411 W. MacArthur Boulevard Project

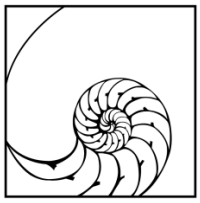
CEQA Analysis

Prepared for:

City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Prepared By:

Lamphier–Gregory
1944 Embarcadero
Oakland, CA 94606



May, 2017

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I. PROJECT CHARACTERISTICS

1. **Project Title:**
   411 W. MacArthur Blvd. Project

2. **Lead Agency Name and Address:**
   City of Oakland
   Bureau of Planning
   250 Frank H. Ogawa Plaza, Suite 2114
   Oakland, CA 94612

3. **Contact Person and Phone Number:**
   Maurice Brenyah-Addow, Planner III
   (510) 238-6342
   250 Frank H. Ogawa Plaza, Suite 2114
   Oakland, CA 94612
   mbrenyah@oaklandnet.com

4. **Project Location:**
   411 W. MacArthur Boulevard
   Assessor's Parcel No. 12-945-46-1

5. **Project Sponsor's Name and Address:**
   Joe Hernon
   411 W. MacArthur LLC
   650B Fremont Ave #375
   Los Altos, CA 94024

6. **Existing General Plan Designations:**
   Neighborhood Center Mixed Use

7. **Existing Zoning:**
   Neighborhood Commercial-3 (CN-3)
   Height limit: 60 ft

8. **Requested Permits:**
   - Regular Design Review
   - Minor Variance (rear yard setback)

II. EXECUTIVE SUMMARY

The Project applicant, 411 W. MacArthur LLC, is proposing the redevelopment of a 7,953-square foot (sf) parcel on the corner of MacArthur Blvd. and Webster Street, just west of Moss Park and the Kaiser Foundation Medical Center on Broadway. The 411 W. MacArthur Blvd. Project (Project), would include construction of a five-story mixed-use residential building, up to 60 feet in height. The building would have a total of approximately 31,290 gross square feet, consisting of approximately 25,180 gross square feet of residential uses (20 residential units), approximately 2,540 square feet of ground-floor retail space at the corner of MacArthur Blvd. and Webster Street, and approximately 3,450 square feet of parking (20 vehicle parking spaces utilizing a "puzzle" parking car stacker device and 9 bicycle parking spaces). Table 1 summarizes the characteristics of the project. The Project site is currently used as a surface parking lot and a one-story covered auto repair and wash business.

This California Environmental Quality Act (CEQA) Analysis evaluates the 411 W. MacArthur Blvd. project. Specifically, the Project is considered an urban infill development project, and is in the class of projects that is eligible for CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15168, Section 15183, and Section 15183.3 to tier from the program-level analyses completed in the City of Oakland General Plan (General Plan) Land Use and Transportation Element (LUTE) and LUTE Environmental Impact Report (EIR) (1998), the Broadway/MacArthur/San Pablo Redevelopment Plan Amendments Supplemental EIR (2011) —collectively referred to herein as the prior EIRs—that analyzed environmental impacts associated with adoption and implementation of the General Plan and Redevelopment Plan.

III. BACKGROUND

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

Land Use and Transportation Element EIR

The City certified the EIR for its General Plan LUTE in 1998. The LUTE identifies policies to guide land use changes in the City and sets forth an action program to implement the land use policy through development controls and other strategies. The 1998 LUTE EIR is designated a "Program EIR" under CEQA Guidelines Section 15168. As such, subsequent activities under the LUTE are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section IV. The Project is within the North Oakland Planning Area as described in the LUTE.

Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or newer City of Oakland Standard Conditions of Approval (SCAs), the latter of which are described below in Section IV.

Environmental Effects Summary – 1998 LUTE EIR

The 1998 LUTE EIR (including its Initial Study Checklist) determined that development consistent with the LUTE would result in impacts that would be reduced to a less-than-significant level with the implementation of mitigation measures and/or SCAs (described in Section IV): aesthetics (views, architectural compatibility and shadow only); air quality (construction dust [including PM_{10}] and emissions, odors); cultural resources (except as noted below as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); noise (use and density incompatibilities, including from transit/transportation improvements); population and housing (induced growth, policy consistency/clean air plan); public services (except as noted below as significant)[1]; and transportation/circulation (intersection operations).

Less-than-significant impacts were identified for the following resources in the 1998 LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use projects and near transit); noise (roadway noise citywide, multifamily near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand,

[1] The 1998 LUTE EIR addressed effects on solid waste demand and infrastructure facilities for water, sanitary sewer and stormwater drainage under Public Services.

wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand). No impacts were identified for agricultural or forestry resources and mineral resources.

Significant unavoidable impacts were identified for the following environmental resources in the 1998 LUTE EIR: air quality (regional emissions); public services (fire safety); transportation/circulation (roadway segment operations: Grand Avenue between Harrison St. and I-580); and policy consistency (Clean Air Plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

Oakland Housing Element Update EIR and Addendum

The City has twice amended its General Plan to adopt updates to its Housing Element. It certified a 2010 EIR for the 2007-2014 Housing Element, and a 2014 Addendum to the 2010 EIR for the 2015-2023 Housing Element. The Housing Element identifies the City's current and Projected housing needs, and sets goals, policies, and programs to address those needs, as specified by the state's Regional Housing Needs Allocation (RHNA) process. Although the Project site is not identified as a Housing Opportunity Site under the current Housing Element, the Project nevertheless would contribute to achieving the City's stated goals and meeting the City's RHNA targets. The property at the northeast corner of Webster and W. MacArthur (398 W. MacArthur, currently a gas station) is an Opportunity Site; this means that certain aspects of the HE EIR are relevant specifically to the proposed Project site, beyond its function as a program EIR for housing overall.

Applicable mitigation measures and SCAs identified in the 2014 Addendum to the 2010 EIR are considered in the analysis of the residential components of the 411 W. MacArthur Boulevard Project included in this document. The 2010 Housing Element Update EIR was designated a "Program EIR" under CEQA Guidelines Sections 15168. As such, subsequent activities under the Housing Element that involve housing are subject to mitigation measures and SCAs identified in the 2010 Prior EIRs. Applicable mitigation measures and SCAs identified in the 2010 Housing Element EIR are considered in the analysis in this document.

Environmental Effects Summary – 2010 Housing Element and 2014 Addendum

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

Less-than-significant impacts were identified for the following resources in the Housing Element EIR and Addendum: hazards and hazardous materials (emergency plans and risk via transport/disposal); hydrology and water quality (flooding/flood flows, and inundation by seiche, tsunami or mudflow); land use (except no impact regarding community division or conservation plans); population and housing

(except no impact regarding growth inducement); public services and recreation (except as noted above, and no impact regarding new recreation facilities); and utilities and service systems (landfill, solid waste, and energy capacity only, and no impact regarding energy standards). No impacts were identified for agricultural or forestry resources, and mineral resources.

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

Broadway/MacArthur/San Pablo Redevelopment Plan EIR and Plan Amendments SEIR (Redevelopment Plan EIRs)

The 411 W. MacArthur Blvd. Project site is located within the Broadway/MacArthur/San Pablo Redevelopment Plan Area, which encompasses a total of 676 acres within three subareas in the North Oakland and Chinatown/Central Planning Areas (the Project is within Subarea 2). The Redevelopment Project area is largely urbanized, and contains a mixture of older retail, residential, and commercial uses. The focus of redevelopment activities is to reduce or eliminate blight by targeting investments toward certain projects that would act as a catalyst for further investment, infrastructure improvements, and in-fill development.

The Oakland City Council adopted the Broadway/MacArthur/San Pablo Redevelopment Plan (Redevelopment Plan) for the Project Area in July 2000. The City prepared and certified a Supplemental EIR (SEIR) for amendments to the Redevelopment Plan in 2011. The 2011 amendments to the Redevelopment Plan consisted of three items:

1. The Existing Project Area boundary adjacent to the San Pablo subarea was expanded to include the approximately 1,300 parcels and 210 acres that is the Amendment Area.

2. The Redevelopment Agency'sauthority for use of its eminent domain powers to implement programs within the Project Area was extended beyond 2012 to 2024.

3. The Amendment increased the cap on municipal bonding capacity proportional to the redevelopment needs of the Amendment Area, in order to finance proposed redevelopment activities in the Amendment Area without drawing from the existing bonding capacity.

The original 2000 Redevelopment Plan EIR and the 2011 Supplemental EIR were both prepared as "Program EIRs" under CEQA Guidelines Section 15180; as such, subsequent activities are subject to requirements under CEQA Guidelines Section 15168. The Redevelopment Plan EIR includes Appendix D, a list all General Plan Objectives and Policies relevant to the Redevelopment Plan, including those in the LUTE; the Bicycle Master Plan; the Open Space, Conservation, and Recreation Element (OSCAR); the Housing Element; the Environmental Hazards Element; and the Historic Preservation Element.

The development program analyzed for Subarea 2 in the Redevelopment Plan EIR includes:

- Development of 85,000 square feet (sf) of medical office space, 50,000 sf of commercial space, 30,000 sf of retail space, and 150 residential units at the MacArthur BART station; and

- Construction of 30 units of infill housing along Martin Luther King Jr. Way between MacArthur Boulevard and 40th Street.

Environmental Effects Summary – 2000 Redevelopment Plan EIR and 2011 Redevelopment Plan Amendments SEIR

The 2000 Redevelopment Plan EIR determined that development facilitated by the Redevelopment Plan would result in impacts to the following resources that would be reduced to a less-than-significant level with the implementation of identified mitigation measures and/or SCAs (described in Section IV): Land use (potential conflicts with the Historic Preservation Element of the City's General Plan, land use conflicts in Subarea 3, particularly along San Pablo Avenue and Stanford Avenue because of the proximity of schools and parks; transportation and circulation (the addition of project traffic would result in unacceptable level of service at three intersections duringthe PM peak hour under existing conditions and cumulative 2020 conditions; air quality (construction activities associated with development projects within the Project area would generate dust (including the respirable fraction known as $PM_{2.5}$) and combustion emissions; noise (development within the Project Area would generate short-term increases in noise and vibration due to construction; also, the Redevelopment Plan would encourage new residential uses as part of mixed-use retail areas within the Project Area and future noise levels could be incompatible with these new residential uses; and public services and utilities ((a)The project could result in a lack of adequate open space and recreational opportunities for residents of new housing developments; and (b) together with other existing and reasonably foreseeable future development in the vicinity in Oakland, the project would contribute to cumulative demand for increased fire protection services).

Less-than-significant impacts were identified for the following resources in the 2011 Redevelopment Plan EIR: aesthetics (i.e., less than significant with SCAs); air quality (clean air plan consistency); hydrology and water quality (i.e., less than significant with SCAs); population and housing; noise (roadway noise only); traffic/circulation (air traffic and emergency access); and utilities and service systems (i.e. less than significant with SCAs). No impacts were identified for agricultural or forestry resources, and mineral resources.

The 2011 Redevelopment Plan EIR determined that the Proposed Amendments combined with cumulative development would have significant unavoidable impacts on the following environmental resources: air quality (toxic air contaminant exposure and odors); cultural resources (historic); and traffic/circulation (roadway segment operations).[2] Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

[2] The 2011 Redevelopment Plan Amendments EIR also identified significant and avoidable noise effects specifically associated with the potential development of a new baseball stadium at Victory Court, and multimodal safety at at-grade rail crossings, both near the Oakland Estuary. These effects would not pertain to the proposed project given the distance and presumably minimal contribution of multimodal trips affecting these impacts.

Standard Conditions of Approval (SCAs)

The City established its SCAs and Uniformly Applied Development Standards in 2008, and they have since been amended and revised several times.[3] The City's SCAs are incorporated into new and changed Projects as conditions of approval regardless of a Project's environmental determination. The SCAs incorporate policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection Ordinance, Stormwater Water Management and Discharge Control Ordinance, Oakland Protected Trees Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., **SCA-AIR-1**, **SCA-AIR-2**, etc. The SCA title is also provided—i.e., **SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions)**.

Consistent with the requirements of CEQA, a determination of whether the Project would have a significant impact must occur prior to approval of the Project. Where applicable, SCAs have been identified that will mitigate such impacts and will be incorporated into the Project. In some instances, exactly how the SCAs identified will be achieved awaits completion of future studies, an approach that is legally permissible where SCAs are known to be feasible for the impact identified, where subsequent compliance with identified federal, state or local regulations or requirements apply, where specific performance criteria is specified and required, and where the Project commits to developing measures that comply with the requirements and criteria identified.

[3] A revised set of SCAs was published by the City of Oakland on July 22, 2015.

IV. PURPOSE AND SUMMARY OF THIS DOCUMENT

The purpose of this document is to provide required CEQA compliance for the proposed 411 W. MacArthur Boulevard Project. Applicable CEQA sections are described below, each of which separately and independently provides a basis for CEQA compliance.

1. **Project Consistent with a Community Plan or Zoning.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are Project-specific significant effects that are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards…, then an EIR need not be prepared for the project solely on the basis of that impact."

   The analysis in the Program EIRs—the 1998 LUTE EIR, the 2010 Housing Element Update EIR and its 2014 Addendum, and the 2000 Redevelopment EIR and its 2011 Supplemental EIR—are applicable to the 411 W. MacArthur Boulevard Project and provide the basis for use of the Community Plan consistency provisions of CEQA.

2. **Qualified Infill Streamlining.** Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are:

   - Located in an urban area and on a site that either has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter.
   - Able to satisfy the performance standards provided in State CEQA Guidelines Appendix M; and
   - Consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects or if uniformly applicable development policies or standards would substantially mitigate such effects.

   The analysis in the Program EIRs—the 1998 LUTE EIR, the 2010 Housing Element Update EIR and its 2014 Addendum, and the 2000 Redevelopment EIR and its 2011 Supplemental EIR—are applicable to the 411 W. MacArthur Boulevard Project. These Program EIRs comprise the

previous CEQA documents providing the basis for use of the streamlined environmental review pursuant tor CEQA Guidelines Section 15183.3.

