may be either avoided or incorporated into design as relevant.</p> <p>Mitigation 4-13.5: The developer shall perform due diligence, including without limitation, retaining the services of subsurface utility locators and other technical experts prior to any ground-disturbing activities.</p> <p>The contractor shall utilize Underground Service Alert or other subsurface utility locators to identify and avoid underground utilities and facilities during construction of redevelopment elements. The contractor shall keep a record of its contacts regarding underground features, and shall</p>	Prior to commencement of demolition, grading, or construction	City of Oakland, CEDA, Building Services Division	Verify building and environmental record review, as well as results of subsurface utility location investigations		

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make these records available to the City upon request. This condition shall be enforced through contract specification.					
Hazards and Hazardous Materials					
<p>SCA HAZ-1: Hazards Best Management Practices. <i>Prior to commencement of demolition, grading, or construction.</i> The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) is implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <ul style="list-style-type: none"> a) Follow manufacture’s recommendations on use, storage, and disposal of chemical products used in construction; b) Avoid overtopping construction equipment fuel gas tanks; c) During routine maintenance of construction equipment, properly contain and remove grease and oils; d) Properly dispose of discarded containers of fuels and other chemicals. e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST’s, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the 	<p>BMP Plan required prior to commencement of demolition, grading, or construction</p> <p>Implementation ongoing through demolition, grading and construction activities</p>	<p>City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division</p>	<p>Verify that construction BMPs are implemented.</p>		

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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 the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.					
SCA HAZ-2: Hazardous Materials Business Plan. <i>Prior to issuance of a business license.</i> The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following: a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b) The location of such hazardous materials. c) An emergency response plan including employee training information. d) A plan that describes the manner in which these materials are handled, transported and disposed.	Prior to issuance of a business license for businesses handling hazardous materials	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division and Fire Services Division	Verify that a hazardous materials business plan has been prepared.		
Mitigation 4.7-3 Implement RAP/RMP as approved by DTSC, and if future proposals include uses not identified in the Reuse Plan and incorporated into the RAP/RMP, or if future amendments to the remediation requirements are proposed,	Prior to issuance of any demolition, grading or building permit	City of Oakland, CEDA, Building Services Division, and Planning and	Verify compliance with approved RAP/RMP		

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obtain DTSC and City approval.		Zoning Division			
<p>Mitigation 4.7-9: For above-ground and underground storage tanks (ASTs/USTs) on the OARB, implement the RAP/RMP.</p> <p>Both ASTs and USTs are known to have been present on the OARB and in the redevelopment project area generally. Many have been removed from the OARB and the redevelopment project area, but others may remain. For the OARB, implementation of the RAP/RMP would address the risk of exposure to a tank that is unexpectedly encountered, disturbed or damaged during construction.</p> <p>Mitigation 4.7-11: For LBP-impacted ground on the OARB, implementation of RAP/RMP to be approved by DTSC as part of the project will result in avoidance of this potentially significant impact.</p> <p>Mitigation 4.7-15: Known PCB transformers or PCB-contaminated transformers at the OARB shall be removed, monitored and/or maintained in accordance with applicable laws and regulations.</p> <p>In addition, surface and subsurface contamination from any PCB equipment that remains in use should be investigated and remediated in compliance with all applicable laws and regulations.</p> <p>Mitigation 4.7-16 Oil-filled electrical equipment in the redevelopment project area that has not been surveyed shall be investigated prior to the equipment being taken out of service to determine whether PCBs are present.</p> <p>Equipment found to contain PCBs should be part of an ongoing monitoring program. Surface and subsurface contamination from any PCB equipment shall be</p>	Prior to issuance of any demolition, grading or building permit	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	<p>Verify compliance with approved RAP/RMP.</p> <p>Verify that specifications for the investigation and remediation of PCB contamination within the former OARB has been submitted and implemented in conformance with the RAP/RMP.</p> <p>Verify that specifications for the investigation and remediation of lead-based paint contamination within the former OARB has been submitted and implemented in conformance with the RAP/RMP.</p> <p>Verify that specifications for the investigation and remediation of ACM contamination within the former OARB has been</p>		

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<p>investigated and remediated in compliance with applicable laws and regulations.</p> <p>Mitigation 4.7-17: PCB-containing or PCB-contaminated equipment taken out of service shall be handled and disposed in compliance with applicable laws and regulations.</p> <p>Equipment filled with dielectric fluid (oil) including transformers, ballast, etc. containing more than 5 ppm PCBs is considered a hazardous waste in California. Additionally, because buildings may be removed as part of the Project, the following mitigation measures would be applicable toward implementation of the RAP/RMP remediation program:¹</p> <p>Mitigation 4.7-6 Buildings and structures constructed prior to 1978 slated for demolition or renovation that have not previously been evaluated for the presence of LBP shall be sampled to determine whether LBP is present in painted surfaces, and the safety precautions and work practices as specified in government regulations shall be followed during demolition.</p> <p>Mitigation 4.7-7 Buildings, structures and utilities that have not been surveyed for ACM, shall be surveyed to determine whether ACM is present prior to demolition or renovation, and the safety precautions and work practices as specified in government regulations shall be followed during demolition.</p> <p>Mitigation 4.7-8 Buildings and structures proposed for demolition or renovation shall be surveyed for PCB-impacted building materials, and the safety precautions and work practices as specified in government regulations shall be followed during demolition.</p>			submitted and implemented in conformance with the RAP/RMP.		
<p>SCA HAZ-3: Asbestos Removal in Structures. <i>Prior to issuance of a demolition permit.</i> 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,</p>	Make determination prior to issuance of a demolition permit; Follow applicable procedures during	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	Verify that any asbestos removal is conducted in accordance with procedures specified by Regulation 11, Rule 2 of BAAQMD regulations		

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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.	removal activities				
SCA HAZ-4: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. Prior to issuance of any demolition, grading or building permit. The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.	Prior to issuance of a demolition, grading, or building permit	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	Verify that a comprehensive assessment report detailing materials classified as hazardous waste has been submitted.		
SCA HAZ-5: Lead-based Paint Remediation. If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.	Prior to issuance of any demolition, grading or building permit.	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	Verify that specifications for the stabilization or removal of any lead paint have been submitted.		
SCA HAZ-6: Other Materials Classified as Hazardous Waste. 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.	Prior to issuance of any demolition, grading or building permit	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	Verify that written confirmation has been obtained that all State and federal laws will be followed when profiling, handling, treating, transporting and/or disposing of all hazardous waste.		
SCA HAZ-7: Health and Safety Plan per Assessment. If the required lead-based paint/coatings, asbestos, or PCB assessment	Prior to issuance of any demolition,	City of Oakland, CEDA, Building	Verify that a health and safety plan to protect		

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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.	grading or building permit. Implement measures in accordance with timeframes outlined in plan	Services Division, and Planning and Zoning Division	workers from hazardous waste has been adequately prepared.		
Hydrology and Water Quality					
Mitigation 4.15-3: Prior to ground-disturbing activities, the contractor shall develop and implement a Stormwater Pollution Prevention Plan that is acceptable to the RWQCB, including erosion and sediment control measures.	See details under SCA Geo-3. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.15-3.				
SCA GEO-1: Erosion and Sedimentation Control. (Refer to the geology section, under the topic of erosion.) SCA GEO-2: Erosion and Sedimentation Control Plan. (Refer to the geology section, under the topic of erosion.) SCA GEO-3: Stormwater Pollution Prevention Plan (SWPPP). (Refer to the geology section, under the topic of erosion.)	(Refer to the geology section, under the topic of erosion.)				
Mitigation 4.15-4: Prior to construction or remediation, the contractor shall develop and implement a Stormwater Pollution Prevention Plan, including protocols for determining the quality and disposition of construction water which includes shallow groundwater encountered during construction/remediation.	See details under SCA Geo-3. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.15-3				
SCA HYDRO-1: Best Management Practices for Soil and Groundwater Hazards. The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards. a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils	Ongoing throughout demolition, grading, and construction activities.	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	Verify the preparation and approval of the BMPs. Conduct regular site visits to ensure compliance with the		

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<p>determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.</p> <p>b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources</p> <p>c) Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.</p>			BMPs throughout the completion of the project.		

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SCA GEO-3: Stormwater Pollution Prevention Plan (SWPPP). (Refer to the geology section, under the topic of erosion.)	(Refer to the geology section, under the topic of erosion.)				
<p>Mitigation 4.15-6: Site-specific design and best management practices shall be implemented to prevent runoff of recycled water to receiving waters.</p> <p>Design of subsequent redevelopment activities shall ensure recycled water does not leave the site and enter receiving waters. Best management practices shall be implemented to prevent runoff of recycled water. These BMPs may be either structural or non-structural in nature and may include but are not limited to the following:</p> <ul style="list-style-type: none"> a) Preventing recycled water from escaping designated use areas through the use of: b) berms c) detention/retention basins d) vegetated swales (biofilters) e) Not allowing recycled water to be applied to irrigation areas when soils are saturated. f) Plumbing portions of irrigation systems adjacent to receiving waters with potable water. <p>EBMUD intends to provide recycled water to the Aggregate Recycling and Fill project for non-potable operations purposes and dust suppression as part of its East Bayshore Recycled Water Project. Title 22 of the California Code of Regulations does not allow runoff of recycled water to surface waters.</p>	Ongoing throughout demolition, grading, and construction activities.	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	Verify the preparation and approval of the BMPs. Conduct regular site visits to ensure compliance with the BMPs throughout the completion of the project.		
SCA GEO-3: Stormwater Pollution Prevention Plan (SWPPP). (Refer to the geology section, under the topic of erosion.)	(Refer to the geology section, under the topic of erosion.)				
Mitigation 4.14-1: Installation of groundwater extraction wells into the shallow water-bearing zone or Merritt Sand aquifer for any purpose other than construction de-watering and	Prior to demolition, grading, and construction	City of Oakland, CEDA, Building Services Division,	Verify that no groundwater extraction		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
remediation, including monitoring, shall be prohibited. Implementation of this measure would prevent saltwater from being drawn into the aquifer and potentially causing fresh water to become brackish or saline. Limiting extraction of shallow groundwater and groundwater from the Merritt Sand unit will prevent potential impacts to existing study area groundwater resources	activities.	and Planning and Zoning Division	wells are constructed. Conduct regular site visits to ensure compliance, including during any groundwater de-watering efforts.		
Mitigation 4.14-2: Extraction of groundwater for construction de-watering or remediation, including monitoring, shall be minimized where practicable; if extraction will penetrate into the deeper aquifers, than a study shall be conducted to determine whether contaminants of concern could migrate into the aquifer; if so, extraction shall be prohibited in that location. Implementation of this measure would prevent unnecessary extraction of groundwater and prohibit its extraction where contaminants of concern could migrate into deeper aquifers; therefore it will help avoid or reduce the potential migration of contaminants. The City shall ensure that groundwater extraction, other than for remediation or construction dewatering, is minimized where practicable in the redevelopment project area.	Prior to demolition, grading, and construction activities where de-watering may occur.	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	Verify that any groundwater extraction activities will not penetrate into the deeper aquifer		
Noise					
SCA NOISE-1: Days/Hours of Construction Operation. 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	Ongoing throughout demolition, grading and/or construction.	City of Oakland, CEDA, Building Services Division	Make regular visits to the construction site to ensure that construction activities are restricted the hours designated in SCA NOISE-1.		