3. **Program EIRs and Redevelopment Projects.** CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects) provide that the 2000 Redevelopment Plan EIR and the 2011 Redevelopment Plan Amendments SEIR (the "Redevelopment Plan EIRs") can be used as Program EIRs in the application of streamlining and/or tiering provisions under CEQA. Section 15168 defines a "program EIR" as one prepared on a series of actions that can be characterized as one large project and are related geographically and by other shared characteristics. Section 15168 also states that "subsequent activities in the program EIR must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR and no new environmental document would be required. Further, CEQA Guidelines Section 15180 specifies that if a certified redevelopment plan EIR is prepared, no subsequent EIRs are required for individual components of the redevelopment plan unless a subsequent EIR or supplement to the EIR would be required by Section 15162 or 15163.

   The CEQA Analysis for the project provided herein evaluates the specific environmental effects of the proposed Project and whether such impacts were adequately covered by the Program EIRs such that the above-listed provisions of CEQA can be applied. The analysis conducted incorporates by reference the information contained in the Program EIRs. The Project is legally required to incorporate and/or comply with the applicable requirements of the mitigation measures identified in the Program EIRs as well as applicable SCAs; therefore, the measures and SCAs are herein assumed to be included as part of the Project. See Attachment A for the full text of applicable SCAs included in this CEQA Analysis. (Note that this is not an exhaustive list of all SCAs that may be required by the City for the project).

411 W. MacArthur Boulevard Project CEQA Compliance

The Project satisfies each of the foregoing CEQA provisions, as summarized below.

1. **Community Plan Exemption:** When development proposals are brought before the City, the staff and decision-makers use the General Plan as a guide for project review. Projects are evaluated for consistency with the intent of General Plan policies and conformance with development regulations. The analyses performed for the Program EIRs were intended to expedite the processing of future projects that are consistent with the General Plan. As described within this CEQA Analysis, the proposed project is permitted in the zoning district where the project site is located and consistent with the bulk, density, and land use standards

envisioned in the General Plan. The CEQA Analysis (and attachments) provided herein conclude that the proposed Project would not result in significant impacts that (1) would be peculiar to the Project or Project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Program EIRs; or (3) were previously identified as significant but later determined as having a more severe adverse impact than that discussed in the Program EIRs. Findings regarding the Project's consistency with the General Plan are included as Attachment B to this document. Therefore, consistent with CEQA Guidelines Section 15183, this CEQA Analysis satisfies the requirements for a community plan exemption.

2. **Qualified Infill Exemption:** The analysis conducted and presented in this CEQA Analysis indicates that the proposed project is eligible for a qualified infill exemption, pursuant to State CEQA Guidelines Section 15183.3. The infill eligibility criteria are evaluated and project-specific findings are provided in Attachment C.
3. **Program EIRs and Redevelopment Projects:** The 411 W. MacArthur Blvd. Project is consistent with the land uses identified for the area in the Broadway/MacArthur/San Pablo Redevelopment Plan and analyzed in the Redevelopment Plan EIRs. The analysis in the Redevelopment Plan EIRs and in this CEQA Analysis demonstrates that the 411 W. MacArthur Blvd. Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162.

Examination of the analysis, findings, and conclusions of the prior EIRs, as summarized in the CEQA analysis below, indicates that the prior CEQA documents adequately analyzed and covered the potential environmental impacts associated with the proposed project. The streamlining and/or tiering provisions of CEQA apply to the proposed project. Therefore, no further review or analysis, under CEQA, is required.

SCAs identified in the Program EIRs that would apply to the 411 W. MacArthur Blvd. Project are listed in Attachment A to this document, which is incorporated by reference into this CEQA Analysis. Because the SCAs are mandatory City requirements, the impact analysis for the proposed project assumes that they will be imposed and implemented, which the project sponsor has agreed to do or ensure as part of the proposed project. If this CEQA Analysis or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected. Most of the SCAs that are identified for the 411 W. MacArthur Blvd. Project were also identified the Redevelopment Plan EIRs and the 2010 Oakland Housing Element EIR and the 2014 Addendum; the 1998 LUTE EIR was developed prior to the City's application of SCAs.

V. PROJECT DESCRIPTION

This section describes the proposed 411 W. MacArthur Boulevard Project (the Project) evaluated in this CEQA Analysis and includes a description of the Project site, existing site conditions, the proposed development, and required Project approvals.

Project Setting

The Project site is a 7,953 square foot (sf) corner parcel (approximately 0.18 acre) located at the southwest corner of MacArthur Boulevard and Webster Street (see Figures 1 and 2). The site is essentially flat at approximately 69 feet above mean sea level (msl). The site has previously been used for successive gas service stations, first by Unocal and then by Chevron. Both generations of fuel station facilities have been removed from the site: the first in 1989 and the second in 1998. The station building and canopy were left in place following station decommissioning. Currently, the site is under a short-term lease and used for a hand car wash and detailing operation (a short term "pop-up" operation) and an open parking lot. The gas pumps and underground storage tanks have been removed. A single-story garage building remains on the site; it is used as a makeshift office for the pop-up car wash operation. Access is provided by one curb cut on the MacArthur Boulevard frontage and one on the Webster Street frontage; a third curb cut on MacArthur Boulevard is not in use.

Regional access is provided by Interstate 580 (I-580), Interstate 980 (I-980) and State Route 24, all located nearby. I-580 Eastbound Exit 19D provides direct access to Webster Street, approximately 950 feet south of the site. The I-580/I-980 and SR 24 interchange is approximately 1,800 feet to the southwest. The site is served by Alameda-Contra Costa Transit (AC Transit) bus routes 51A, 651 and 851 on Broadway (northbound and southbound) and routes 57, 653, 657 and 658 on MacArthur Boulevard. All stops are approximately 2/10ths of a mile (975 feet) east of the site, at the corner of MacArthur and Broadway. The site is less than ½ mile from the MacArthur BART station, a major transfer point for three BART lines.

Surrounding Land Uses

Across MacArthur Boulevard from the Project site is the Evergreen Missionary Baptist Church, which fronts the entire block of West MacArthur between Webster and Ruby Streets. At the northeast corner of Webster and MacArthur is a Valero gas station (this site is currently designated a housing Opportunity Site in the Housing Element of the General Plan); adjacent to that structure is a vacant office building (380 W. MacArthur), purchased in 2015 for medical office development. Mosswood Park (the Park) occupies approximately four acres in a trapezoidal shape, extending east from the east side of Webster Street to Broadway, and south from W. MacArthur Boulevard to the north side of the I-580 freeway frontage. The Park provides a diversity of recreational and community facilities, including basketball and tennis courts, a baseball field, community garden, amphitheater and a community center, in addition to tree-shaded lawn areas. The park hosts numerous events, programs, and classes year-round, in addition to a summer camp program. It includes a surface parking lot.

The Oakland Cultural Heritage Survey considers Mosswood Park to be an Area of Primary Importance, because it includes an Oakland City Landmark: the J. Mora Moss Cottage. Built by banker and

businessman Joseph Moravia Moss in the 1860s, the house is a historical Gothic Victorian home. The J. Mora Moss House was designated an Oakland Landmark, under Zoning Case #LM 74-335 on January 7, 1975. Its rating in the Oakland Cultural Heritage Survey is A1+[4]. While the cottage is not listed in the National Register of Historic Places, its A1+ OCHS rating indicates that it is eligible. The entire Park is considered an API because of the presence of the Moss Cottage.[5]

Immediately adjacent to the rear of the property is the Mosswood Area of Secondary Importance (ASI). This ASI extends north from I-580 to the row of houses adjacent south of the Project site, and west from Webster to the edge of residential properties east of Telegraph. It consists of mixed types of residences, built in the early 1900s. No properties in this ASI are local landmarks, individual historic properties, or eligible or listed in the NRHP.

General Plan and Zoning Designations

The Project site's General Plan designation is Neighborhood Center Mixed Use (CN) (Figure 3). The intent of the CN classification is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment. The centers are typically characterized by smaller scale, pedestrian-oriented, continuous and active store fronts with opportunities for comparison shopping. The Zoning Designation is Neighborhood Commercial-3 (CN-3) (Figure 4).

Project

The Applicant proposes redevelopment of the subject property, including demolition of the existing structure and removal of the canopy and surface asphalt paving. The building footprint of approximately 7,953 sf will overlay nearly the entire surface of the property (see Figures 5-11 for Project design details and views). The western half of the site would be excavated to a depth of approximately 12 feet to accommodate the lowest level of the Puzzle Lift Parking devices and the lowest level of the elevator. At grade, ground floor development would include a 2,540 sf retail or restaurant space at the corner of MacArthur Boulevard and Webster Street, a 410 sf residential lobby and a two-story open void of approximately 3,175 sf where the Puzzle Lift Parking equipment would operate, with 17 stalls. Three standard stalls (including one accessible), would bring the total residential parking capacity to to 20 cars; the garage area would also provide parking space for nine bicycles. Also on the ground floor would be a recycling and trash enclosure space and rooms for mechanical equipment. The second through fifth floors would provide 20 apartment units with nearly repetitive floor plans on each floor; the mix of units would include nine (9) one-bedroom + den plans, seven (7) two-bedroom plans, and four (4) three-bedroom plans.

The building height would be 59' 11", consistent with the 60' height limit applicable to the Project site in the Planning Code. A 1,725 sf amenity area would be provided on the roof as common open space for use by building residents, accessed by the single elevator.

[4] An "A" rating means the structure is a property of exceptional historical or architectural value, which [is] clearly eligible for the National Register of Historic Places. A "1" rating means the property is either in an Area of Primary Importance (API) or a National Register quality district. A "+" means it is a contributor to the API.

[5] Personal communication, telephone call with Betty Marvin, Planner at the Oakland Cultural Heritage Survey.