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<p>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.</p> <p>c) Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <ul style="list-style-type: none"> • 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. <p>d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</p> <p>e) No construction activity shall take place on Sundays or Federal holidays.</p> <p>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-</p>					

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
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<p>site in a non-enclosed area.</p> <p>g) Applicant shall use temporary power poles instead of generators where feasible.</p>					
<p>Mitigation 4.5-1: Developers and/or contractors shall develop and implement redevelopment-specific noise reduction plans. Each developer and/or contractor should be contractually required to demonstrate knowledge of the Oakland Noise Ordinance, and to construct in a manner whereby noise levels do not exceed significance criteria. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise to thresholds levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance.</p> <p>This measure shall be enforced via contract specifications. The measure as written was intended to effectively limit construction noise, while allowing the sponsors of redevelopment activities and their contractors flexibility in controlling site-specific noise.</p>			See details under SCA Noise-2. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.5-1		
<p>SCA NOISE-2: Noise Control. 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:</p> <p>a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</p> <p>b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the</p>	Ongoing throughout demolition, grading, and/or construction.	City of Oakland, CEDA, Building Services Division	<p>Verify that a site-specific noise reduction program has been prepared and implemented.</p> <p>Make regular visits to the construction site to ensure that noise from construction activities is appropriately controlled.</p>		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</p> <p>c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</p> <p>d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p>					
<p>SCA NOISE-3: Noise Complaint Procedures. 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:</p> <p>a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);</p> <p>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);</p> <p>c) The designation of an on-site construction complaint and enforcement manager for the project;</p>	Ongoing throughout demolition, grading, and/or construction.	City of Oakland, CEDA, Building Services Division	Verify the implementation of the list of measures to respond to and track complaints pertaining to construction noise.		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>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</p> <p>e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.</p>					
<p>SCA NOISE-4: Pile Driving and Other Extreme Noise Generators. <i>Ongoing throughout demolition, grading, and/or construction.</i> To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p>	<p>Submit plan prior commencing construction activities involving pile driving or other extreme noise generators; Implement measures according to timeframes outlined in the plan</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>Verify that a plan for reducing extreme noise generating construction impacts has been prepared. Verify that the plan will achieve the maximum feasible noise attenuation. Verify that a special inspection deposit has been submitted.</p>		

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	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.					
SCA NOISE-5: Operational Noise-General. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.	Ongoing.	City of Oakland, CEDA, Building Services Division	Verify that a site-specific noise reduction program has been prepared and implemented. Make regular visits to the site to ensure that noise from operations activities is appropriately controlled pursuant to the approved noise reduction program.		
Public Services					
Mitigation 4.9-3 The Port and City shall require developers	Prior to demolition,	City of Oakland,	Verify that emergency		

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<p>within their respective jurisdictions to notify OES of their plans in advance of construction or remediation activities.</p> <p>Each developer proposing construction in the redevelopment project area would be required to notify OES prior to initiation of construction, so that OES may plan emergency access and egress taking into consideration possible conflicts or interference during the construction phase. The developer would also be required to notify OES once construction is complete.</p>	grading, and construction activities.	CEDA, Building Services Division, and Planning and Zoning Division and Fire Services Division	access and egress has been taken into consideration, including possible conflicts or interference.		
<p>Mitigation 4.9-10: The Port and City of Oakland shall work cooperatively to develop an ongoing joint program to identify and evaluate impacted local roadways and identify required maintenance/repair activities. The agencies will fund needed repairs and maintenance on a fair-share basis.</p> <p>a) Complete a baseline study that assesses the pre-project conditions of the approved construction routes. A baseline study and monitoring work plan will be submitted by the developers/sponsors or their consultant to the City for review and an approval. Upon approval, street baseline study will be completed jointly with the City's representative.</p> <p>b) The baseline study and monitoring work plan will identify the segments, frequency and method of monitoring the construction traffic routes to assess the post-project conditions of public streets.</p> <p>c) The City's contractor will keep track of the number and type of all truck trips from/to the job site. The information will be summarized in a log for use in the periodic and final street condition assessment.</p> <p>d) Correction of any damage or loss of expected life to the public streets will be upon mutual agreement reached between the City of Oakland and the developer/sponsor.</p> <p>e) Ongoing roadway monitoring will be completed by the developer/sponsor's consultant as outlined in an approved</p>	Complete baseline study prior to demolition, grading, and construction activities.	City of Oakland, CEDA, Building Services Division	Verify submittal of a baseline study and monitoring work plan. Verify submittal and approval of a Pavement Monitoring Plan		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
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Pavement Monitoring Plan including: f) The developer/sponsor's consultant will conduct frequent visual debris surveys to identify any debris (including but not limited to dirt, gravel, etc) that is found along the project's approved truck routes. These surveys will be conducted on a weekly basis during periods of heavy construction, preferably on the last day of the work week. A written log of the surveys will be maintained and submitted regularly to City Staff, and all project-generated debris will be promptly cleaned up.					
SCA TRAF-1: Construction Traffic and Parking. (Refer to the Transportation section, under the topic of Roadway Design Hazards, which specifically list the following under sub-condition g): g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.	Refer to the Transportation section under SCA Traf-1				
Traffic and Transportation					
Mitigation 4.3-13: Prior to commencing hazardous materials or hazardous waste remediation, demolition, or construction activities, a Traffic Control Plan (TCP) shall be implemented to control peak hours trips to the extent feasible, assure the safety on the street system and assure that transportation activities are protective of human health, safety, and the environment.	See details under SCA Traf-1 below. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.3-13.				

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
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<p>a) Construction and remediation TCPs shall be designed and implemented to reduce to the maximum feasible extent traffic and safety impacts to regional and local roadways.</p> <p>b) The TCP shall address items including but not limited to: truck routes, street closures, parking for workers and staff, access to the project area and land closures or parking restrictions that may require coordination with and/or approval by the City and/or Caltrans. The TCP shall be submitted to the City Traffic Engineering and Planning divisions for review and approval prior to the issuance of any building, demolition or grading permits. The City and the Port shall coordinate their respective approvals to maximize the effectiveness of the TCP measures. DTSC would have ongoing authority under its Remedial Action Plan/Remedial Monitoring Plan oversight and the Hazardous Substances Account Act to regulate remediation transportation activities, which must be protective of human health, safety and the environment.</p> <p>c) Remediation and demolition/construction traffic shall be restricted to designated truck routes within the City, and the TCP shall include a signage program for all truck routes serving the site during remediation or demolition/construction. A signage program details the location and type of truck route signs that would be installed during remediation and demolition/construction to direct trucks to and from the project area. Truck access points for entry and exit should be included in the TCP. In addition, as determined by the City, the developer shall be responsible for repairing any damage to the pavement that is caused by remediation or demolition/construction vehicles for restoring pavement to pre-construction conditions.</p> <p>d) Remediation and demolition/construction-related trips will be restricted to daytime hours, unless expressly permitted by the City, and to the extent feasible, trips will be</p>					

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>minimized during the a.m. and p.m. peak hours.</p> <p>e) The TCP shall identify locations for construction/remediation staging. Remediation staging areas are anticipated to be located near construction areas, since remediation will be largely coordinated with redevelopment. In addition, the TCP shall identify and provide off-street parking for remediation and demolition/construction staff to the extent possible throughout all phases of redevelopment. If there is insufficient parking available within walking distance of the site for workers, the developer shall provide a shuttle bus or other appropriate system to transfer workers between the satellite parking areas and remediation or demolition/construction site.</p> <p>f) The TCP shall also include measures to control dust, requirements to cover all loads to control odors, and provisions for emergency response procedures, health and safety driver education, and accident notification.</p>					
<p>SCA TRAFFIC-1: Construction Traffic and Parking. The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:</p> <p>a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated</p>	<p>Prior to the issuance of a demolition, grading or building permit.</p>	<p>City of Oakland , CEDA, Transportation Services Division</p>	<p>Verify that the Construction Management Plan has been prepared and that it meets the standards listed in the mitigation measure.</p>		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
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<p>construction access routes.</p> <p>b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</p> <p>c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.</p> <p>d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.</p> <p>e) Provision for accommodation of pedestrian flow.</p> <p>f) [Measure f relates to construction worker parking to avoid use on on-street spaces. On-street parking provisions are not an issue for the project area. Thus, measure f would not be applicable.]</p> <p>g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.</p> <p>h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.</p> <p>i) No materials or equipment shall be stored on the traveled</p>					

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>roadway at any time.</p> <p>j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.</p> <p>k) All equipment shall be equipped with mufflers.</p> <p>l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.</p>					
Public Services and Utilities					
<p>Mitigation 4.9-8: Concrete and asphalt removed during demolition/construction shall be crushed on-site or at a near-site location, and reused in redevelopment or recycled to the construction market.</p> <p>Mitigation 4.9-9: The City and Port shall require developers to submit a plan that demonstrates a good faith effort to divert at least 50 percent of operations phase solid waste from landfill disposal.</p>	<p>The project represents an opportunity to divert concrete and asphalt removed during demolition/construction for reuse as aggregate materials for necessary fill operations, and as raw material for other construction projects.</p> <p>See details under SCA Utility-1 below. Generally, this SCA is more current, more detailed, and provides greater clarity regarding process and procedures and therefore replaces and/or supersedes the specific requirements listed under the 2002 OARB EIR Mitigation Measure 4.9-9-</p>				
<p>SCA UTILITY-1:Waste Reduction and Recycling. The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.</p> <p>a) <i>Prior to issuance of demolition, grading, or building permit.</i> 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</p>	<p>Submit plan prior to issuance of demolition, grading, or building permit;</p> <p>Implement plan according to timeframes outlined in plan</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>Verify that a Construction & Demolition Waste Reduction and Recycling Plan and an Operational Diversion Plan have been submitted.</p> <p>Verify that the proposed program is implemented and maintained for the duration of the proposed</p>		

Standard Condition of Approval / Mitigation Measure	Mitigation Monitoring			Reporting	
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<p>(including soft demo).The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.</p> <p>b) <i>Ongoing</i>. The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p>			activity or facility.		