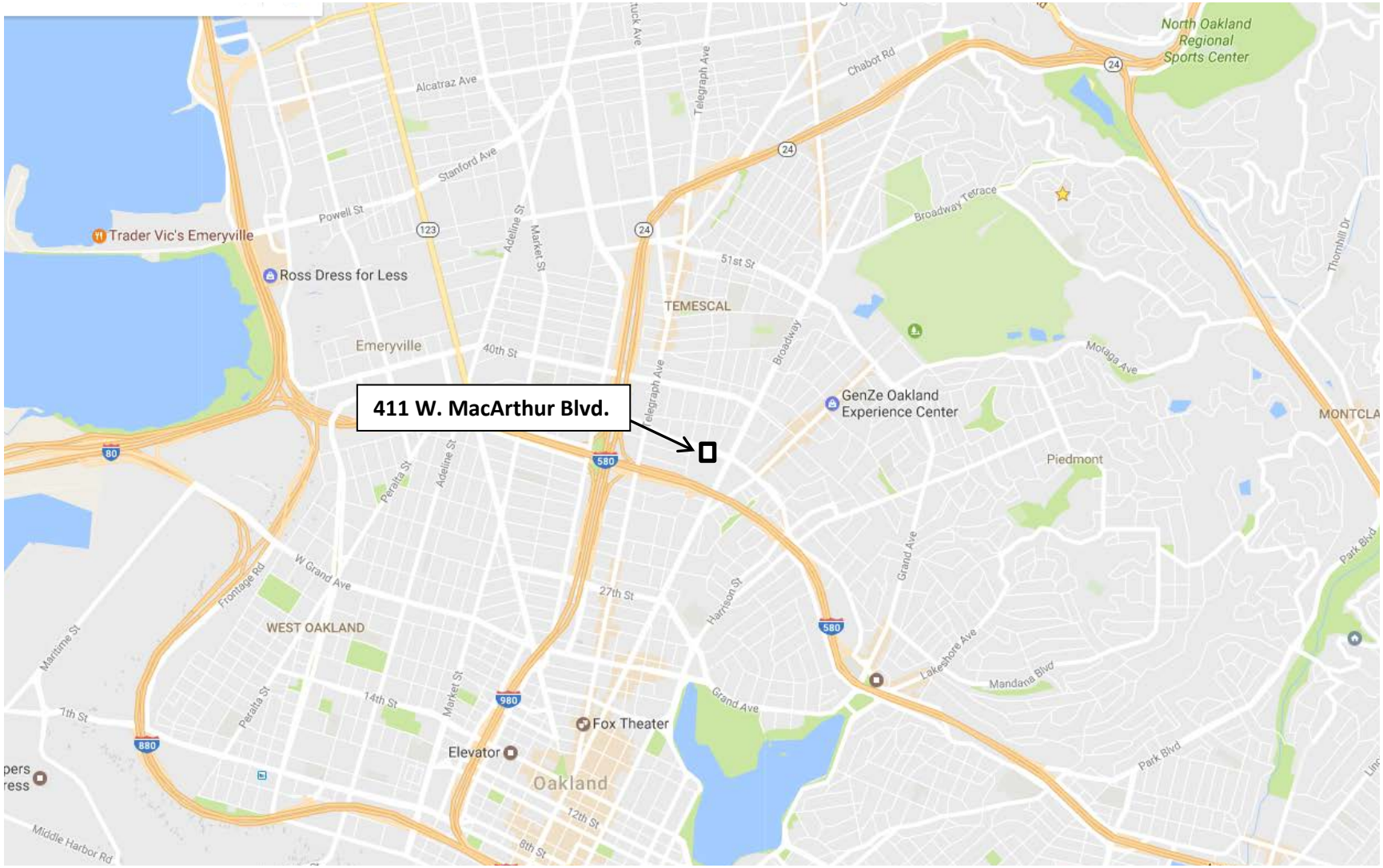

Figure 1
General Location

Figure 2
Project Site and Vicinity

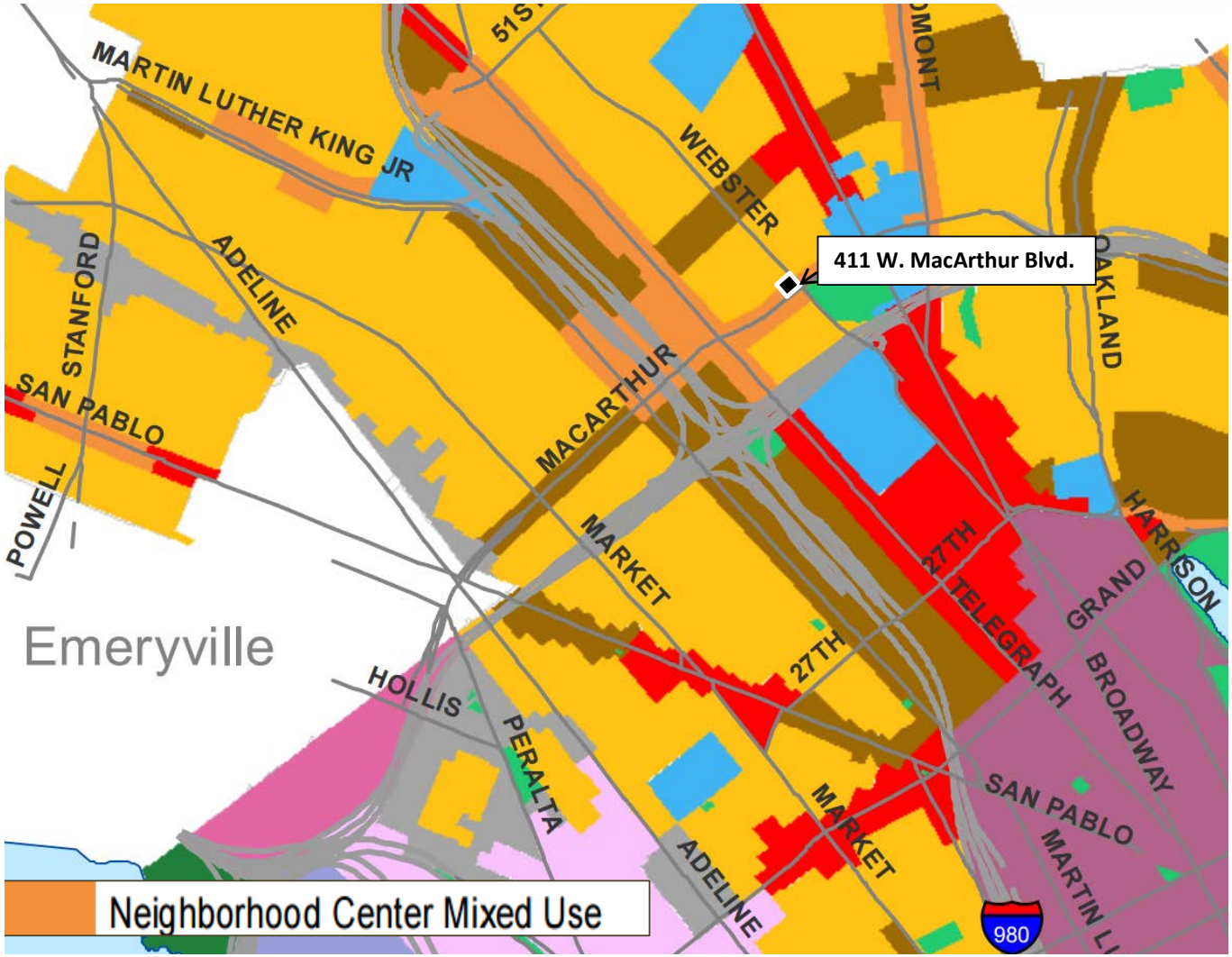

Figure 3
City of Oakland General Plan (LUTE) Land Use Diagram

Source: City of Oakland

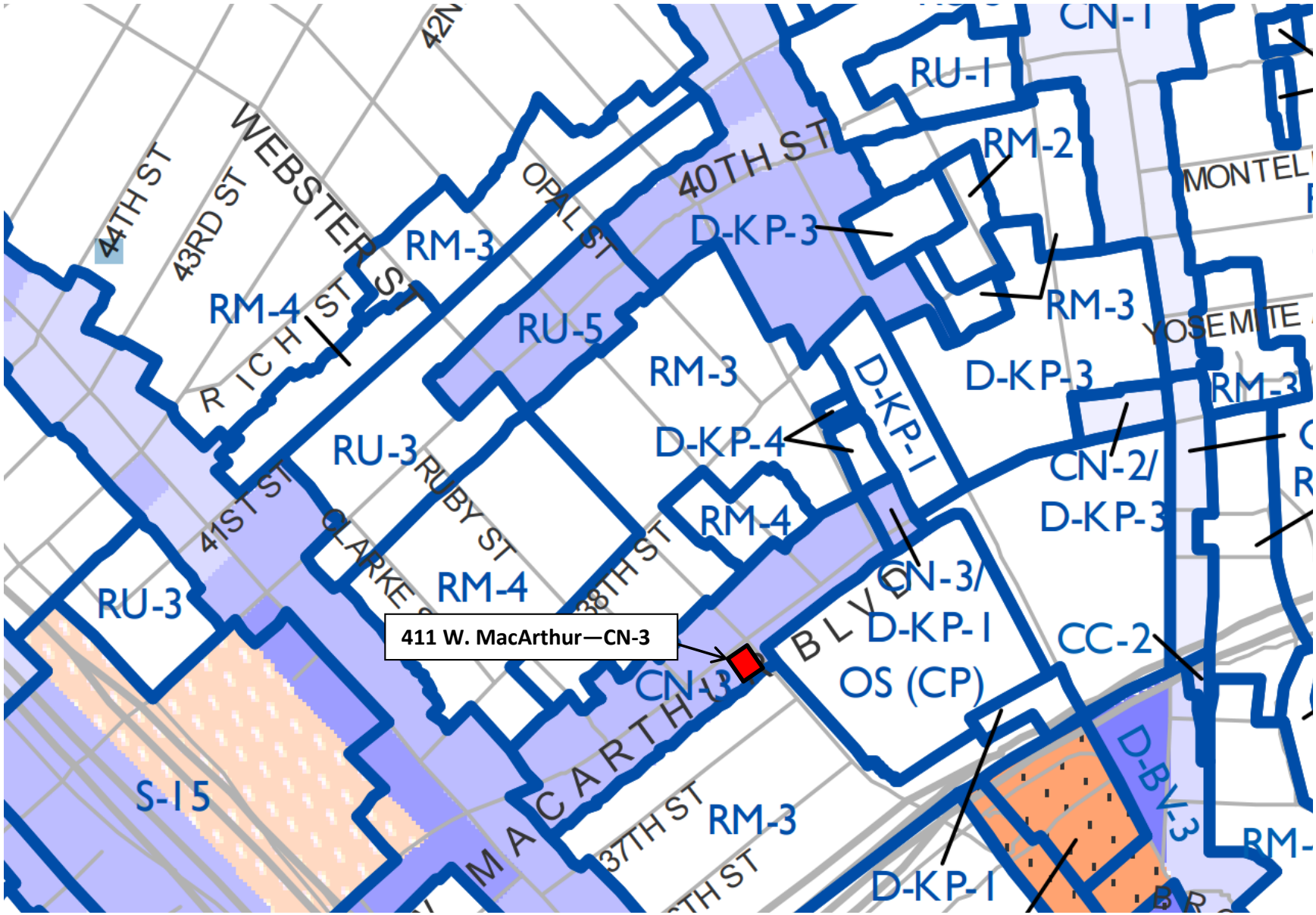

Figure 4
City of Oakland Zoning Map

Source: City of Oakland

Approximately 2,000 cubic yards of soil will be excavated to accommodate the 12' depth for the parking area and 2-3' depth beneath the eastern half of the site; excavated soil would be disposed of at an offsite permitted landfill. Base rock will be imported to the site; no soil will be imported.

Table 1. 411 W. MacArthur Boulevard Project--Development Summary

Project	Amount
Total site area	7,953 sf (0.18 acres)
Total gross floor area	~ 31,290 sf
Gross residential area, including services	~ 22,930 sf
Gross commercial/retail area	~ 2,540
Gross parking area	5,820
Gross open space	2,284
Residential Units	20
Parking spaces provided	20
Bicycle spaces	9
Number of building levels	5
Building height	59' 11" to roof

Entrance to the residential lobby and elevator would be on the MacArthur Boulevard frontage; access to the garage would be via a MacArthur Boulevard curb cut immediately west of the residential lobby entrance; two other existing curb cuts would be removed.

The single elevator and two enclosed staircases would provide access to the upper floors containing residential units and to the common open space on the roof. The retail space located on the ground floor at the corner of MacArthur Boulevard and Webster Street would have entrances on both street frontages.The space is envisionsed as a potential food/restaurant use, with outdoor seating on the sidewalk.

New street trees and additional plant materials are proposed within a 5' landscape strip along both street frontages; the exact number and species of the proposed landscaping have not been determined. There are no trees or other vegetation on the Project site that would require removal.

Project Construction

The Project would be constructed over approximately 18 months and is anticipated to start in the second half of 2017. Construction activities would consist of demolition of the existing building, removal of the canopy and surface parking lot, excavation and grading, foundation construction, and construction of the building and finishing interiors. Demolition, excavation and grading are anticipated to occur over the course of 1-2 months. Basement excavation, construction of footings and foundation slab and utility connections are expected to take between 3-5 months.

In accordance with the Remedial Action Plan prepared for the Project, a sub-slab depressurization system (SSDS) and a vapor barrier will be installed below the concrete slab to provide adequate protection against potential vapor intrusion into the planned development structure. These measures are the result of extensive site investigation, ground water monitoring and laboratory analysis of residual hydrocarbon and other sources of contamination in the sursurface soil and groundwater from the former use of the site by gas stations and leaking underground fuel storage tanks. Details of the prior site investigations and requirements for full closure of the site clean up case are provided in Attachment D.

The environmental case closure process under the administration of the ACDEH is expected to coincide and coordinate with completion of Project construction and the City of Oakland's building permit and inspection process, as detailed in Attachment D.

The site will be excavated to a depth of 12 ft for the basement area, down to 17 ft for the elevator pit. Approximately 2000 cubic yards of excavated soil will be removed, for disposal at permitted landfill. Base rock will be imported to the site, but no soil will be imported. Site investigation work has identified groundwater occurring at approximately 20 feet below ground surface. Dewatering is not anticipated to be required during construction. The Project would have a shallow foundation system and conventional spread footings with slab-on-grade or mat foundation. No pile driving would be required.

Typical equipment used during construction would include an excavator, skid-steer loader, backhoe, trencher, crane, rough terrain forklift, paver, and paving equipment. Staging would primarily occur within the Project site, except in certain instances, such as deliveries or removal of large quantities of material, when parking lanes on one or more of the street frontages may be temporarily closed.

Depending on the construction phase, the number of on-site construction workers could range from approximately 12 to 35 workers per day. The maximum number of workers would be present during framing, rough-in, and interior finish, as well as the exterior work during the building construction phase. The minimum number of workers would be present during grading, excavation, and site preparation.

Project Approvals

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

Actions by the City of Oakland

- Planning Director – Regular Design Review
- Building Bureau – Building permit
- Minor variance (to allow zero rear yard setback where 10' minimum is required)
- Other City Permits – Grading permit, encroachment permit and other related onsite and offsite work permits.

Actions by Other Agencies

- Bay Area Air Quality Management District (BAAQMD) – Issuance of permits for installation and operation of the emergency generator.
- Regional Water Quality Control Board (RWQCB) –Waste Discharge Requirements or NPDES permit
- East Bay Municipal Utility District (EBMUD) – Approval of new service requests and water meter installation.
- Alameda County Department of Environmental Health (ACDEH)
    - Approval of Site Management Plan ("SMP")
    - Approval of Remedial Action Completion Report ("RACR"), documenting that standards set forth in the approved SMP have been satisfied.

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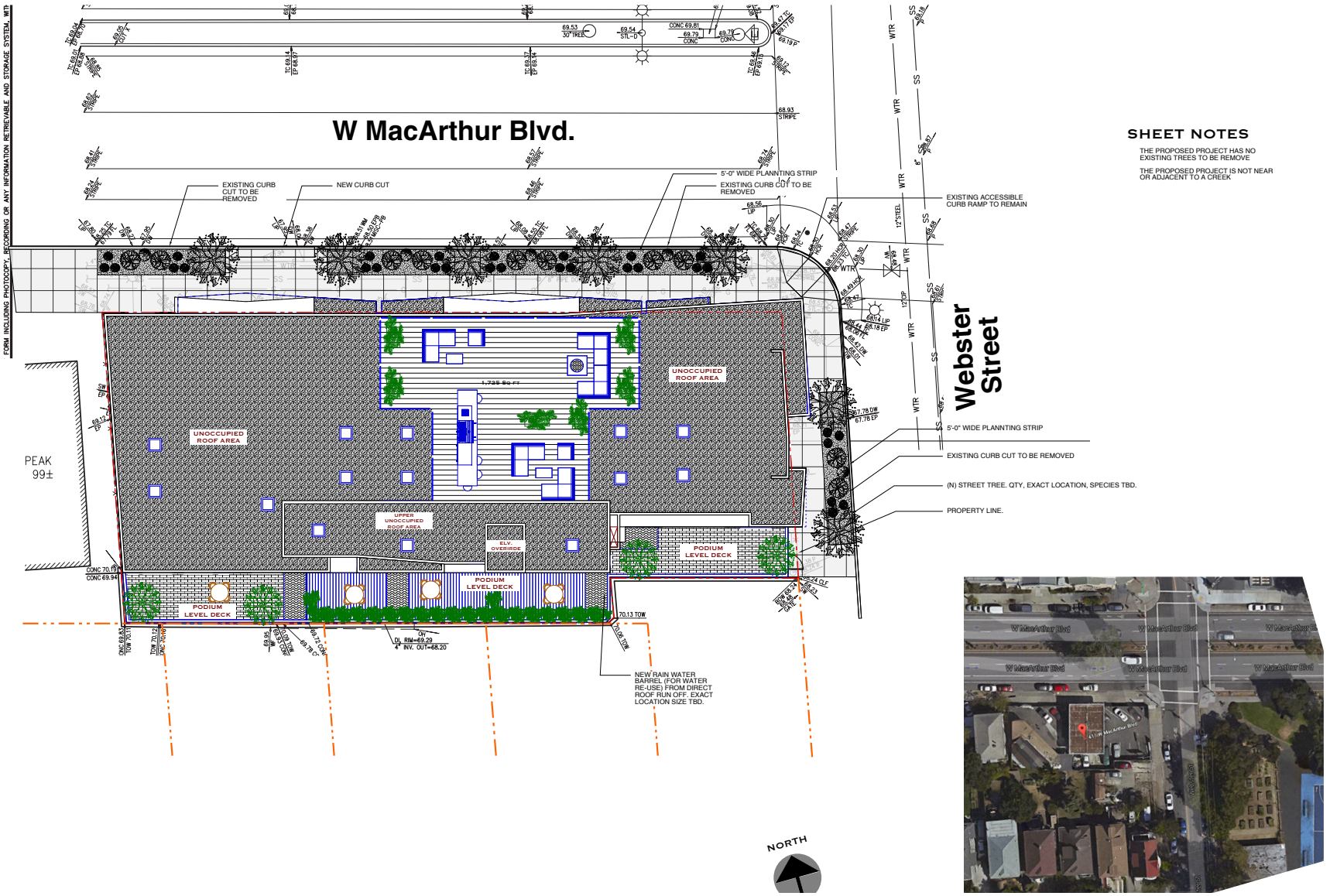


Figure 5
Project Site Plan

Source: Sternberg Benjamin Architects

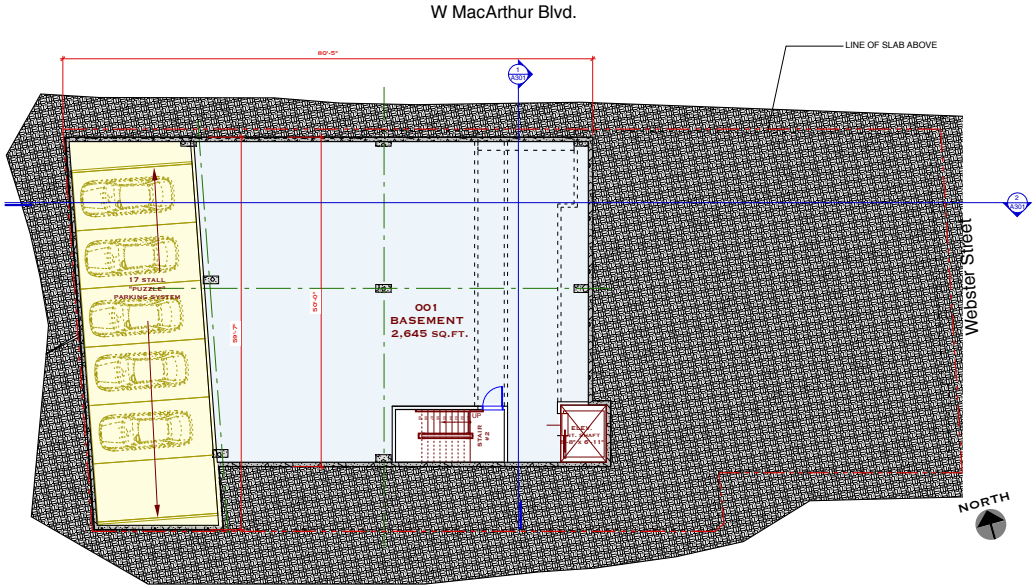


Figure 6
Basement Floor Plan

Source: Sternberg Benjamin Architects

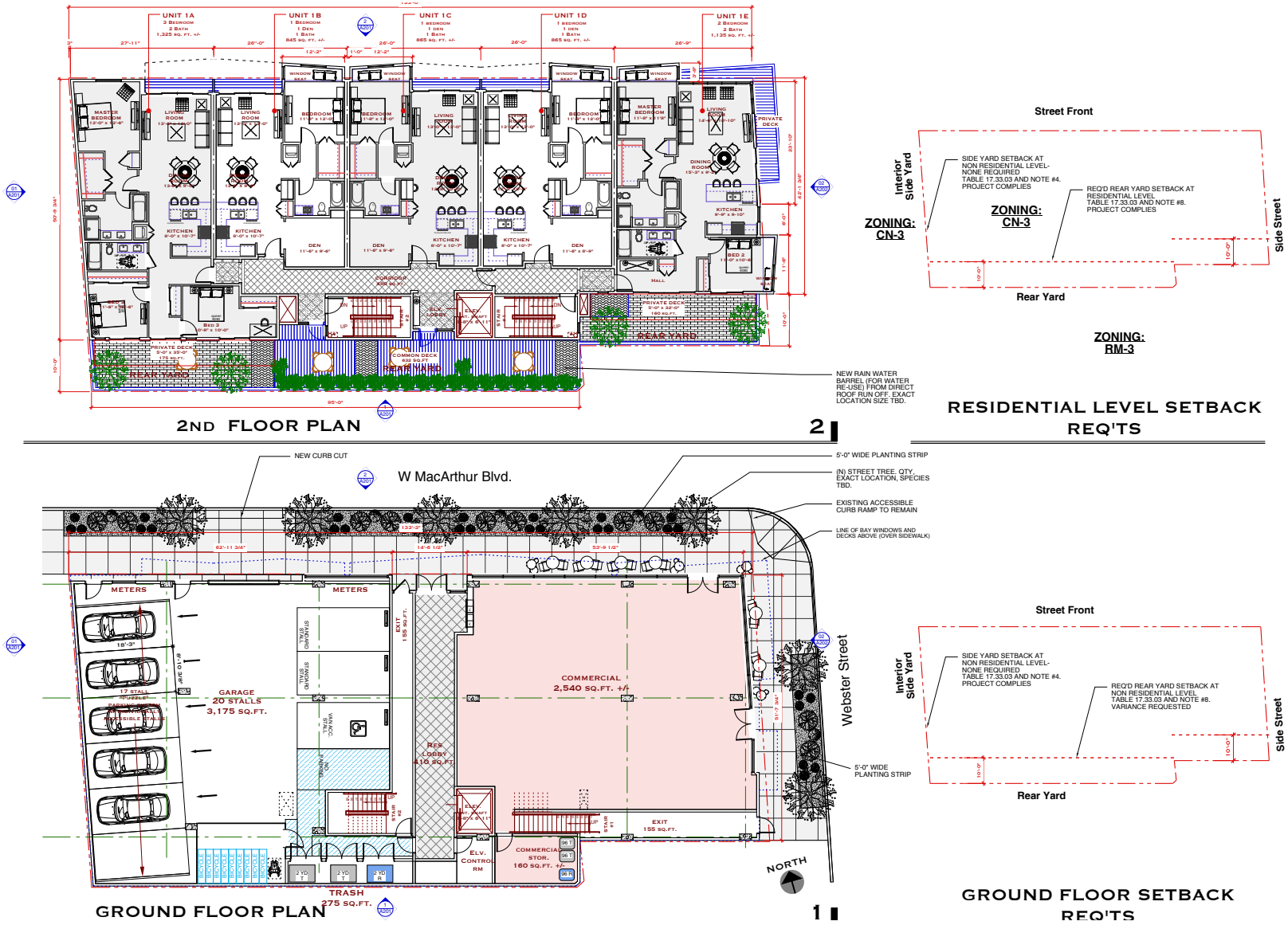


Figure 7
Ground Floor and 2nd Floor, Floor Plans

Source: Sternberg Benjamin Architects

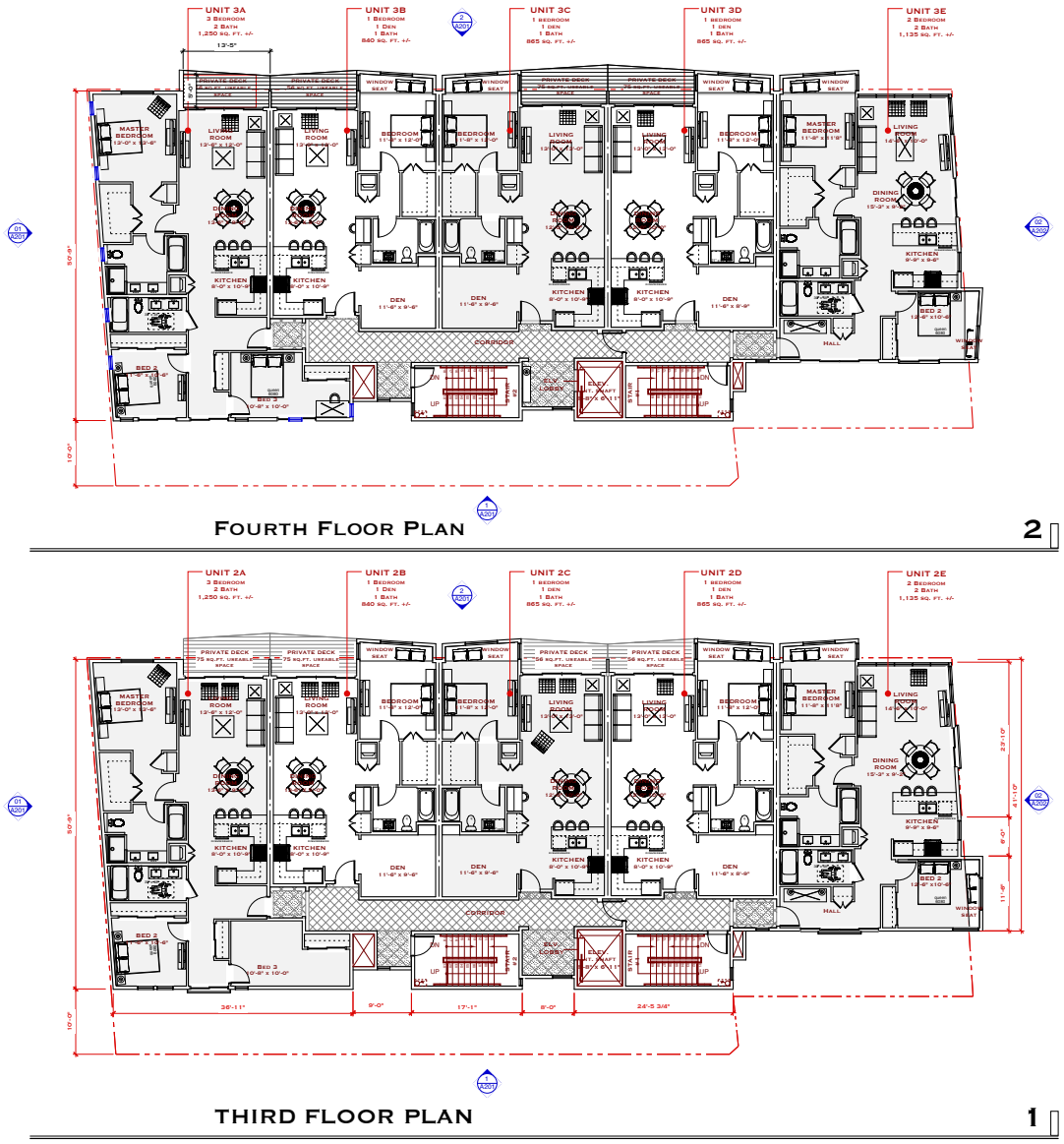
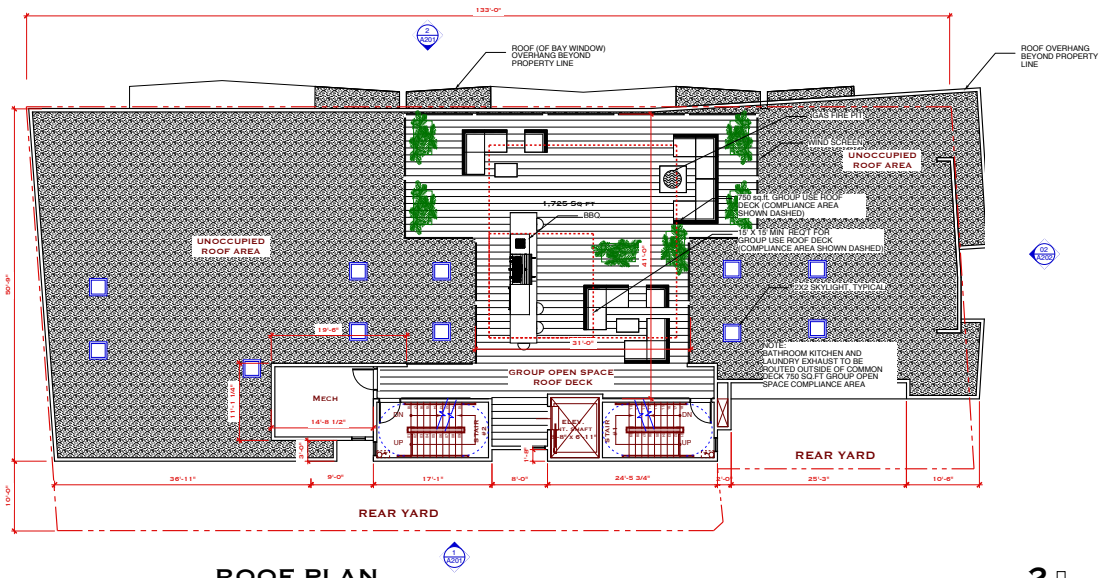
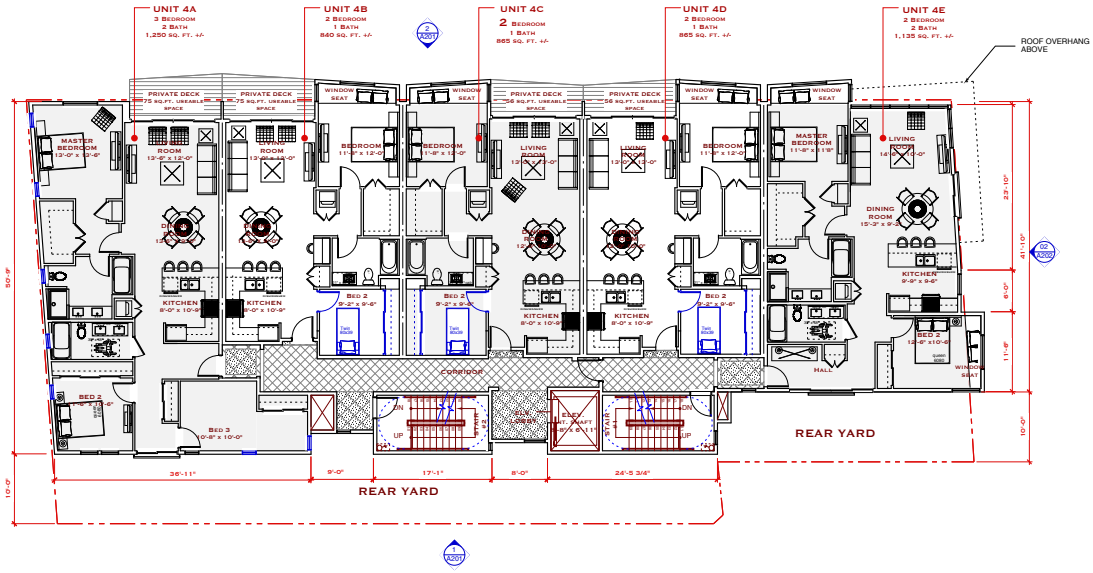