MITIGATION MEASURE CHECKLIST

The following table identifies those mitigation measures derived from the 2002 OARB Redevelopment Plan EIR and/or the 2006 Auto Mall SEIR that are applicable to the Aggregate Recycling and Fill project, as well as City of Oakland Standard Conditions of Approval (SCA, as amended 9/17/08) that are also applicable to the Aggregate Recycling and Fill project as determined in this Initial Study Determination. The table can be interpreted as follows:

- An “X” under the column “Aggregate Recycling & Fill Project” indicates those mitigation measures that are applicable to the project.
- The words “not reqd.” under the column “Aggregate Recycling & Fill Project” indicates that, in general, redevelopment projects that are the City’s OARB Gateway Development Area are responsible for implementation of the mitigation measure, but for project-specific reasons those mitigation measures are not individually required of one or both of these projects.
- The term “NA” under the column “Aggregate Recycling & Fill Project” indicates that redevelopment projects in the City’s OARB Gateway Development Area are generally not responsible for implementation of the mitigation measure, but that implementation is instead generally the responsibility of the City of Oakland, the Port of Oakland, and/or Port projects within the Port Development Area or Maritime Area.
- A number under the column “SCA” indicates the City of Oakland Standard Condition of Approval as specified in this Initial Study Determination that specifically defines implementation under current policies and processes.

Specifics of these mitigation measures and Standard Conditions of Approval can be found in the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) for the Aggregate Recycling & Fill Project.

Standard Conditions of Approval and Mitigation Measure Checklist		
Aggregate Recycling and Fill Project		
Mitigation Measures	Aggregate Recycling & Fill Project	SCA
Aesthetics		
4.11-1: Lighting Standards	X	Visual -1
4.11-2: Lighting Near Gateway Park	not reqd.	
4.11-3: Solar Energy Setbacks	not reqd.	
4.11-4: Solar Energy Operation	not reqd.	
4.11-5: Solar Access	not reqd.	
4.11-6: Public Open Space Access	not reqd.	
Air Quality		
4.4-1: Dust Control	X	Air-1
4.4-2: Construction-period Exhaust Controls	X	Air-2
4.4-3: Criteria Pollutant Reduction Plan	NA	
4.4-4: Diesel Emission Reduction Program	NA	
4.4-5: Vehicle Emission Reduction (Auto Mall EIR MM Air-1)	not reqd.	
4.4-6: Sustainable Dev., Design and Construction	not reqd.	
5.4-1: Emission Reduction Projects	NA	
Biological Resources		
4.12-4: Permit Requirements for Fill	not reqd.	
4.12-5: In Water Construction	NA	
4.12-6: Spawning Habitat Protection	NA	
4.12-7: Tree Protection/Replacement	X	Bio-2, -3, -4
4.12-8: Tree Removal Schedule	X	Bio-1
4.12-9: Construction Near Active Bird Nest	X	Bio-1
4.12-10: Ballast Water	NA	
4.12-11: Ballast Water Education	NA	
4.12-12: Exotic Species	NA	
4.12-13: Wetlands Mitigation	NA	
Cultural Resources		
4.6-1: Discovery of Cultural Resources	X	Cultl -1, -2, -3
4.6-2: Historic Commemoration Site	not reqd.	
4.6-3: Public Trail Access	not reqd.	
4.6-4: Oral Histories	not reqd.	
4.6-5: Historic Military Website	not reqd.	
4.6-6: HABS/HAER Distribution	not reqd.	

Standard Conditions of Approval and Mitigation Measure Checklist
Aggregate Recycling and Fill Project

Mitigation Measures	Aggregate Recycling & Fill Project	SCA
4.6-7: Video Distribution	not reqd.	
4.6-8: Mural Preservation	not reqd.	
4.6-9: Historic Warehouse Salvage Program	not reqd.	
4.6-10: Historic Brochure	not reqd.	
4.6-11: Historic Archive	not reqd.	
4.6-13: Central Station Retention and Protection	NA	
4.6-14: Historic Structure Demolition, Timing	not reqd.	
4.6-15: Historic Building, Deconstruction and Salvaging	not reqd.	
4.6-16: Historic Resource Documentation Program	not reqd.	
Geology/Soils		
4.13-1: Construction Standards	not reqd.	
4.13-2: Geotechnical Report	not reqd.	
4.13-3: Stormwater Pollution Prevention/Erosion Control (functionally the same as 4.15-3)	X	Geo-1, -2, -3
4.13-4: Environmental Records Review	X	
4.13-5: Due Diligence	X	
Hazards/Hazardous Materials		
4.7-1: Haz. Mat. Business Plan	X	Haz-1, -2
4.7-2: Risk Management and Prevention Plan	X	Haz-7
4.7-3: RAP/RMP Implementation	X	Haz-6
4.7-4: Hazmat Investigation and Remediation	not reqd.	
4.7-5: Soil and Groundwater Remediation	not reqd.	
4.7-6: Building Survey, Lead-Based Paint	X	Haz-4
4.7-7: Asbestos Safety Requirements	X	Haz-3
4.7-8: Building Survey, PCBs	X	Haz-4
4.7-9: RAP/RMP for Underground Storage Tanks	X	
4.7-10: Underground Storage Tank Closure/Removal	not reqd.	
4.7-11: Lead-Based Paint Safety Requirements	X	Haz-5
4.7-12: Asbestos-Containing Building Reuse	not reqd.	
4.7-13: RAP/RMP Update	not reqd.	
4.7-14: Building Survey, Asbestos-Containing Materials	not reqd.	
4.7-15: Removal of PCB Transformers	X	
4.7-16: PCB Investigation	X	
4.7-17: PCB Safety Requirements	X	
Hydrology/Water Quality		

Standard Conditions of Approval and Mitigation Measure Checklist

Aggregate Recycling and Fill Project

Mitigation Measures	Aggregate Recycling & Fill Project	SCA
4.14-1: Groundwater Extraction	X	
4.14-2: Groundwater De-watering	X	
4.15-1: In Water Construction	NA	
4.15-2: Subsequent Permit Conditions	NA	
4.15-3: Stormwater Pollution Prevention/Erosion Control	X	Geo-1, -2, -3
4.15-4: Stormwater Pollution Prevention/Erosion Control	X	Hydro-1, Geo-3
4.15-5: Post-construction Stormwater Controls	not reqd.	
4.15-6: Recycled Water Runoff	X	Geo-3
4.15-7: Flood Protection	not reqd.	
4.15-8: Flood Hazard Mapping	NA	
Land Use/Planning		
4.1.1: Bay/Seaport Plan Amend.	NA	
4.2-1: Land Use Compatibility/Gateway	not reqd.	
4.2-3: Land Use Coordination	NA	
Noise		
4.5-1: Noise Reduction Plan	X	Noise-1, -2, -3, -4, -5
Public Services		
4.9-1: Fire and Emergency Response	not reqd.	
4.9-3: OES Notification	X	
4.9-4: Reclaimed Water Pipelines	not reqd.	
4.9-5: Dual-Plumbing	not reqd.	
4.9-6: Compliance with Title 22 Requirements	not reqd.	
4.9-7: Deconstruction and Recycling	not reqd.	
4.9-8: Concrete and Asphalt Recycling	X	Util-1
4.9-9: Solid Waste Diversion	X	Util-1
4.9-10: Roadway Repair	X	Traf-1g
Traffic		
Traf-6: West Grand Avenue/Maritime Street (from Auto Mall SEIR, replaced 4.3-1 from 2002 OARB EIR)	not reqd.	
4.3-2: West Grand Avenue / I-880 Frontage Road¹	NA	
Traf-10: 7 th / Maritime Street (from Auto Mall SEIR, replaced 4.3-3 and 5.3-1 from 2002 OARB EIR)	not reqd.	

¹ Determined to be infeasible and a Statement of Overriding Considerations adopted for the 2006 Auto Mall SEIR.

Standard Conditions of Approval and Mitigation Measure Checklist

Aggregate Recycling and Fill Project

Mitigation Measures	Aggregate Recycling & Fill Project	SCA
Traf-17: Transit Access Plan (from Auto Mall SEIR, replaced 4.3-4 from 2002 OARB EIR)	not reqd.	
4.3-5: Standard Design Practices	not reqd.	
4.3-6: Truck Signage Plan	NA	
4.3-7: Truck Management Plan	NA	
4.3-8: Emergency Evacuation Plan	NA	
4.3-9: Alternative Transportation Facilities	not reqd.	
4.3-10: Parking	not reqd.	
4.3-11: Port Truck Parking	NA	
4.3-12: BART Capacity Assessment	NA	
4.3-13: Construction Period Traffic	X	Traf-1
Traf-11: 7 th Street/I-880 Northbound Ramps (from Auto Mall SEIR, replaced 5.3-2 from 2002 OARB EIR)	not reqd.	
5.3-3: 3 rd /Adeline Street	not reqd.	
5.3-4: 3 rd /Market Street	not reqd.	
5.3-5: 12 th /Brush Street	not reqd.	
5.3-6: Powell Street/I-80 Northbound Ramps	not reqd.	
5.3-7: Truck Impact Reduction Program.	NA	
5.3-8: BART Capacity Improvements	not reqd.	
Traf-15: S. Access Rd / Maritime Street (from Auto Mall SEIR)	not reqd.	
Traf-16: Parcel I / Maritime Street (from Auto Mall SEIR)	not reqd.	