Figure 8
3rd and 4th Floor, Floor Plans

Source: Sternberg Benjamin Architects



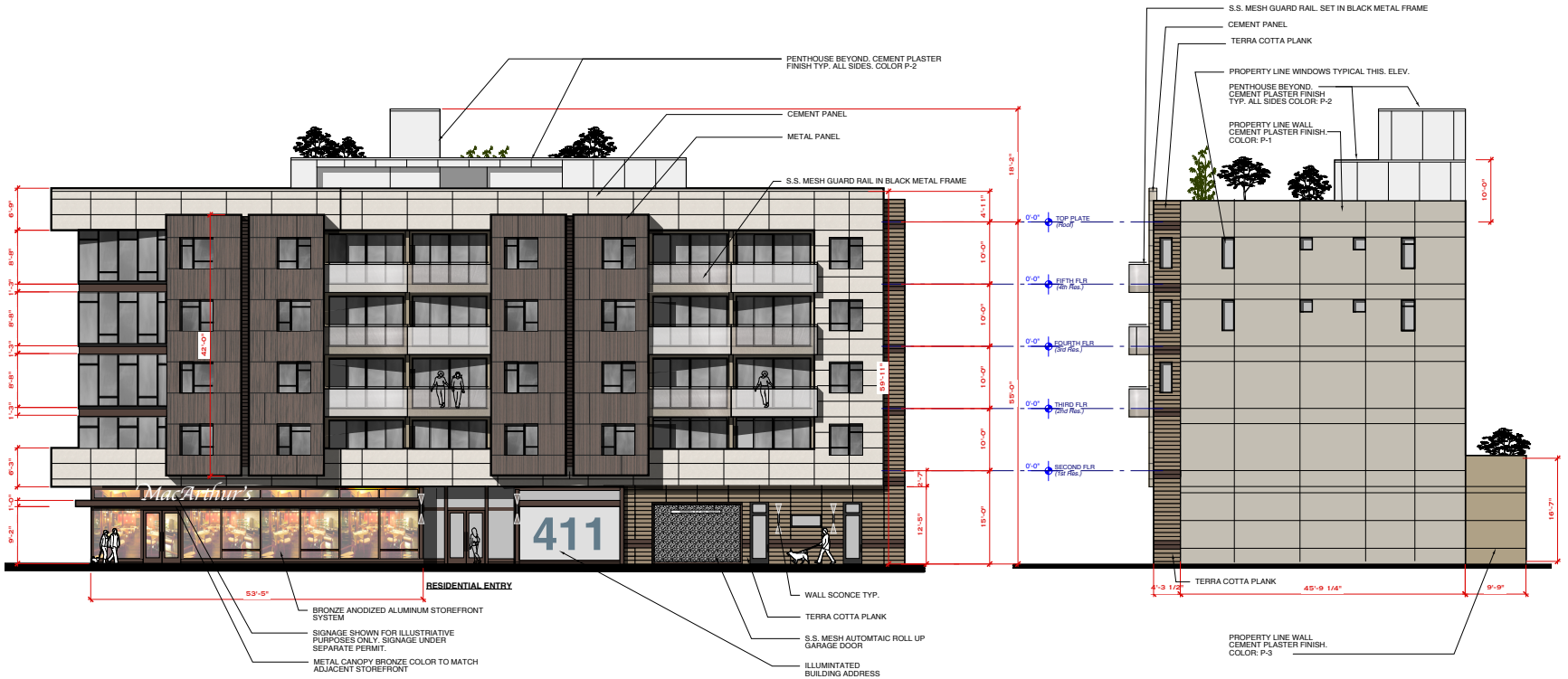
ROOF PLAN 2



FIFTH FLOOR PLAN 1

Figure 9
5th Floor and Roof Plans

Source: Sternberg Benjamin Architects

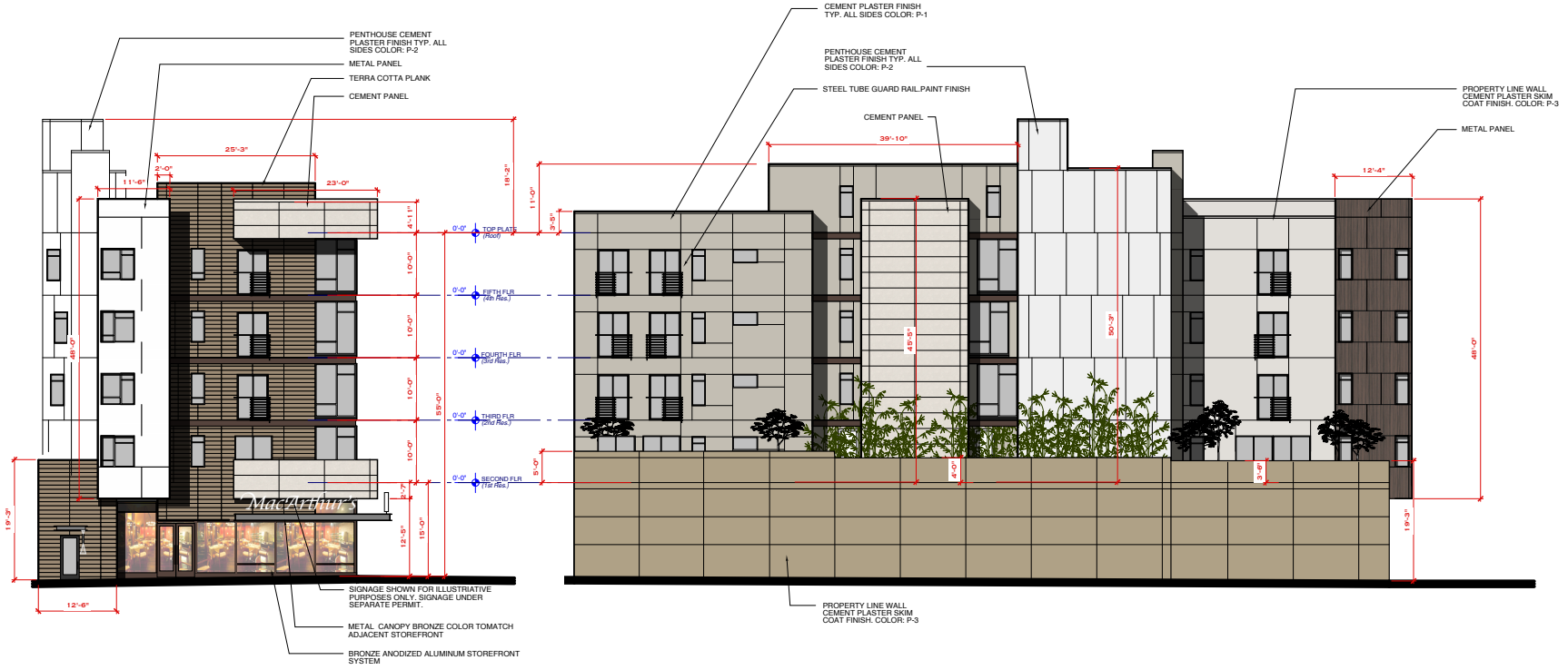


NORTH (MACARTHUR STREET) ELEVATION 2

WEST (PROPERTY LINE) ELEVATION 1

Figure 10
North and West Elevations

Source: Sternberg Benjamin Architects



EAST (WEBSTER STREET) ELEVATION 2

SOUTH (PROPERTY LINE) ELEVATION

Figure 11
East and South Elevations

Source: Sternberg Benjamin Architects

VI. SUMMARY OF FINDINGS

An evaluation of the Project is provided in the CEQA Analysis below. This evaluation concludes that the Project qualifies for an exemption from additional environmental review and the Project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies for which an EIR was certified [i.e., the City of Oakland General Plan LUTE and LUTE Environmental Impact Report (EIR) (1998); the General Plan 2007-2014 Housing Element and EIR (2010) and the 2015-2023 Housing Element and Addendum (2014); and the 2000 Redevelopment Plan EIR and 2011 Supplemental EIR, collectively referred to as the Program EIRs herein]. As such, the Project would be required to comply with the applicable mitigation measures identified in the Program EIRs, as well as any applicable City of Oakland SCAs (see Attachment A for a complete list of SCAs referred to and required by this CEQA Analysis). With implementation of the applicable mitigation measures and SCAs, the Project would not result in a substantial increase in the severity of significant impacts that were previously identified in the General Plan or any new significant impacts that were not previously identified in the prior EIRs.

In accordance with Public Resources Code Sections 21083.3 and 21094.5, and State CEQA Guidelines Sections 15183 and 15183.3, and as set forth in the CEQA Analysis below, the Project qualifies for an exemption from further environmental review because the following findings can be made:

- **Community Plan Exemption:** The following analysis demonstrates that the Project is consistent with the development density established by existing zoning and General Plan policies for which an EIR was certified (i.e., the Program EIRs). As detailed below in Attachment B, the Project is permitted in the zoning district where the Project site is located (CN-3) and consistent with the bulk, density, and land use standards envisioned in the General Plan and the Municipal Code. The Applicant has requested a waiver of applicable rear setback requirements, based on their claim that strict compliance would eliminate an active use at street level (see Attachment B). As such, the analysis presents substantial evidence that, other than Project-specific effects which may be peculiar to the Project or its site, the Project's potential contribution to overall cumulatively significant effects has already been addressed as such in the Program EIRs, or will be substantially mitigated by the imposition of SCAs, as further described in Attachment A.
- **Qualified Infill Exemption:** The following analysis demonstrates that the Project is located in an urban area on a site that has been previously developed; satisfies the performance standards provided in CEQA Guidelines Appendix M; and is consistent with the General Plan land use designation, density, building intensity and applicable policies. As such, this environmental review is limited to an assessment of whether the Project may cause any Project-specific effects not addressed in the prior applicable EIR, and relies on uniformly applicable development policies or standards to substantially mitigate cumulative effects.
- **Program EIRs:** The analyses in the 2010 Housing Element EIR, the 2014 Addendum, the Redevelopment Plan EIR and SEIR and this CEQA analysis demonstrate that the Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162, because the level of development proposed for the site is within the broader development assumptions analyzed in the previous

EIRs. The effects of the Project have been addressed in those EIRs and no further environmental documents are required in accordance with CEQA Guidelines Sections CEQA Guidelines Section 15168 (c).

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

for May 15, 2017

Darin Ranelletti
Environmental Review Officer

Date

VII. CEQA CHECKLIST

Overview

This CEQA Checklist compares the potential environmental impacts that may result from construction and operation of the Project to those that were evaluated in the Housing Element EIR, the subsequent Addendum (Prior EIRs) and the Redevelopment EIR and SEIR. Potential environmental impacts of development under these two planning documents were analyzed in their respective EIRs which identified mitigation measures and SCAs[6] to address potential environmental impacts.

This CEQA Checklist hereby incorporates by reference the Prior EIR discussion and analysis of all potential environmental impact topics; only those environmental topics that could have a potential project-level environmental impact are included. The EIR significance criteria have been consolidated and abbreviated in this CEQA Checklist for administrative purposes; a complete list of the significance criteria can be found in the Prior EIRs.

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

- Equal or Lesser Severity of Impact previously identified in the Prior EIRs;
- Substantial Increase in Severity of previously identified significant impact in Prior EIRs; or
- New Significant Impacts.

Where the severity of the impacts of the Project would be the same as or less than the severity of the impacts described in the Prior EIRs, the checkbox for Equal or Less Severity of Impact previously identified in Prior EIRs is checked. If the checkbox for Substantial Increase in Severity of previously identified Significant Impact in Prior EIRS or New Significant Impact were checked, it would indicate that there are significant impacts that are:

- Peculiar to the Project or Project site (per CEQA Guidelines Sections 15183 or 15183.3);
- Not identified in the previous EIR (Prior EIRs) (per CEQA Guidelines Sections 15183 or 15183.3), including offsite and cumulative impacts (per CEQA Guidelines Section 15183);
- Due to substantial changes in the Project (per CEQA Guidelines Section 15162);
- Due to substantial changes in circumstances under which the project will be undertaken (per CEQA Guidelines Section 15162); or

[6] These are Development Standards that are incorporated into projects as 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, and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the SCAs are applied, based on the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCA applies to each project.

- Due to substantial new information not known at the time the Prior EIRs was certified (per CEQA Guidelines Sections 15162, 15183, or 15183.3).

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

Attachments

The following attachments are included at the end of this CEQA Checklist:

A. Standard Conditions of Approval and Mitigation Monitoring and Reporting Program
B. Project Consistency with Community Plans or Zoning, per CEQA Guidelines Section 15183
C. Infill Performance Standards, per CEQA Guidelines Section 15183.3
D. Human Health Risk Screening Analysis
E. Draft Conceptual Remedial Action Plan
F. Screening Analysis for Air Quality and GHG Emissions
G. Shadow Memo

Aesthetics, Shadow, and Wind

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Have a substantial adverse effect on a public scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;	☒	☐	☐
b. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Sections 25980 through 25986); or cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;	☒	☐	☐
c. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or, cast shadow on an historical resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance;	☒	☐	☐
d. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or	☒	☐	☐

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
e. Create winds that exceed 36 mph for more than one hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, & LUTE EIR Conclusions

Scenic Vistas (Criterion 1a)

The Prior EIRs concluded that development under the Housing Element could have direct impacts to existing scenic vistas. City of Oakland's CEQA Guidelines provide that only impacts to scenic views enjoyed by members of the public generally (but not private views) are potentially significant[7]. However, as discussed in the EIR, views of the Oakland-Berkeley Hills from the flatlands, downtown, Lake Merritt and the shoreline, along with panoramic views from Skyline Boulevard/Grizzly Peak Road, are protected by the General Plan. City Design Guidelines would ensure that development under the Housing Element would be compatible with the existing built form and architectural character of the area as a whole, and compatible with the distinctive visual character of individual areas. Development will be required to comply with SCAs AES-2 and AES-3, related to landscaping, street frontages, landscape maintenance, utility undergrounding, public right-of-way improvements, and lighting plans.

The HE EIR concluded that compliance with the following General Plan policies and the Planning Code would reduce the impacts to less than significant:[8]

General Plan. Development under the *2007-2014 Housing Element* would be subject to the following General Plan goals and policies with regard to impacts on scenic vistas:

Land Use and Transportation Element

- ***Policy W3.4*: Preserving Views and Vistas.** Buildings and facilities should respect scenic viewsheds and enhance opportunities for visual access of the waterfront and its activities.

[7] City of Oakland CEQA Thresholds of Sigificance Guidelines, October 28, 2013.
[8] City of Oakland Housing Element 2007-2014: Initial Study, p. 26.

- ***Policy N3.9: Orienting Residential Development.*** Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings.

Open Space, Conservation, and Recreation Element

- ***Objective OS-10*: Scenic Resource. To protect scenic views and improve visual quality.**
  - ***Policy OS-10.1*: View Protection.** Protect the character of existing scenic views in Oakland, paying particular attention to: (a) views of the Oakland-Berkeley Hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations.
  - ***Policy OS-10.2*: Minimizing Adverse Visual Impacts.** Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement.
    - ***Action OS-10.2.1*: Visual Analysis for New Development.** On an on-going basis, the Office of Planning and Building will require visual analysis for new developments which could significantly impact views and vistas.

Municipal Code

Development under the 2007-2014 Housing Element would be subject to the following titles and chapters of the Oakland Municipal Code with regards to scenic vistas:

- **Title 15: Buildings and Construction**
  - **Chapter 15.52: Views.** This chapter establishes standards for the resolution of view obstruction claims to provide a reasonable balance between trees and view-related values for both private views and protected public view corridors.

Compliance with the *LUTE* policies, *OSCAR Element* policies, Scenic Highway Element policies, and Chapter 15.52 of the Municipal Code would reduce scenic view and vistas impact to less than significant.

The Prior EIRs concluded that compliance with the LUTE policies, OSCAR Element policies, Scenic Highway Element policies, and Chapter 15.52 of the Municipal Code would reduce scenic view and vistas impacts to less than significant.

Scenic Resources within Designated Scenic Routes

The MacArthur Freeway/Route 580, in its entirety, was included in the State Scenic Highway System in 1970 by an act of the State legislature. Views as seen from this scenic route could be impacted by adding building mass that could obstruct existing views from this freeway. The Prior EIRs concluded that implementation of the Housing Element could have direct impacts to designated scenic highways. The

Prior EIRs detail the General Plan Land Use and Transportation, Open Space, and Scenic Highways goals, policies, and actions that would reduce any impacts to a less-than-significant level.[9]

Scenic Highways Element

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

Visual Character

The Prior EIRs concluded that impacts to designated scenic resources would also affect the visual character of an area. The construction of new housing units throughout the City would directly affect scenic resources identified in the Prior EIRs, including significant physical and built features, natural landmarks, or protected trees. Increased building massing under the Housing Element could occur in the vicinity of significant landmarks at Lake Merritt, and could potentially detract from the character of Lake Merritt, as well as adjacent landmarks.

In addition, construction of housing units, especially within the downtown area, has the potential to be visually incompatible with existing significant structures. In addition, housing construction could remove protected trees and other landscaping, which would degrade visual character. The EIR identified applicable policies and conditions from the LUTE and OSCAR Elements of the General Plan that would be applied to ensure that potential impacts to existing visual character resulting from housing development on any approved sites would be mitigated on a site-by-site basis.[10]

In addition to the Prior EIRs analysis, the LUTE EIR addressed potential impacts to aesthetic resources from housing construction. The Visual and Aesthetic Conditions section of the LUTE EIR (page III.F-1 – III.F-12) adequately addresses potential impacts to aesthetic resources. The LUTE EIR determined that development under the General Plan would not adversely affect existing visual resources with the implementation of LUTE goals, objectives, policies, and actions. Mitigation measures in the LUTE EIR require development of design guidelines for height and bulk in the Downtown and all Neighborhood Commercial areas, and require parking facilities to ensure the preservation of significant visual characteristics.[11] Applicable mitigation measures from the General Plan and applicable SCAs will be implemented as part of the Project. Applicable SCAs are included in Attachment A.

Light and Glare

The Prior EIRs found that development pursuant to the Housing Element and the Redevelopment Plan could create new sources of light and glare through the use of exterior lighting and reflective materials and could adversely affect nighttime and daytime views. Exterior lighting could also potentially spill off-site and onto nearby residential properties if proper controls are not incorporated. Glare can result from daytime reflection of sunlight off flat and reflective building surfaces, and could annoy residences and impair motorists driving by along roads that have direct views of the reflective material. Without

[9] City of Oakland Housing Element 2007-2014: Initial Study, p. 28.
[10] Ibid, p.29-34.
[11] City of Oakland Land Use and Transportation Element EIR, 1998 (page III.F-1 – III.F-12)

regulation, light and glare would thus result in a potentially significant impact resulting from the Housing Element.

The Redevelopment Plan EIR (Initial Study) noted that mitigation of these potential impacts is provided by existing policies within the OSCAR and LUTE Elements of the General Plan. In addition, housing development is subject to requirements found in SCA AES-3 and the Municipal Code that prevent significant impacts from light and glare.

Shadow (Criteria 1b through 1d)

The Prior EIRs concluded that development could potentially cast shadows on public and quasi-public parks, lawns, gardens, or open spaces, which could cause a significant impact. Shadows generated by new structures could potentially impact public and quasi-public parks, lawns, gardens, and open spaces. While the City's General Plan objectives and policies, the LUTE EIR mitigation measures, and the SCAs do not expressly contain regulations regarding shadows created by new structures or landscaping, the Redevelopment Plan EIR concluded that mitigation of these potential impacts is provided by existing policies within the OSCAR and LUTE Elements of the General Plan, as well as through the City's design review process and zoning regulations. The regular design review criteria in the Planning Code (Oakland Municipal Code 17.136.050 (A) (2) includes a required finding "that the proposed design will protect, preserve, or enhance desirable neighborhood characteristics."

This finding is used by Planning staff to evaluate potential shadow impacts, often through shadow studies. In addition to consistency with this criteria and this finding, the City's CEQA Initial Study Checklist requires further analysis of shadow impacts from new buildings, which could subject subsequent development projects to project-specific measures which would be prescribed as needed as individual developments are proposed. As such, shadow impacts on neighboring solar panels, solar collectors, open spaces, parks, or historical structures were found to be less than significant.

Wind (Criterion 1e)

The Prior EIRs concluded that implementation of the Housing Element could alter wind speeds because new structures could intercept existing wind flows and alter the winds course, potentially focusing the wind through a break between structures. This disruption and potential focusing of the wind can cause wind speeds to accelerate to levels that are uncomfortable for pedestrians. However, prior to issuance of approvals from the City of Oakland, any individual project that would meet the City of Oakland's criteria for requiring a wind analysis would be subject to CEQA review. The City requires a wind analysis when 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. Projects of lesser height are assumed to have less-than-significant impacts.

Project Analysis and Conclusion

The residents on the upper floor of 419 W. MacArthur would have their existing private view of Mosswood Park blocked, and several residences on 37th Street would have their northern views blocked;

however, private scenic vistas are not protected under the City of Oakland General Plan and this impact is therefore not considered significant. Public views of the Oakland-Berkeley hills (which are protected in the General Plan as noted above) would not be impacted. Consistent with the findings of the prior EIRs, the Project's potential impacts to scenic vistas, scenic resources, visual character, and light and glare would be less-than-significant with implementation of the SCAs and policies noted above from the OSCAR and Housing Elements of the General Plan.

Pursuant to the General Plan goals for Neighborhood Commercial zones, development within the Project area should contribute to the creation of a coherent, well-defined and active public realm that supports pedestrian activity and social interaction, and to the creation of a well-organized and functional private realm that supports the needs of tenant businesses. The Project meets this guideline by developing new ground-level retail space with transparent windows, repaving the sidewalk along the Project site and adding amenities such as street trees, planters, pedestrian accent paving, and lighting. The Project requires design review approval, pursuant to Section 17.33.020 of the City's Planning Code. As part of the design review process, the Project will be reviewed by the City to ensure consistency with applicable Design Guidelines. The Project would be contemporary in design. The primary façade materials would include cement plaster, fiber cement smooth plank siding, composite metal panels, and steel, cedar, and glass custom storefronts. Variety in the façade is provided by the use of cementitious panels, timber wall panels and operable steel and cedar screens.

The Design Review process will ensure the Project would be consistent with standards and guidelines related to aesthetics, compatible with the existing built form and architectural character of the neighboring area as a whole, and compatible with the distinctive visual character of individual areas.

Shadow

A shadow study was conducted for the Project by Environmental Vision (see Figures 12a, 12b, and 12c) to determine the potential for shadows cast by the Project to "substantially impair the beneficial use" of Mosswood Park[12] (Attachment G). In particular, two resources in the Park could be subjected to seasonal shadows: the basketball courts, located about 130 feet east-southeast of the Project; and the 4,400 square-foot community garden which lies adjacent to the sidewalk along Webster St across from the Project, within 50 feet of the northwestern park corner.

Results of computer modeling indicate that no new project shadow would be cast onto Mosswood Park during the fall or winter months. Additionally, throughout the year, the Project would not cast new shadow on the park during morning or mid-day hours. Potential new shadow on the park, resulting from the Project, would be limited to the very late afternoon, during late spring and early summer. However, there is the potential for the proposed Project to cast a limited amount of shadow on the Mosswood Park community garden for roughly 16 weeks of the year and on the basketball court area for about 8 weeks of the year.

Basketball Courts
As shown in Figure 12c, the maximum amount of shadow cast on the basketball courts (on the summer

[12] Shadow Analysis, 411 W. MacArthur Blvd, prepared by Environmental Vision. March 23, 2017.

solstice, usually June 21) would cover less than 20% of both courts, starting 1.5 hours before sunset. While summer is prime usage time for outdoor basketball courts, this minor degree of shadow coverage for a relatively short time represents a less than significant impact on beneficial use.

Community Garden
For approximately 16 weeks of the year, from April 26th to August 16th, the Project could result in new shadow on the northern edge of the community garden in the very late afternoon, starting about 3 hours before sunset. Figure 12b is a diagram showing existing and net new project shadow on May 24th, at 7:20 pm Pacific Daylight Time (PDT) - 1 hour before sunset. On this date, the community garden could begin to be shaded at just over 2 hours before sunset - 6:00 pm PDT.

The Project has the potential to cast the most shade on the garden on the date of the summer solstice, when it has the potential to cast new shadow on a portion of the garden, starting approximately 3 hours before sunset (5:30 pm PDT). Figure 12c shows the potential shadow for June 21st at 7:35 pm PDT (1 hour before sunset), when the largest area of potential new shadow--approximately 1,700 square feet, or 39% of the garden--could occur. This means that 19% of the garden would be shaded for an average of 1.5 hours per day for 16 weeks. Placed in the context of total daylight hours, this means that for 168 daylight hours out of an annual total of 4471 daylight hours (i.e., 3.7% of daylight hours), an average of 19% of the garden would be shaded.[13] This would not cause a substantial impairment in the beneficial use of the garden; the garden's biological functioning would not be degraded by this relatively small amount of additional shade (decreased sunlight), nor would shadows substantially impair enjoyment of the garden, as users would still be able to view or work in the garden while it is in shade. Therefore, shadow created by the Project represents a less than significant impact on the garden.

As shown in Figures 12b & 12c, existing structures south of the Project currently shade the southern portion of the community garden in the spring and summer months. Additionally, while not shown in the shadow diagrams, existing trees along the north and west fence lines likely cast existing shade that would effectively decrease the extent of additional new shadow cast by the project. While the Project shadow represents a potential cumulative impact on the garden, the amount of new shade cast by the Project would not impair the functional use or enjoyment of the garden.

A review of the City's List of Active Major Development Projects (Fall 2016)[14] revealed that there are no reasonably foreseeable future development projects in the area that would add overlapping shadows to Mosswood Park. Therefore, there would be no cumulative shadow impacts from the Project from other development.

Wind

The City's CEQA Thresholds require a wind analysis only if the Project's height is 100 feet or greater (measured to the roof). Because the Project is lower than 100 feet high, no significant wind impacts

[13] The average hours of daylight in Oakland per day are 12.25 (U.S. Naval Observatory Data). If the Project's shadow reaches the garden for 112 days, and the maximum shadow is 1700 square feet on day 56 beginning 3 hours before sunset, it follows that the average shadow during this period covers 850 sf and begins 1.5 hours before sunset. These calculations are approximate given the elliptical orbit of the earth around the sun.

[14] Interactive Map of Active Major Development Projects Septemberl 2016, Accessed April 20, 2017 at http://www.arcgis.com/home/webmap/viewer.html?webmap=19084f90a4cd4fc5a71b9bad0f694c2a&extent=-122.3732,37.7371,-122.0865,37.8616.

would occur.

Based on an examination of the analysis, findings, and conclusions in the Prior EIRs and Addendum, implementation of the Project would not substantially increase the severity of the significant impacts identified in the Prior EIRs, nor would it result in new significant impacts related to aesthetics, shadows, or wind that were not identified in the Prior EIRs. It would not materially impair the historical significance of the adjacent historic property. The Project would be required to implement SCAs related to graffiti control, landscaping, landscape maintenance, street frontages, and lighting plans, as identified in Attachment A at the end of the CEQA Checklist (SCA-AES-1: Graffiti Control, SCA-AES-2: Landscape Plan, and SCA-AES-3: Lighting).