Appendix B

COVENANT TO RESTRICT PROPERTY USE ("COVENANT") FOR THE OAKLAND ARMY BASE

RECORDING REQUESTED BY
FIRST AMERICAN TITLE
RECORDING REQUESTED BY:
City of Oakland



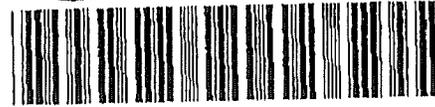
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08/08/2003 11:56 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 0.00

WHEN RECORDED, MAIL TO:

Department of Toxic Substances Control
Sacramento Regional Office
8800 Cal Center Drive
Sacramento, California 95826-3268
Attn: Anthony J. Landis, P.E.
Chief, Northern California Operations
Office of Military Facilities



45 PGS

4/6
Raj

159883

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

COVENANT TO RESTRICT USE OF PROPERTY

ENVIRONMENTAL RESTRICTION

Former Oakland Army Base
Oakland, California

This Covenant to Restrict Use of Property ("Covenant") is made by and between the Oakland Base Reuse Authority and the City of Oakland by and through the Oakland Redevelopment Agency, collectively herein referred to as the "City or Covenantor," the current owner of property situated in Oakland, County of Alameda, State of California, described in Exhibit A, which is attached and incorporated here by this reference ("Property"), and the State of California, Department of Toxic Substances Control ("DTSC"). Pursuant to California Civil Code ("Civil Code") section 1471(a)(3), DTSC has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials, as defined in California Health and Safety Code ("Health and Safety Code") section 25260. The Covenantor and DTSC, collectively referred to as the "Parties," hereby agree that in accordance with Civil Code section 1471 and Health and Safety Code sections 25222.1 and 25355.5 that the use of the Property be restricted as set forth in this Covenant to protect human health, safety, and the environment and that this Covenant shall run with the land.

ARTICLE I
STATEMENT OF FACTS

1.01 The Property, totaling 363.5 acres, is more particularly described and depicted in Exhibit A. Exhibit A contains the Property map in seven sheets showing the Property boundary and the legal description in seventeen pages. The Property is located in a developed area of the former Oakland Army Base, in the City of Oakland, County of Alameda, State of California.

1.02 The Covenantor and DTSC entered into a Consent Agreement on September 27, 2002, and subsequently by agreement modified the Consent Agreement to include new signatories and other modifications. The Consent Agreement was resigned by all signatories on May 16, 2003. The Consent Agreement establishes the process and timetable for the completion of the response and corrective actions at specified portions of the Property. The Consent Agreement is on file with DTSC and the Covenantor.

1.03 As described in the Consent Agreement, the soil and groundwater at the Property are known to be contaminated with hazardous substances, as defined in Health and Safety Code section 25316, which include, but are not limited to, the following general contaminants of concern: metals, volatile organic compound, semi-volatile organic compounds, polynuclear aromatic hydrocarbons, polychlorinated biphenyls, and petroleum hydrocarbons. Several of these hazardous substances are carcinogens. The Property has not been fully characterized with respect to nature and extent, and risk resulting from the presence of these contaminants.

Based on preliminary analyses, DTSC has concluded that use of the Property in a manner inconsistent with the restrictions set forth in Article IV of this Covenant may entail an unacceptable health risk to the users or occupants of such property operated or occupied. DTSC has further concluded that the Property operated or occupied subject to the restrictions of this Covenant and subject to the restrictions and requirements set forth in the final Remedial Action Plan (RAP) dated September 27, 2002 and accompanying Risk Management Plan (RMP) dated September 27, 2002 which the Covenantor must implement pursuant to the Consent Agreement, does not present an unacceptable threat to human safety or the environment.

The RAP describes contamination in various locations throughout the base that is known to be significant, and describes means by which such contamination will be remediated. The RMP, which covers the entire Property, is a component of the remedies selected in the RAP. The RMP serves two purposes. The first is to determine and implement presumptive style remedies for locations with standard contaminant profiles and site conditions. These remedies apply to both known and as yet unidentified contaminated locations (RMP locations). It also contains a mechanism to elevate RMP locations to RAP sites if warranted. The second purpose of the RMP is to serve as an institutional control that establishes site identification and risk management protocols.

ARTICLE II DEFINITIONS

2.01 **Covenantor.** "Covenantor" shall mean the Oakland Base Reuse Authority and the City of Oakland by and through the Oakland Redevelopment Agency.

2.02 **DTSC.** "DTSC" means the State of California, Department of Toxic Substances Control and includes its successor agencies, if any.

2.03 **Occupant.** "Occupant" shall mean any person or entity entitled by leasehold or other legal relationship to the right to occupy any portion of the Property.

2.04 **Owner.** "Owner" means the Covenantor and shall include the Covenantor's successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.

ARTICLE III GENERAL PROVISIONS

3.01 **Restrictions to Run with the Land.** This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively, "Environmental Restrictions"), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Environmental Restriction: (a) runs with the land pursuant to Health and Safety Code sections 25222.1 and/or 25355.5(a)(1)(C) and Civil Code section 1471; (b) inures to the benefit of and passes with each and every portion of the Property; (c) is for the benefit of, and is enforceable by DTSC; and (d) is imposed upon the entire Property unless expressly stated in a document or an attachment that a specific portion or area is the subject of a DTSC approved waiver to allow a restricted use. Exhibit B contains a DTSC approved interim land use waiver.

3.02 **Binding upon Owner and Lessees/Occupants.** Pursuant to Health and Safety Code section 25355.5(a)(1)(C), this Covenant binds all Owner and Occupants of the Property, their heirs, successors, and assignees, and the agents, employees, and lessees of the owners, heirs, successors, and assignees. Pursuant to Civil Code section 1471(b), all successive owners of the Property are expressly bound hereby for the benefit of DTSC.

3.03 **Written Notification of Hazardous Substance Release.** The Owner and/or Occupant shall, at least thirty (30) days prior to the sale, lease, or rental of the Property, give written notice to the subsequent transferee that a release of hazardous substances has come to be located on or beneath the Property, pursuant to Health and Safety Code section 25359.7. Such written notice shall include a copy of this Covenant, and a notification of the restrictions on use of the property contained herein.

3.04 Incorporation into Deeds, Leases, or Rental Agreements. The Environmental Restrictions set forth herein shall be incorporated by reference in each and all deeds, leases, or rental agreements entered into for any portion of the Property to which they are in effect and applicable. Within ten (10) days of the effective date of this Covenant, the Covenantor shall provide a copy of this Covenant to all existing occupants on the Property.

3.05 Conveyance of Property. Until the Property has been certified as being free of known or suspected hazardous substance releases by DTSC per chapter 6.8 of the Health and Safety Code, the Owner shall provide to DTSC not less than ninety (90) days prior to any proposed conveyance of any ownership interest in the Property (excluding mortgages, liens, and other non-possessory encumbrances) notice of such proposed conveyance. The Owner shall provide notice to DTSC not later than thirty (30) days after any conveyance of any ownership interest in the Property (excluding mortgages, liens, and other non-possessory encumbrances).

3.06 Access for DTSC. DTSC shall have reasonable right of entry and access to the Property for inspection, monitoring, and other activities consistent with the purposes of this Covenant as deemed necessary by DTSC to protect the public health or safety or the environment.

ARTICLE IV ENVIRONMENTAL RESTRICTIONS

4.01 Environmental Restrictions.

(a) Sensitive land uses, including, but not limited to, residential housing, schools, day-care facilities, hospitals, and hospices are prohibited.

(b) The construction of groundwater wells and extraction of groundwater from new and existing wells for all purposes are prohibited unless specifically approved by DTSC.

(c) Activities that disturb surface or subsurface soil, disturb existing soil covers, disturb or restrict access to groundwater monitoring wells, generate water in excavations, extract groundwater from excavations, or alter groundwater conditions are prohibited except as conducted pursuant to the RAP and RMP.

(d) The Owner and Occupants are required to comply with the RAP and RMP, including the provisions for soil and groundwater management, maintenance of existing cover or construction of new cover, mitigation measures during earthwork, management of below grade structures, and construction dewatering.

(e) The Owner is required to submit annual certification to DTSC attesting to compliance with Section 4.01 of this Covenant.

4.02 Procedures for Obtaining Waivers from DTSC.

(a) At any time before or after the effective date of this Covenant, the Owner, or with the Owner's consent, an Occupant, may request DTSC's approval of a waiver for a portion of the Property to be used in a manner inconsistent with the restrictions set forth in Section 4.01 of this Covenant or to engage in an activity prohibited by Section 4.01 of this Covenant. Such requests shall provide sufficient information to enable DTSC to evaluate the appropriateness of the request. DTSC shall act upon such requests as expeditiously as feasible, but in no event later than thirty (30) days after DTSC receives the request unless DTSC extends this period for no more than thirty (30) days upon written notice to the requesting party of the reason therefore. DTSC's extension as described above may occur more than once. DTSC shall base its decision on protection of public health and the environment.

(b) DTSC will consider any submittal of a remedial investigation workplan or remedial action decision document consistent with the RAP or RMP to be a waiver request for any included actions that are inconsistent with the restrictions set forth in Section 4.01 of this Covenant.

(c) Nothing in this Covenant shall be construed to require an Owner to apply for, or DTSC to issue, a variance, termination or release pursuant to Article VI of this Covenant, in order to obtain DTSC's approval of a request that a portion of the Property be used in a manner inconsistent with the restrictions set forth in Section 4.01 of this Covenant or to obtain DTSC's approval to engage in an activity prohibited by Section 4.01 of this Covenant.

(d) An Owner or Occupant may perform, or cause to be performed, any interior or exterior renovation, rehabilitation, or demolition without DTSC approval, as long as such activities are consistent with, and do not violate the terms of, this Covenant.

ARTICLE V ENFORCEMENT

5.01 **Enforcement.** Failure of the Owner to comply with any of the Environmental Restrictions specifically applicable to it shall be grounds for DTSC to obtain injunctive relief prohibiting commencement or continuation of any activities restricted by this Covenant. Actual or threatened violation of this Covenant, including but not limited to commencement or completion of any activities that violate this Covenant, may be prohibited or restrained, or the interest intended for protection by this Covenant may be enforced, by injunctive relief or any other remedy as provided by law.

**ARTICLE VI
VARIANCE, TERMINATION AND RELEASE**

6.01 Variance. In addition to the procedures set forth in Section 4.02 of this Covenant, the Owner, or with the Owner's consent, any Occupant may apply to DTSC for a written variance from the provisions of this Covenant. DTSC will grant the variance only after finding that such a variance would be protective of human health, safety and the environment. Such application shall be made in accordance with Health and Safety Code section 25233. DTSC will grant the variance only after finding that such a variance would be protective of human health, safety and the environment.

6.02 Application for Termination. In addition to the procedures set forth in Section 4.02 of this Covenant, the Owner, or with the Owner's consent, any Occupant, may apply to DTSC for a termination of the Environmental Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with Health and Safety Code section 25234.

6.03 Release. This Covenant shall continue in effect in perpetuity unless ended by law or by DTSC under this paragraph 6.03. DTSC shall provide a release, suitable for recording, of the Environmental Restrictions in this Covenant with respect to a particular portion of the Property promptly after any of the following occur:

(a) DTSC approves an application for termination of the Covenant with respect to a portion or all of the Property pursuant to Section 6.02.

(b) DTSC makes a determination pursuant to this Section 6.03(b) without receiving an application, that any or all of the Environmental Restrictions on the use of any or all parts of the Property are no longer necessary to protect present or future human health, safety, or the environment. In making a determination pursuant to this Section 6.03(b) that any or all of the Environmental Restrictions on the use of any or all parts of the Property are no longer necessary to protect present or future human health or safety or the environment, DTSC shall make a finding that the hazardous materials that caused the land to be restricted have since been sufficiently investigated, removed or altered in a manner that allows DTSC to determine there is no significant existing or potential hazard to present or future human health or safety or the environment.

**ARTICLE VII
MISCELLANEOUS**

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property, or any portion thereof to the general public or anyone else for any purpose whatsoever.

7.02 Recordation. The Covenantor shall record this Covenant, with Exhibits A and B, in the County of Alameda within ten (10) days of the Covenantor's receipt of a fully executed original.

7.03 Notices. Whenever any person gives or serves any notice ("notice" as used herein includes any demand or other communication with respect to this Covenant), each such notice shall be in writing and shall be deemed effective: (a) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (b) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Oakland Base Reuse Authority
700 Murmansk Street, Suite 3
Oakland, California 94607-5009
Attention: Aliza Gallo
Executive Director

To DTSC: Department of Toxic Substances Control
Sacramento Regional Office
8800 Cal Center Drive
Sacramento, California 95826-3268
Attention: Anthony J. Landis, P.E.
Chief, Northern California Operations
Office of Military Facilities

Any party may change its address or the individual to whose attention a notice is to be sent by giving written notice in compliance with this paragraph.

7.04 Partial Invalidity. If any portion of this Environmental Restriction or other terms set forth herein are determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included.

7.05 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

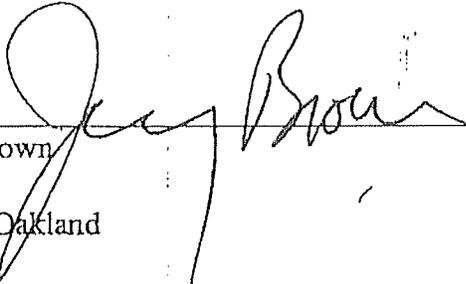
7.06 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

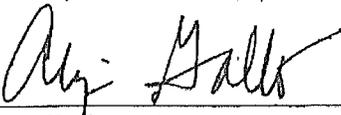
7.07 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

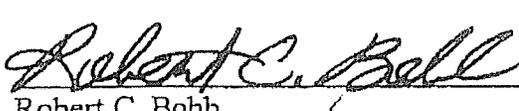
7.08 Statutory References. All statutory references include successor provisions.

IN WITNESS WHEREOF, the Parties execute this Covenant.

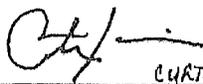
Covenantor:

By:  Date: 5-16-2003
Jerry Brown
Mayor
City of Oakland

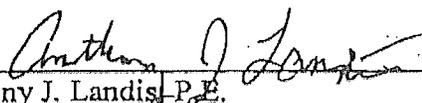
By:  Date: 5-15-2003
Aliza Gallo ALIZA GALLO /
Executive Director
Oakland Base Reuse Authority

By:  Date: 5/15/03
Robert C. Bobb
City Manager/Agency Administrator
City of Oakland/Oakland Redevelopment Agency

Approved as to form and legality on _____

By:  Date: 5-16-03
for John Russo
City Attorney/Agency Council
City of Oakland/Oakland Redevelopment Agency

Department of Toxic Substances Control:

By:  Date: 5-7-03
Anthony J. Landis, P.E.
Chief, Northern California Operations
Office of Military Facilities



Department of Toxic Substances Control



Edwin F. Lowry, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

H. Hickox
Secretary
California Environmental
Protection Agency

Gray Davis
Governor

August 7, 2003

Mr. Andrew Clough
FOSET Environmental Manager
Oakland Base Reuse Authority
700 Murmansky Street, Suite 3
Oakland, California 94607

INTERIM LAND USE WAIVER, FORMER OAKLAND ARMY BASE, CALIFORNIA

Dear Mr. Clough:

Pursuant to the Consent Agreement regarding the proposed transfer of Oakland Army Base entered into by the Department of Toxic Substances Control (DTSC) and the Oakland Base Reuse Authority and the City of Oakland, acting by and through the Oakland Redevelopment Agency (collectively the City), DTSC and the City are required to execute a Covenant to Restrict Use of Property (Covenant) at the time of transfer of the proposed property. The Covenant restricts and prohibits, among other things, sensitive land uses, including, but not limited to, residential housing, schools, day-care facilities, hospitals and hospices. The Covenant allows the City to request a waiver, which DTSC may approve if it determines that such a waiver will be protective of public health and the environment. The City may further request that DTSC grant an extension to a waiver, which DTSC may approve if it determines that such extension will be protective of public health and the environment.

DTSC received a waiver request, dated March 9, 2003, from the City regarding interim use of four buildings/areas at the former Oakland Army Base. The City is the proposed future owner of 363.3 acres of the former Oakland Army Base which include the four buildings/areas that are the subject of the waiver request. The City requested that DTSC issue a waiver allowing certain restricted uses at four buildings/areas of the former Oakland Army Base upon property transfer. The City further requested that DTSC include the waiver approval as an exhibit to the Covenant to Restrict Use of Property that will cover the proposed transfer property.

Currently, the City leases the majority of the former Oakland Army Base from the Army and subleases multiple areas to various tenants. The following four buildings/areas are currently being used for sensitive uses:

Mr. Andrew Clough
August 7, 2003
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Building 796 -- Oakland Military Institute operates Building 796, a former Army barracks and administrative building, and several temporary classroom units located on the adjacent asphalted parking area as a school. Approximately 300 students attend classes at the Oakland Military Institute.

Building 740 -- Operation Dignity operates Building 740, a former bowling alley, as a 100-bed winter emergency relief shelter for homeless men and women.

Building 655 -- Child Development Program provides day care services to approximately 90 children in Building 655, a former Army child care center and adjacent fenced play areas.

Building 650 -- Milestones Human Services, Incorporated operates a licensed residential drug and alcohol treatment facility for homeless men and women in Building 650, a former Army guest house.

Appendix D to the Remedial Action Plan, dated September 27, 2002, further describes these buildings.

DTSC has reviewed existing investigation data associated with these buildings/areas and the lead concentrations in surface soil at the Building 655 play areas collected by the City. The existing data does not indicate a release of a hazardous substance. Based on a site inspection and review of all available data and available records for these buildings/areas, DTSC agrees to waive the restrictions and prohibitions in Section 4.01(a) of the Covenant to Restrict Use of Property for Buildings 796, 740, 655 and 690 and immediate surrounding areas with the following conditions:

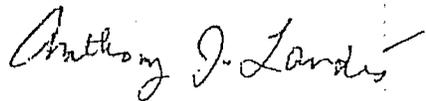
1. Buildings 796, 740, 655 and 650 shall be used by the same tenants or occupants as identified in this letter and the Remedial Action Plan, Appendix D.
2. The tenants or occupants shall continue the same uses as identified in this letter and the Remedial Action Plan, Appendix D.
3. The effective date of this waiver is concurrent with the date the City records the Covenant to Restrict Use of Property with the Alameda County Assessor's Office.
4. This waiver expires five (5) years from the date the Army transfers the property to the City via the Economic Benefit Conveyance, or five (5) years after the recordation of the Covenant to Restrict Use of Property, whichever is earlier.

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5. The City, tenants and occupants of Buildings 796, 740, 655 and 650 shall continue to comply with all other sections of the Covenant to Restrict Use of Property.
6. This waiver shall be attached to the Covenant to Restrict Use of Property as Exhibit B.

If you have any question regarding this matter, please contact Mr. Daniel Murphy at (510) 540-3772.

Sincerely,



Anthony J. Landis, P.E.
Chief
Northern California Operations
Office of Military Facilities

cc: Ms. Aliza Gallo
Executive Director
Oakland Base Reuse Authority
700 Murmansk Street, Suite 3
Oakland, California 94607

Ms. Diane Heinze
Associate Environmental Scientist
Port of Oakland
Post Office Box 2064
Oakland, California 94604-2064

Mr. Roger Caswell
BRAC Environmental Coordinator
Oakland Army Base
BRAC Transition Office
2475D West 12th Street
Oakland, California 94607

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August 7, 2003
Page 4

cc: Ms. Xuan-Mai Tran (SFD-8-2)
Remedial Project Manager
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Ms. Adriana Constantinescu
Project Manager
Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

Mr. Daniel Murphy
Office of Military Facilities
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Appendix C

IMPORT FILL MATERIAL OF THE OAKLAND STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION

211-5 IMPORTED FILL MATERIAL.

The following subsection shall be used for all City projects where fill material is imported for any purpose.

211-5.1 Definitions.