Figure 12
Area of Potential Shadows

Source: Environmental Vision

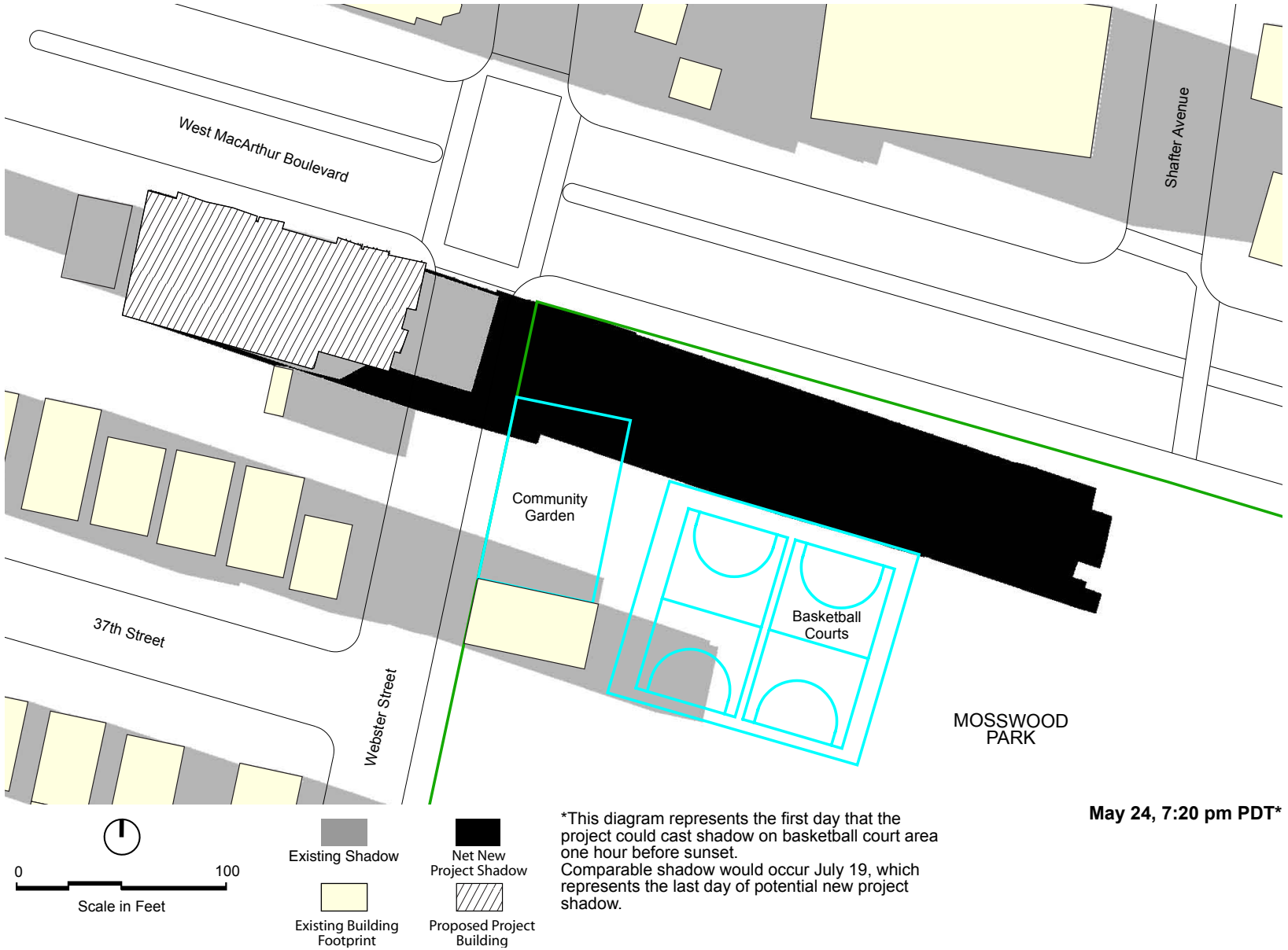


Figure 12B
Existing and Net New Project Shadows (May 24 at 7:20 pm)

Source: Environmental Vision

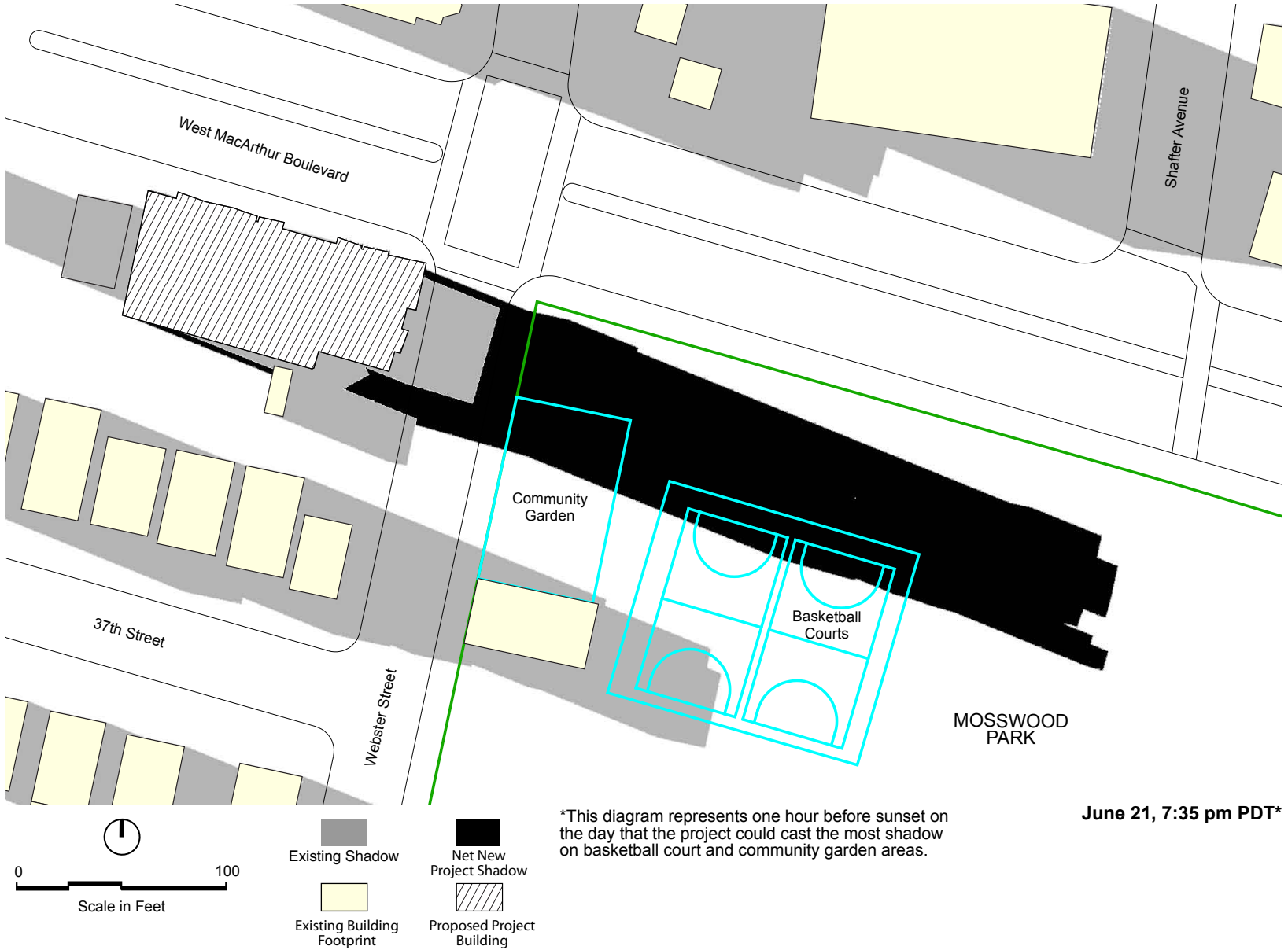


Figure 12C
Existing and Net New Project Shadows (June 21, at 7:35 pm)

Source: Environmental Vision

Air Quality

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. During project construction result in average daily emissions of 54 pounds per day of ROG, NOx, or $PM_{2.5}$ or 82 pounds per day of PM_{10}; during project operation result in average daily emissions of 54 pounds per day of ROG, NOx, or $PM_{2.5}$, or 82 pounds per day of PM_{10}; result in maximum annual emissions of 10 tons per year of ROG, NOx, or $PM_{2.5}$, or 15 tons per year of PM_{10}; or	☒	☐	☐
b. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average $PM_{2.5}$ of greater than 0.3 micrograms per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average $PM_{2.5}$ of greater than 0.8 micrograms per cubic meter; or expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a noncancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average $PM_{2.5}$ of greater than 0.8 microgram per cubic meter.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Construction and Operational Emissions (Criterion 2a)

The Prior EIRs determined that development pursuant to the HE would not exceed the national and State ambient air quality standards for carbon monoxide (CO), and impacts associated with localized CO would be considered less than significant for all development under the HE. It concluded that no project-specific CO analysis would be required.

The Prior EIRs further determined that the HE would not conflict with the Bay Area Clean Air Plan and its control measures related to air quality, and that other construction and operational emissions from

development under the HE would not have significant cumulative impacts. All projects pursuant to the HE would implement construction best management practices, and would include control measures included in the current air quality plan. The rate of increase in vehicle miles traveled would be less than the rate of population increase.

The LUTE EIR evaluated air emissions increases from the General Plan LUTE by: (1) conducting air quality modeling to estimate whether emissions associated with Plan-related additional growth would cause violations of the ambient state and federal standareds on a regional and local basis; and (2) evaluating the potential for nuisance odors and localized emissions as a result of proposed General Plan map changes. The EIR found that if residential uses are located above parking garages (such as in the proposed Project), residents could be subject to exhaust odors generated by parking cars in the garage. As warm exhaust fumes leave a parking garage and rise along the sides of a building, they could then re-enter open windows of upstairs residential units. Because such a process would tend to be intermittent, it would not likely cause air quality standards to be violated. There may, however, be brief periods when exhaust odor could be detectable, especially if a large number of cars are "cold-started" at the same time and are running inefficiently. Such nuisance potential could be reduced by provision of adequate openings in the parking garage walls to help increase ventilation and dispersion of exhaust emissions generated within a parking garage.

In its analysis of the proposed redevelopment, the Redevelopment Plan EIR found that short-term construction emissions for a single prototype project (two acres or less) within the Redevelopment Area would typically not exceed BAAQMD thresholds. The Redevelopment Plan EIR includes Basic and Enhanced Control Measures to be implemented at all construction sites that would reduce the impacts to less than significant (the Basic measures form SCA AIR-1, which will apply to the Project).

The LUTE EIR lists objectives and policies that will also reduce air quality impacts by encouraging use of transit and alternative transportation modes[15]. These include the existing adopted policies CO-12.1, CO-12.2, CO-12.3, CO-12.4, and CO-12.7, of the Open Space, Conservation, and Recreation (OSCAR) Element.

Toxic Air Contaminants (TACs) (Criterion 2b)

The Prior EIRs determined that residential development proposed under the HE could expose occupants at certain sites to substantial health risks from diesel particulate matter (DPM) from mobile and stationary sources. However, compliance with SCA-AIR-2 (Attachment A) would reduce impacts to a less-than-significant level. The Prior EIRs further determined that residential development proposed under the HE could expose occupants at certain sites to substantial health risk from gaseous TACs emitted locally from stationary sources. Although compliance with SCA-AIR-2 requires that site specific health risk assessments be prepared under certain circumstances (which are not met by the Project), there is no assurance that such exposures could be reduced to a less-than-significant level at every site; therefore, the Prior EIRs considered this impact to be significant and unavoidable.

[15] City of Oakland, Land Use and Transportation Element EIR, p. III. E-13 through E.16.

Project Analysis and Conclusion

Construction and Operations

The Project would result in an increase in criteria air pollutant and precursor emissions from mobile on-road sources and onsite area sources during both the operational and construction periods. The Project would be required to comply with applicable SCAs related to construction emissions (SCA-AIR-1). The Project will not employ a backup generator, therefore it will not introduce any stationary sources of air pollution.

The City of Oakland utilizes screening criteria to provide a conservative indication of whether a Project could result in potentially significant air quality impacts related to operational emissions. If the screening criteria are not exceeded by a project, quantification of the project's air pollutant emissions is not necessary to make a determination that the impact will be below the thresholds of significance. The Project's 20 residential units and 2,500 sf of retail space are well below the operational criteria pollutant screening size of 494 units (4%); well below the construction criteria pollutant screening size of 240 units (9%); well below the screening size of 99k sf for retail (3%); and less than 1% of the construction criteria pollutant screening size for commercial space of 277,000 square feet. Therefore, the Project is well below operational and construction criteria air pollutant screening standards and would not have project-specific impacts related to operational and construction criteria emissions.

Implementation of the Basic controls under SCA-AIR-1 would reduce emissions of both criteria air pollutants and TACs during construction. SCA-AIR-1 minimizes construction health risks by requiring exposed surfaces to be watered; trucks hauling sand, soil, and other loose materials to be covered; visible dirt track-out to be removed daily; new roads, driveways, sidewalks to be paved within one month of grading or as soon as possible; stockpiles to be enclosed, covered, and watered twice daily; vehicle speeds on unpaved roads to be limited; and idling time to be limited. Further, SCA AIR-1 minimizes diesel emissions by minimizing idling; ensuring that construction equipment is running in proper condition; and by specifying that portable equipment would be powered by electricity if available.

Toxic Air Contaminants

The Prior EIRs noted that specific residential development projects should consider localized health risk in relation to stationary sources to determine appropriate application of conditions and mitigation. The Project would construct new residential uses within 1,000 feet of stationary and roadway sources of TACs. As a result, a screening analysis was conducted to assess the cumulative health risk to the Project's sensitive receptors, included as Attachment E. The screening analysis included sources of emissions within 1,000 ft. of the Project site, including mobile source emissions from nearby roadways and Interstate 580, and the gas station at the northwest corner of Webster and W. MacArthur. Based on the screening results, the cumulative health risks to the Project's sensitive receptors from existing and reasonably foreseeable future sources of TACs would be below each of the City's cumulative health risk thresholds (cancer risk of 100 in a million, chronic hazard index [HI] of 10, and fine particulate matter

[$PM_{2.5}$] concentration of 0.8 micrograms per cubic meter). Therefore, the Project is below the threshold to prepare a Health Risk Assessment or adopt further risk reduction strategies to reduce the exposure of the Project's sensitive receptors to TACs under SCA-AIR-2: Exposure to Air Pollution (Toxic Air Contaminants). As residential projects are not generally considered substantial sources of operational TACs, preparation of a Health Risk Assessment or adoption of further risk reduction strategies to reduce the exposure of existing sensitive receptors to new TAC emissions under SCA-AIR-3: Stationary Sources of Air Pollution (Toxic Air Contaminants) and Prior EIRs Mitigation Measure AIR-4 is not required. If the Project subsequently proposes an emergency generator, a BAAQMD stationary source permit for that unit would be required, and SCA-AIR-3 would be applicable, requiring assessment/risk reduction to demonstrate resultant risk would be below applicable threshold levels. The site's location as a sensitive receptor and near other sensitive receptors is typical of other project sites in the HE area and other urban areas; therefore, there would be nothing unique or peculiar about the Project's proximity to emission sources or sensitive receptors that would result in new or more significant impacts than previously analyzed in the Prior EIRs.