1. **Import Material:** Any fill identified for import to the project site from an offsite location, including but not limited to: soil, gravel, crushed rock, rock dust, crushed concrete, sand, compost and biosolids (organic matter recycled from sewage).
2. **Source Area:** The location from which the Import Material originated.
3. **Chemical of Concern:** Any chemical identified for analysis per 211-5.2.2.
4. **Pathogen of Concern:** Any pathogen identified for analysis per 211-5.2.2.

211-5.2 General.

1. **Import Material Certification.** The Contractor shall submit an original, signed copy of the Import Material Certification Form (see attachment at the end of these Special Provisions) to the Engineer at least 15 working days prior to delivery of the Import Material to the construction site. A separate form shall be submitted for each separate Import Material and Source Area. The Contractor shall attach the following documentation to the Import Material Certification Form:
 - a. Chemical and Pathogen of Concern analysis results for the Import Material, including laboratory data sheets, chain-of-custody documentation, description of sample collection methods, and any additional information pertinent to assessing the potential for the Import Material to be contaminated by Chemicals or Pathogens of Concern;
 - b. Class A (pathogen reduction), Exceptional Quality (low heavy metals concentrations) documentation if the Import Material is biosolids.
2. **Sampling and Analysis of Import Material.** Unless otherwise agreed to in writing by the Engineer, the Contractor shall comply with the sampling, handling and analytical protocol outlined below.
 - a. The Contractor shall collect samples per the frequency outlined in Table 1.

Table 1. Sampling Frequency for Import Material Characterization¹

Volume of Import Material	Sampling Frequency
< 1,000 cubic yards	1 sample per 250 cubic yards
1,000 to 5,000 cubic yards	4 samples for first 1,000 cubic yards + 1 sample for each additional 500 cubic yards
>5,000 cubic yards	12 samples for first 5,000 cubic yards + 1 sample for each additional 1,000 cubic yards

¹Source: Department of Toxic Substances Control, "Information Advisory: Clean Imported Fill Material", October 2001.

All samples shall be representative of Import Material conditions at the time of import. Composite samples shall be considered acceptable unless analysis for volatile organic compounds (VOCs) is required, in which case individual discrete samples shall be submitted for analysis. Composite samples shall consist of no more than four discrete samples. All compositing of samples must be performed by a California State-certified laboratory. The sampling, handling, and preservation shall be completed in accordance with the procedures outlined in EPA Document SW-846.

- b. All analyses of chemicals and pathogens shall be performed by a California State-certified laboratory.

Table 2 outlines, by Source Area land use history, the Chemicals of Concern and prescribed analytical methods to be followed for characterization of Import Material that is soil or aggregate (not recycled).

Table 2. Required Analyses by Source Area Land Use History – Soil and Aggregate (not recycled)

Source History	Chemicals of Concern + Analytical Methods
Virgin, undeveloped property	heavy metals (EPA methods 6010B and 7471A); asbestos (OSHA method ID-191)
History of residential use	heavy metals (EPA methods 6010B and 7471A); asbestos (OSHA method ID-191); TPH (modified EPA method 8015)
History of agricultural activity	heavy metals (EPA methods 6010B and 7471A); asbestos (OSHA method ID-191); TPH (modified EPA method 8015); organo-chlorine pesticides (EPA method 8081A or 8080A); organo-phosphorus pesticides (PEA method 8141A); chlorinated herbicides (EPA method 8151A)
History of commercial activity	heavy metals (EPA methods 6010B and 7471A); asbestos (OSHA method ID-191); TPH (modified EPA method 8015); VOCs (EPA method 8021 or 8260B, as appropriate, and combined with collection by EPA method 5035); semi-VOCs (EPA method 8270C); PCBs (EPA method 8082 or 8080A) ¹

¹For railroad properties, the Contractor must also analyze Import Material for chlorinated herbicides per EPA method 8151A.

If the Contractor is unable to determine a complete land use history of the Source Area to the satisfaction of the Engineer, the Contractor shall be obliged to undertake all the analyses listed in Table 2.

Table 3 prescribes the analytical methods to be followed for characterization of Import Material that consists of the following recycled products: aggregate (e.g., crushed concrete, asphalt, etc.); compost; and biosolids.

Table 3. Required Analyses – Recycled Material

Import Material	Chemicals/Pathogens of Concern + Analytical Methods
Recycled aggregate	heavy metals (EPA methods 6010B and 7471A); asbestos (OSHA method ID-191); TPH (modified EPA method 8015); PCBs (EPA method 8082 or 8080A)
Compost	heavy metals (EPA methods 6010B and 7471A); organo-chlorine pesticides (EPA method 8081A or 8080A); organo-phosphorus pesticides (PEA method 8141A); chlorinated herbicides (EPA method 8151A); fecal coliform (EPA method 1680); salmonella (EPA method 1682) ¹
Biosolids ²	heavy metals (EPA methods 6010B and 7471A); semi-VOCs (EPA method 8270C); PCBs (EPA method 8082 or 8080A)

¹List of required analyses based on *Compost Quality Standards and Testing Protocol*, Alameda County Waste Management Authority (2006)

²Biosolids must also have been designated Class A for pathogen reduction.

In addition to meeting the screening criteria outlined in 211-5.3 for the chemicals of concern listed in Table 3 above, all biosolids must: (1) be designated Class A per *40 CFR 503.8* (i.e., no detectible concentrations of the following pathogens: enteric viruses, fecal coliform, helminth ova, and salmonella); and (2) be designated Exceptional Quality (i.e., low heavy metals concentrations per Table 3 of *40 CFR 503.13*). The Contractor may use sewage plant data to confirm the Class A designation. For Chemicals of Concern, the Contractor must provide data from analyses run on stockpile samples of the actual material to be imported (i.e., general sewage plant data for the Chemicals of Concern listed in Table 3 above are insufficient).

- 3. Verification by City:** The City may, at its option and at any time, collect samples of Import Material to verify that it meets the specifications outlined in 211-5. The Contractor shall fully cooperate in the collection of the samples.

If the resulting chemical or pathogen analyses indicate that the material does not meet the specifications outlined in 211-5, the Contractor shall be responsible for providing, to the satisfaction of the Engineer, subsequent sampling and analyses at the Contractor's sole expense to determine the extent of out-of-specification material delivered to the construction site.

If the Contractor uses Import Material that is, or is found to be, not in accordance with the specifications of 211-5, the Contractor shall promptly remove all out-of-specification Import Material. The Contractor shall verify, to the satisfaction of the Engineer, that all out-of-specification Import Material has been removed and any effects from its placement at the site have been mitigated sufficiently. The subsequent disposal of the out-of-specification Import Material shall be the sole responsibility and at the sole expense of the Contractor. The City shall not be liable for, nor will it pay, any additional costs incurred by the Contractor for the characterization, removal, disposal, or replacement of the out-of-specification Import Material.

211-5.3 Screening Levels for Import Material.

- 1. All Chemicals of Concern, Except Lead.** No Import Material with one or more Chemicals of Concern at a concentration greater than the current San Francisco Bay Region Water Quality Control Board Environmental Screening Level (ESL) available at www.waterboards.ca.gov/sanfranciscobay/esl.htm shall be accepted ("Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater", Volume 1, Table A).
- 2. Lead.** No Import Material with total lead concentrations at or greater than ten times the Soluble Threshold Limit Concentration (STLC) published in Title 22 of the California Code of Regulations shall be accepted. (As of January 1, 2008, the acceptable total lead concentration is <50 mg/kg.)
- 3. Pathogens of Concern.** No Import Material with one or more Pathogens of Concern at detectable levels shall be accepted.

Appendix D

AIR QUALITY CALCULATIONS

**Proposed Recycle & Fill Project and OMSS Project
Daily and Annual Average Emissions Summary**

Recycle & Fill - Maximum Daily Emissions

Emission Source/Activity	Maximum Daily Emissions From Recycle & Fill Project (pounds per day)				
	NOx	ROG	CO	PM10	CO2
Emissions From Trucks Importing Material	23.4	1.2	5.7	12.49	2,997
Emissions From Trucks Exporting Material	4.5	0.2	1.1	2.4	575
Dust Emissions From Crushing System	-	-	-	1.5	
Dust Emissions From On-Site Mobile Equipment	-	-	-	2.7	
Exhaust Emissions From On-Site Equipment	24.4	1.3	7.6	0.8	4,805
Total	52.3	2.7	14.4	19.9	8,376
<i>BAAQMD Daily Significance Threshold (lb/day)</i>	<i>80</i>	<i>80</i>	<i>550</i>	<i>80</i>	<i>-</i>

Recycle & Fill Annual Average Emissions

Emission Source/Activity	Annual Average Emissions From Recycle & Fill Project (tons per year)				
	NOx	ROG	CO	PM10	CO2
Emissions From Trucks Importing Material	1.96	0.10	0.48	1.05	251
Emissions From Trucks Exporting Material	0.45	0.02	0.11	0.24	57
Dust Emissions From Crushing System	-	-	-	0.05	
Dust Emissions From On-Site Mobile Equipment	-	-	-	0.14	
Exhaust Emissions From On-Site Equipment	1.25	0.06	0.39	0.04	245
Total	3.7	0.2	1.0	1.5	553
<i>BAAQMD Annual Significance Threshold (ton/yr)</i>	<i>15</i>	<i>15</i>	<i>100</i>	<i>15</i>	<i>-</i>

OARB - Proposed Crushing and Recycling Facility
Emissions from Haul Truck Travel - Inbound Material Hauling
Analysis Years = 2010 - 2013

Number of Daily Trips = 60
 Average Trip Distance = 13
 Total Daily Mileage (miles) = 780
 Travel Days per Year = 168
 Annual Mileage (miles) = 130,650
 Average Annual Trips = 10,050
 Average Truck Speed (mph) = 45
 Idle Time per Trip (minutes) = 5

Emission Factors	ROG	CO	NO _x	PM ₁₀	CO ₂
Running Exhaust (gram/mile)	0.60	3.00	12.92	0.41	1,701
Idle (grams/idle-hour)	12.13	50.22	110.84	1.71	6,542
Tire & Break Wear (gram/mile)	-	-	-	0.06	
Re-Entrained Dust (gram/mile)	-	-	-	6.78	

Daily				Daily Emissions (lb/day)					
Additional Trips Generated	Type	Mile/Trip	Daily Miles Traveled	ROG	CO	NO _x	Exhaust PM ₁₀	Total PM ₁₀	CO ₂
60		Total -->	780	1.2	5.7	23.4	0.7	12.5	2997.2
60	Heavy-Duty Diesel	13	780	1.17	5.72	23.44	0.73	12.49	2997
BAAQMD Daily Significance Threshold (lb/day)				80	550	80	80	80	N/A

Annual				Annual Emissions in (tons/year)					
Annual Trips	Type	Mile/Trip	Annual Mileage	ROG	CO	NO _x	Exhaust PM ₁₀	Total PM ₁₀	CO ₂
10,050		Total -->	130,650	0.10	0.48	1.96	0.06	1.05	251.0179
10,050	Heavy-Duty Diesel		130,650	0.10	0.48	1.96	0.06	1.05	251
BAAQMD Daily Significance Threshold (ton/yr)				15	-	15	15	15	N/A

Notes: Exhaust, idle, tire and brake wear emission factors from EMFAC2007 for Alameda Co. vehicle mix, year 2011 for heavy duty diesel trucks at an average speed indicated.
 Total PM₁₀ includes PM₁₀ from exhaust, tire and brake wear, and re-entrained road dust
 Re-entrained dust emission factor (from AP-42) assumes 75% freeway travel and 25% travel on collector roads.

OARB - Proposed Crushing and Recycling Facility
Emissions from Haul Truck Travel - Outbound (Export) Only
Analysis Years = 2010 - 2013

Number of Daily Trips = 10
 Average Trip Distance = 15
 Total Daily Mileage (miles) = 150
 Travel Days per Year = 200
 Annual Mileage (miles) = 29,993
 Average Annual Trips = 2,000
 Average Truck Speed (mph) = 45
 Idle Time per Trip (minutes) = 5

Emission Factors	ROG	CO	NOx	PM ₁₀	CO ₂
Running Exhaust (gram/mile)	0.60	3.00	12.92	0.41	1,701
Idle (grams/idle-hour)	12.13	50.22	110.84	1.71	6,542
Tire & Break Wear (gram/mile)	-	-	-	0.06	
Re-Entrained Dust (gram/mile)	-	-	-	6.78	

Daily				Daily Emissions (lb/day)					
Additional Trips Generated	Type	Mile/Trip	Daily Miles Traveled	ROG	CO	NO _x	Exhaust PM ₁₀	Total PM ₁₀	CO ₂
10		Total -->	150	0.2	1.1	4.5	0.1	2.4	574.5
10	Heavy-Duty Diesel	15	150	0.22	1.09	4.48	0.14	2.40	575
BAAQMD Daily Significance Threshold (lb/day)				80	550	80	80	80	N/A

Annual				Annual Emissions in (tons/year)					
Annual Trips	Type	Total -->	Annual Miles	ROG	CO	NO _x	Exhaust PM ₁₀	Total PM ₁₀	CO ₂
2,000		29,993		0.02	0.11	0.45	0.01	0.24	57.43974
2,000	Heavy-Duty Diesel	29,993		0.02	0.11	0.45	0.01	0.24	57
BAAQMD Daily Significance Threshold (ton/yr)				15	-	15	15	15	N/A

Notes: Exhaust, idle, tire and brake wear emission factors from EMFAC2007 for Alameda Co. vehicle mix, year 2011 for heavy duty diesel trucks at an average speed indicated.
 Total PM₁₀ includes PM₁₀ from exhaust, tire and brake wear, and re-entrained road dust
 Re-entrained dust emission factor (from AP-42) assumes 75% freeway travel and 25% travel on collector roads.

**OARB - Proposed Crushing and Recycling Facility
 Fugitive PM10 Emissions From Mobile Equipment Use
 2010 - 2013 Maximum Production**

Facility Rate Information

Annual Material Received (yd ³ /yr) =	67,000	
Annual Material Received (ton/yr) =	100,500	
Annual Material Crushed (ton/yr) =	50,250	
Max Hourly process rate (ton/hr) =	100	
Average Daily Process Rate (ton/day) =	500	
Max. Daily Process Rate (ton/day) =	800	
Days to Process Annual Amount =	102	(at average daily production level)
Days to Process Annual Amount =	63	(at max. daily production level)

Fugitive PM10 Emission From Mobile Equipment										
Source/Activity	Process Rate	Process Rate Units	No. of Equip.	Operation		PM10 Emission Factor	Emission Factor Units	PM10 Emissions		
				Total Daily (hours)	Annual (hours/yr)			Max Hourly (lb/hr)	Max Daily (lb/day)	Annual Average (ton/yr)
Bulldozing	100	ton/hr	1	8	816	0.0016	lb/ton	0.16	1.29	0.07
Excavator	100	ton/hr	1	8	816	0.0016	lb/ton	0.16	1.29	0.07
Truck Unloading - Daily	600	ton/day	-	8		0.000016	lb/ton	0.001	0.010	-
Truck Unloading - Annual	100,500	ton/yr	-	-		0.000016	lb/ton	-	-	0.001
Truck Loading (via loader) - Daily	100	ton/day	-	-	-	0.0016	lb/ton	-	0.16	-
Truck Loading (via loader) - Annual	13,330	ton/yr	-	-	-	0.0016	lb/ton	-	-	0.01
Total Fugitive PM10 Emissions								0.3	2.7	0.14

Notes: Truck unloading is for all material received at the facility (30 trucks per day)
 Truck loading is for the off-site material hauling (5 trucks per day)

OARB - Proposed Crushing and Recycling Facility
Maximum Daily PM10 Emissions From Crushing Operations

Facility Production Rate Information

Annual Material Received (cu yd/yr) =	67,000
Annual Material Received (ton/yr) =	100,500
Annual Material Crushed (ton/yr) =	50,250
Maximum Crusher Processing Rate (ton/hr) =	100
Crusher Operation (hours/day) =	8.0
Days to Process Annual Amount (at Max Rate) =	62.8

 = Input Values

	Process Rate (ton/hr)	Process Rate (ton/day)	Process Rate (ton/yr)	Number of Transfers	Daily Operation (hours)	Emission* Factor (lb/ton)	PM10 Emissions	
							Hourly (lb/hr)	Daily (lb/day)
Proposed Operatons								
Dump Hopper/Grizzly	100	800	50,250	1	8.0	0.000016	0.002	0.013
Crusher	100	800	50,250	1	8.0	0.00054	0.054	0.432
Conveyor to 3-Deck Screen	100	800	50,250	2	8.0	0.000046	0.009	0.074
3-Deck Screen	100	800	50,250	1	8.0	0.00074	0.074	0.592
Conveyor - Screen to Rock Pile Stacker	100	800	50,250	1	8.0	0.000046	0.005	0.037
Loadout to 3" minus Pile	100	800	50,250	1	8.0	0.00040	0.040	0.321
Total							0.18	1.47

* Emission factors are for controlled emissions

**OARB - Proposed Crushing and Recycling Facility
Annual Average PM10 Emissions From Crushing Operations**

Facility Production Rate Information

Annual Material Received (cu yd/yr) =	67,000	= Input Values
Annual Material Received (ton/yr) =	100,500	
Annual Material Crushed (ton/yr) =	50,250	
Maximum Crusher Processing Rate (ton/hr) =	100	
Crusher Operation (hours/day) =	5.0	
Days to Process Annual Amount (at ave process rate) =	100.5	

	Process Rate (ton/hr)	Process Rate (ton/day)	Process Rate (ton/yr)	Number of Transfers	Daily Operation (hours)	Annual Operation (day/yr)	Emission* Factor (lb/ton)	PM10 Emissions		
								Hourly (lb/hr)	Daily (lb/day)	Annual (ton/yr)
Proposed Operatons										
Dump Hopper/Grizzly	100	500	50,250	1	5.0	101	0.000016	0.002	0.008	0.0004
Crusher	100	500	50,250	1	5.0	101	0.00054	0.054	0.270	0.0136
Conveyor to 3-Deck Screen	100	500	50,250	2	5.0	101	0.000046	0.009	0.046	0.0023
3-Deck Screen	100	500	50,250	1	5.0	101	0.00074	0.074	0.370	0.0186
Conveyor - Screen to Rock Pile Stackter	100	500	50,250	1	5.0	101	0.000046	0.005	0.023	0.0012
Loadout to 3" minus Pile	100	500	50,250	1	5.0	101	0.00040	0.040	0.201	0.0101
Total								0.18	0.92	0.05

* Emission factors are for controlled emissions

Assumptions:

Average Material Density (lb/cu yd) =	3,000
Percent of material received that gets crushed =	50%

**Crushing and Screening Emission Factors
Emission Factors**

PM10 Emission Factors (lb/ton)

	%			
	Uncontrolled	Control	Controlled	
Hopper/Grizzly	0.000016	0%	0.000016	8/04AP-42 Section 11.19.2 (Crushed Stone Processing) - Truck unloading - uncontrolled
Primary Crushing	-	-	0.00054	8/04 AP-42 Section 11.19.2 (Crushed Stone Processing) - tertiary crushing (conservative estimate for primary crusher)
Screening	0.0087	-	0.00074	8/04AP-42 Section 11.19.2 (Crushed Stone Processing) - Screening - controlled
Conveyor Transfer Points	0.011	-	0.000046	8/04 AP-42 Section 11.19.2 (Crushed Stone Processing) - Conveyor transfer point - controlled
Loading/stockpiling	0.00161	75%	0.00040	1/95 AP-42 Section 13.2.4 (Aggregate handling and Storage Piles) - Material drop operations
Average wind speed (mph) =	6.6			
Material Moisture content (%) =	2			

OARB - Proposed Crushing and Recycling Facility
Emissions From Crushing & Mobile Equipment Exhaust: 2010 - 2013

Analysis Year = 2010

Item No.	Equipment Type	No. Units	Equip. Age (years)	Equip. Model Year	Daily Hours In Use	Unit Annual Hours Use	Load Factor	Cumulative Hours Operation Per Unit	Engine (hp)	Fuel Type	Emission Factor (g/hp-hr)						Maximum Hourly Emissions (lb/hr)						Daily Emissions (lb/day)						Annual Emissions (ton/yr)					
											NOx	CO	VOC	PM10	SO2	CO2	NOx	CO	VOC	PM10	SO2	CO2	NOx	CO	VOC	PM10	SO2	CO2	NOx	CO	VOC	PM10	SO2	CO2
											Emission Factor (g/mi)						NOx	CO	VOC	PM10	SO2	CO2	NOx	CO	VOC	PM10	SO2	CO2	NOx	CO	VOC	PM10	SO2	CO2
Off-Road Equipment																																		
1	Crusher Engine	1	7	2003	8	816	0.41	5,712	330	ULSD	4.38	1.02	0.25	0.11	0.006	568.3	1.31	0.31	0.08	0.034	0.002	170	10.5	2.4	0.6	0.3	0.01	1356	0.53	0.12	0.03	0.014	0.001	69
2	Excavator	1	1	2009	8	816	0.41	816	300	ULSD	2.35	0.93	0.12	0.09	0.006	568.3	0.64	0.25	0.03	0.025	0.002	154	5.1	2.0	0.3	0.2	0.01	1233	0.26	0.10	0.01	0.010	0.001	63
3	Loader	1	1	2009	2	204	0.41	204	250	ULSD	2.33	0.92	0.11	0.09	0.006	568.3	0.53	0.21	0.02	0.020	0.001	128	1.1	0.4	0.0	0.0	0.00	257	0.05	0.02	0.00	0.002	0.000	13
4	Bulldozer	1	2	2008	8	816	0.41	1,632	275	ULSD	2.37	0.95	0.14	0.10	0.006	568.3	0.59	0.24	0.03	0.024	0.001	141	4.7	1.9	0.3	0.2	0.01	1130	0.24	0.10	0.01	0.010	0.001	58
5	Generator - 100 kW	1	1	2009	8	816	0.47	816	160	ULSD	1.92	0.51	0.03	0.07	0.006	568.3	0.32	0.08	0.00	0.012	0.001	94	2.5	0.7	0.0	0.1	0.01	754	0.13	0.03	0.00	0.005	0.000	38
Subtotal																	3.38	1.09	0.17	0.114	0.007	688	23.9	7.5	1.2	0.8	0.05	4730	1.22	0.38	0.06	0.041	0.002	241
On-Road Equipment																																		
1	Water Truck	1	4	2006	2	204	-	816	-	ULSD	12.92	3.00	0.60	0.41	0.006	1701	0.28	0.07	0.01	0.009	0.000	38	0.6	0.1	0.0	0.0	0.00	75	0.03	0.01	0.00	0.001	0.000	4
Subtotal																	0.28	0.07	0.01	0.009	0.000	37.5	0.57	0.13	0.03	0.02	0.00	75	0.03	0.01	0.00	0.001	0.000	4
TOTAL																							24.4	7.6	1.3	0.8	0.05	4,805	1.25	0.39	0.06	0.041	0.002	245

Annual hours assumes facility operation for 102 days per year (days required for crushing at average daily rate of 500 tons/day)
The engine for the crusher assumed to be a Tier 2 engine representative of model years 2001 - 2005.
Excavator, loader and generator assumed to be new equipment with Tier 3 engines (model year 2006 or newer)
Emissions from on-road vehicles calculated using on-road emission factors from EMFAC2007

Emission Factors - Off-Road Compression Ignited Engines																	
Item No.	EF ID	NOx			CO			ROG			PM10			CO2			SO2
		ZH EF (g/hp-hr)	DR (g/hp-hr ²)	Fuel CF	ZH EF (g/hp-hr)	DR (g/hp-hr ²)	Fuel CF	ZH EF (g/hp-hr)	DR (g/hp-hr ²)	Fuel CF	ZH EF (g/hp-hr)	DR (g/hp-hr ²)	Fuel CF	ZH EF (g/hp-hr)	DR (g/hp-hr ²)	Fuel CF	
1	ULSD5002003	4.29	5.81E-05	0.95	0.92	1.82E-05	1.00	0.12	2.36E-05	1.00	0.11	5.79E-06	0.80	568.30	0.00E+00	1.00	0.006
2	ULSD5002009	2.45	3.18E-05	0.95	0.92	1.82E-05	1.00	0.10	2.50E-05	1.00	0.11	5.55E-06	0.80	568.30	0.00E+00	1.00	0.006
3	ULSD2502009	2.45	3.18E-05	0.95	0.92	2.43E-05	1.00	0.10	2.50E-05	1.00	0.11	5.59E-06	0.80	568.30	0.00E+00	1.00	0.006
4	ULSD5002008	2.45	3.18E-05	0.95	0.92	1.82E-05	1.00	0.10	2.50E-05	1.00	0.11	5.55E-06	0.80	568.30	0.00E+00	1.00	0.006
5	ULSD1752009	2.00	3.20E-05	0.95	2.70	7.14E-05	1.00	0.10	2.50E-05	1.00	0.14	1.00E-05	0.80	568.30	0.00E+00	1.00	0.006

Notes ZH EF = Zero hour emission factor

DR = Deterioration rate

ULSD = Ultra low sulfur diesel (15 ppmw sulfur, 0.0015% sulfur)

CF = Fuel correction factor/Deterioration rate

Refs: CARB OFFROAD2007 model (<http://www.arb.ca.gov/msei/offroad/offroad.htm>), December, 2006.

Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name: C:\Projects1\I&R\OARB Crush & Fill & OMSS\Emissions\URBEMIS\OMSS Urbemis 2011.urb924

Project Name: OMSS Center

Project Location: Alameda County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	1.27	2.08	10.92	0.00	0.03	0.03	2,369.14

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	18.22	18.04	164.46	0.12	11.40	2.50	12,492.34

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	19.49	20.12	175.38	0.12	11.43	2.53	14,861.48

6/29/2009 11:21:43 PM

Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	0.14	1.96	1.65	0.00	0.00	0.00	2,352.29
Hearth							
Landscape	0.74	0.12	9.27	0.00	0.03	0.03	16.85
Consumer Products	0.00						
Architectural Coatings	0.39						
TOTALS (lbs/day, unmitigated)	1.27	2.08	10.92	0.00	0.03	0.03	2,369.14

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM25</u>	<u>CO2</u>
High turnover (sit-down) rest.	3.35	3.36	30.51	0.02	2.11	0.46	2,314.48
Strip mall	0.28	0.31	2.81	0.00	0.21	0.05	226.65
Convenience market with gas pumps	10.94	10.17	92.07	0.07	6.08	1.33	6,711.30
General office building	2.89	3.43	31.80	0.03	2.44	0.53	2,637.26
General light industry	0.54	0.61	5.75	0.00	0.44	0.10	476.17
General heavy industry	0.22	0.16	1.52	0.00	0.12	0.03	126.48
TOTALS (lbs/day, unmitigated)	18.22	18.04	164.46	0.12	11.40	2.50	12,492.34

Operational Settings:

Includes correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2010 Temperature (F): 85 Season: Summer

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
High turnover (sit-down) rest.		127.15	1000 sq ft	6.00	762.90	2,292.80
Strip mall		42.94	1000 sq ft	1.30	55.82	227.60
Convenience market with gas pumps		845.60	1000 sq ft	3.20	2,705.92	6,591.60
General office building		11.01	1000 sq ft	37.20	409.57	2,656.51
General light industry		6.97	1000 sq ft	9.60	66.91	479.17
General heavy industry		1.50	1000 sq ft	10.00	15.00	127.16
					4,016.12	12,374.84

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	54.4	1.3	98.3	0.4
Light Truck < 3750 lbs	12.4	2.4	95.2	2.4
Light Truck 3751-5750 lbs	19.7	0.5	99.5	0.0
Med Truck 5751-8500 lbs	6.3	0.0	98.4	1.6
Lite-Heavy Truck 8501-10,000 lbs	0.8	0.0	75.0	25.0
Lite-Heavy Truck 10,001-14,000 lbs	0.6	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	1.3	0.0	15.4	84.6

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Heavy-Heavy Truck 33,001-60,000 lbs	0.8	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.9	69.0	31.0	0.0
School Bus	0.0	0.0	0.0	0.0
Motor Home	0.6	0.0	83.3	16.7

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commuter	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
High turnover (sit-down) rest.				5.0	2.5	92.5
Strip mall				2.0	1.0	97.0
Convenience market with gas pumps				2.0	1.0	97.0
General office building				35.0	17.5	47.5
General light industry				50.0	25.0	25.0
General heavy industry				90.0	5.0	5.0

Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name: C:\Projects1\I&R\OARB Crush & Fill & OMSS\Emissions\URBEMIS\OMSS Urbemis 2011.urb924

Project Name: OMSS Center

Project Location: Alameda County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	0.17	0.37	1.13	0.00	0.00	0.00	430.81

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	3.63	3.78	32.21	0.01	2.09	0.45	2,182.57

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	3.80	4.15	33.34	0.01	2.09	0.45	2,613.38

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	0.03	0.36	0.30	0.00	0.00	0.00	429.29
Hearth							
Landscape	0.07	0.01	0.83	0.00	0.00	0.00	1.52
Consumer Products	0.00						
Architectural Coatings	0.07						
TOTALS (tons/year, unmitigated)	0.17	0.37	1.13	0.00	0.00	0.00	430.81

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM25</u>	<u>CO2</u>
High turnover (sit-down) rest.	0.67	0.70	5.99	0.00	0.39	0.08	404.37
Strip mall	0.05	0.07	0.54	0.00	0.04	0.01	39.57
Convenience market with gas pumps	2.23	2.13	18.36	0.01	1.11	0.24	1,173.00
General office building	0.54	0.72	5.97	0.00	0.45	0.10	460.42
General light industry	0.10	0.13	1.07	0.00	0.08	0.02	83.13
General heavy industry	0.04	0.03	0.28	0.00	0.02	0.00	22.08
TOTALS (tons/year, unmitigated)	3.63	3.78	32.21	0.01	2.09	0.45	2,182.57

Operational Settings:

Includes correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2010 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

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% of Trips - Commercial (by land use)

High turnover (sit-down) rest.	5.0	2.5	92.5
Strip mall	2.0	1.0	97.0
Convenience market with gas pumps	2.0	1.0	97.0
General office building	35.0	17.5	47.5
General light industry	50.0	25.0	25.0
General heavy industry	90.0	5.0	5.0