Since there is an existing structure on the site, SCA-AIR-4: Asbestos in Structures would be applicable.

Based on an examination of the analysis, findings, and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of significant impacts identified in the Prior EIRs, nor would it result in new significant impacts related to air quality that were not identified in the Prior EIRs. The Project would be required to implement SCAs related to air quality, as identified in Attachment A (SCA-AIR-1, and also SCA-AIR-3 if an emergency generator is proposed). The Project is below the threshold to prepare a Health Risk Assessment or adopt further risk reduction strategies to reduce the exposure of the Project's sensitive receptors to TACs under SCA-AIR-2. SCA-AIR-4 would potentially apply to the structure at 411 W. MacArthur Boulevard, if it includes asbestos-containing materials.

Biological Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; 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; 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; Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;	☒	☐	☐
b. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code [OMC] Chapter 12.36) by removal of protected trees under certain circumstances; or Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Special-Status Species, Wildlife Corridors, Riparian and Sensitive Habitat, Wetlands, Tree and Creek Protection (Criteria 3a and 3b)

As stated in the Prior EIRs, the Alameda whipsnake, Presidio clarkia, and most beautiful jewel-flower have all been recorded within the City and surrounding areas. However, all identified development associated with the Housing Element is located well outside of identified whipsnake habitat, and not located within the known range of historic occurrences of the Presidio clarkia and most beautiful jewel-flower.

Development pursuant to the Housing Element would occur primarily in already urbanized areas and would not have a substantial adverse effect on sensitive plant and wildlife species. The effects of individual, site-specific projects on such species must be determined at the project level. Compliance with the City's General Plan Policies CO-7.1, CO-9.1, and CO-11.1 (found in the OSCAR Element) would ensure the protection of sensitive plant and wildlife species and their habitats. Therefore, a less-than-significant impact would occur, including potential impacts to any previously undiscovered occurrences of the Presidio clarkia and most beautiful jewel-flower.

The Redevelopment Plan EIR noted that the proposed Redevelopment Area does not encompass any area identified as a native plant or animal community, nor is it in an area where any rare, threatened or endangered plants or animal species have been identified. Thus, as no aquatic or wildlife habitat is known to exist within the Redevelopment Area boundaries, the Plan was found to not result in significant impacts to biotic resources.

In addition, the LUTE EIR listed policies in the OSCAR Element of the General Plan that would reduce localized biotic resource impacts from development[16].

Development pursuant to the HE is required to comply with SCAs related to removal and replacement of trees; tree protection during construction; and protection of nesting birds during the breeding season, which would protect natural resources from potential degradation that could result from housing development projects in the HE Plan Area. Additionally, development that includes a substantial vegetated or green roof, includes an existing or proposed vegetated area one acre or larger, or is adjacent to a substantial water body or a substantially vegetated recreation area larger than one acre, will be required to comply with SCA BIO-3 Bird Collision Reduction Measures, pertaining to reducing bird collisions with buildings, which will reduce potential impacts to birds by constructing features in compliance with Best Management Practice strategies to limit bird strikes.

SCAs pertaining to landscaping and vegetation management; hazardous materials management; stormwater and erosion control, and construction measures to reduce bird collisions will reduce the potential impacts on water quality and reduce the potential for bird collisions. Moreover, compliance with the City's General Plan Policies CO-5.3, CO-6.1, CO-6.4, CO-6.5 (found in the OSCAR Element), W-

[16] City of Oakland, Land Use and Transportation Element EIR, p. III.H.-14 through H.17.

3.1, W-3.2, and W-3.3 (found in the LUTE), as well as the City's SCA-72 and 75 through 88 would further ensure protection of riparian and aquatic habitats. Therefore, a less-than-significant impact would occur.

Project Analysis and Conclusion

The approximately 7,953 square-feet Project site is located in an urban setting on a site that has been developed for different uses for over 70 years, currently as a paved parking lot and an adjacent commercial structure. As such, the Project site provides no natural habitat for special status species, wildlife corridors, or riparian or sensitive habitat. The site is entirely covered with pavement. The proposed Project will have green spaces set at multiple levels. New street trees will be provided as well as a 5'-0" planting strip set against the curb on both MacArthur Blvd and Webster.

The Project site lies just west of the boundary of the Glen Echo Creek watershed, within the greater San Antonio Creek Watershed. Because there are no open sections of any creek near the Project area, the Creek Protection Ordinance does not apply to the Project.

Due to the proximity of the Project to Mosswood Park, the Project would be required to comply with SCA BIO-2, which requires that, to the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). In addition, the Project would be required to comply with SCA BIO-1: Bird Collision Reduction Measures.

Based on an examination of the analysis, findings, and conclusions in the Prior EIRs, implementation of the Project would not substantially increase the severity of the significant biological impacts identified in that EIR, nor would it result in new significant impacts related to biological resources that were not identified in the Prior EIRs. The Prior EIRs did not identify any mitigation measures related to biological resources, and none would be needed for the Project. SCAs related to construction activity and operations are identified in Attachment A (SCA BIO-1: Bird Collision Reduction Measures).

Cultural Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 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 Historic Places, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1–5);	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;	☒	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or	☒	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Historical Resources (Criterion 4a)

The HE EIR found that implementation of the 2007-2014 Housing Element would not have direct, on-site physical impacts to existing historical resources. Some housing sites could involve demolition of, or impacts to, historic resources. However, prior to issuance of approvals from the City of Oakland, each of these projects would have been subject to CEQA review, as well as to the Standard Conditions

of Approval (described in Attachment A) and the goals and policies of the Historic Preservation Element of the City of Oakland's General Plan. Given these requirements, the potential impacts to historic resources resulting from projects on any of the housing Opportunity Sites would be mitigated on a site-by-site basis.

The Redevelopment Plan EIR concluded that subsequent development projects within the Plan Area could result in the direct alteration of significant historic and architectural resources. For example, vibration during construction activities could potentially damage nearby historic properties, or new development could be visually incompatible with the older, historical buildings. However, it also found that mitigation of any potential impacts would be provided through implementation of existing policies contained within the Historic Preservation Element of the General Plan, the LUTE, the design review processes utilized by the City and through other existing City codes and regulations.

Compliance with these policies would reduce adverse changes in significant historical resources as defined by the CEQA Guidelines to a less-than-significant level.

Archaeological and Paleontological Resources (Criteria 4b and 4c) and Human Remains (Criterion 4d)

The Prior EIRs concluded that ground-disturbing activities (such as excavation) associated with the construction of new housing units could potentially unearth undiscovered archaeological or paleontological resources, or human remains. If ground-disturbing activities during construction are not protective of those cultural resources, then physical impacts could result. Disruption of such resources could result in a significant impact under CEQA. The Redevelopment Plan EIR noted that subsequent development projects would need to ensure that any prehistoric resources discovered during development or excavation are processed in compliance with existing standard regulations regarding preservation or documentation of such remains.

These regulations are addressed in the General Plan (Objective 4: Archeological Resources and Policy 4.1: Archeological Resources), the LUTE EIR (Mitigation Measures G.2) and by the City's SCAs (SCA-CUL-1, SCA-CUL-2). Compliance with General Plan objectives and policies, the LUTE EIR mitigation measure, and the SCAs would ensure resources are recovered and appropriate procedures are followed in the event of accidental discovery, and would therefore minimize potential risk of impact to archaeological resources to a less-than-significant level.

Project Analysis and Conclusion

The Project site is not an historic resource. However, the site is directly across Webster Street from Mosswood Park, which has been surveyed by the Oakland Cultural Heritage Survey (OCHS) and has been identified as an Area of Primary Importance (API). The principal contributor within the Park is the J. Mora Moss House. Built by banker and businessman Joseph Moravia Moss in the 1860s, the house is a historical Gothic Victorian home. It was designated an Oakland Landmark under Zoning

Case #LM 74-335 on January 7, 1975. Its rating in the Oakland Cultural Heritage Survey is A1+[17]. While the cottage is not listed in the National Register of Historic Places, its A1+ OCHS rating indicates that it is eligible. The entire Park is considered an API because of the presence of the Moss Cottage. The Moss House itself is not visible from the Project site, as it is located deep within the 11-acre Park, approximately 500 ft to the southeast of the Project site, and considerably surrounded by trees.[18]

Immediately adjacent to the rear of the property is the Mosswood Area of Secondary Importance (ASI). This ASI extends north from I-580 to the row of houses adjacent south of the Project site, and west from Webster to the edge of residential properties east of Telegraph. It consists of mixed types of residences, built in the early 1900s. No properties in this ASI are local landmarks or individual historic properties; nor are there any properties in the ASI that are eligible or listed on the NRHP.

Compliance with applicable SCA CUL-1 regarding construction best management practices for the Project will ensure that adverse impacts to this historic resource are avoided. In addition, as described in Section VII: Aesthetic Impacts, the Project's shadows would not adversely affect the resource's historic integrity as an example of period architecture, or its contribution to the Mosswood Park, an Area of Primary Importance within which it is located, because the Project would not cast any shadows on the Moss House.

Therefore, development of the Project will not impair the significance of the Mosswood Park API, because it will not remove or impair any contributing landscape architectural features or structures of high architectural integrity, or adversely impact public uses of the API.

Archaeological and Paleontological Resources and Human Remains

The site will be excavated to a depth of 12 ft for the basement area, down to 17 ft for the elevator pit. The Project site is less than a mile away from a known Ohlone village area, near 51st St. and Telegraph Ave[19]. Conservatively, SCA CUL-2 would apply. This SCA requires preparation of a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the Project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. The SCAs related to archaeological and paleontological resources and human remains identified here and in the Prior EIRs would reduce any potential impacts to a less-than-significant level.

An examination of the analysis, findings, and conclusions of the Prior EIRs finds that implementation of the Project would not substantially increase the severity of significant cultural resource impacts that were identified in the Prior EIRs, nor would it result in new significant impacts related to cultural resources that were not identified in the Prior EIRs. The project would be required to implement SCAs related to the discovery of archaeological and paleontological resources during construction, and the

[17] An "A" rating means the structure is a property of exceptional historical or architectural value, which [is] clearly eligible for the National Register of Historic Places. A "1" rating means the property is either in an Area of Primary Importance (API) or a National Register quality district. A "+" means it is a contributor to the API.

[18] Personal communication, telephone call with Betty Marvin, Planner at the Oakland Cultural Heritage Survey.

[19] Housing Element 2007-2014 EIR, Initial Study, p. 67.

discovery of human remains during construction, as identified in Attachment A (SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction; SCA CUL-2: Archaeologically Sensitive Areas—Pre-construction Measures; and SCA-CUL-3: Human Remains – Discovery During Construction).

Geology, Soils, and Geohazards

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Expose people or structures to substantial risk of loss, injury, or death involving: • Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; • Strong seismic ground shaking; • Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or • Landslides;	☒	☐	☐
b. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property; result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Seismic Hazards, Expansive Soils, and Soil Erosion (Criterion 5a and 5b)

The Prior EIRs determined that very strong ground shaking and associated liquefaction in certain soils could expose people to injury or harm during earthquakes. The closest active fault to the Redevelopment Plan Area is the Hayward fault, which runs to the east along Highway 13 and I-580 and is 1-2 miles away from the Plan Area. The Hayward fault is designated by the Alquist-Priolo Earthquake Fault Zoning Act as an active fault. The San Andreas fault, located as close as 14 miles southwest of the City along the San Francisco Peninsula, was the source of the two major earthquakes in recent history that affected the San Francisco Bay region. The Calaveras fault, located about 15 miles east of the City at its closest point, is a major active fault that has been the source of several moderate magnitude earthquakes. Other major faults in the Bay Area that could rupture include the Concord-Green Valley, and Marsh Creek-Greenville faults. Seismic activity along any of these faults could create hazards such as ground shaking and liquefaction.

The Prior EIRs concluded that compliance with the City's SCAs GEO-1 and GEO-2 would result in less-

than-significant exposures of people and structures to the hazards of groundshaking from earthquakes and surface rupture on a known earthquake fault. Implementation of SCAs that require the preparation of soils and geotechnical reports specifying generally accepted and appropriate engineering techniques would reduce potential impacts to less-than-significant levels.

Compliance with the Oakland Building Code and the City's SCAs would result in less-than-significant exposures of people and structures to the hazards of landsliding and liquefaction through the regulation of design of future development within the City.

Project Analysis and Conclusion

A Geotechnical Engineering Report was prepared for the Project.[20] The Project site is located in the eastern margin of the San Francisco Bay, at an elevation of approximately 75 feet above mean sea level. According to a 2006 USGS map of Quaternary deposits in the San Francisco Bay Area (Witter et al, 2006), the Site rests on Holocene-to-Latest Pleistocene (<2.5ma) alluvial fan deposits. This Alluvium is considered to be alluvial fan deposits, and is described as consisting of weakly consolidated, slightly weathered, irregularly interbedded clay, silt, sand and gravel. The maximum thickness of these deposits is unknown, but is considered to be at least 150 feet thick. Based on subsurface investigations performed by TRC in 2006 at the site, the first 1.5 feet of the subsurface is composed of artificial fill.[21] The fill is underlain by an unsaturated zone consisting of clay with minor amounts of sand and gravel, to a depth of approximately 18 feet below ground surface (bgs). The saturated zone, extending from approximately 18 to 30 feet bgs (limit of exploration), is composed of gravel with silt and sand, interbedded with clayey sand and clayey silt.

In groundwater monitoring conducted in 2014, groundwater was observed at a depth of 20 ft, but in previous investigations it has been observed as high as 11 ft bgs. The groundwater flow direction was calculated in 2014 to flow in a South-Southwesterly direction, with an average hydraulic gradient of approximately 0.04 feet per foot.

The site is not within a designated Alquist-Priolo Earthquake Zone. A review of the 2014 fault activity map of California[22] indicates that no active fault crosses the site. Therefore the potential for surface rupture at the site is considered less than significant.

Liquefaction maps of the City indicate that the Project site is in a zone of 1-3% potential liquefaction, meaning that approximately 1-3% of the area is predicted to liquefy in a magnitude 7.1 earthquake.[23],[24] Pursuant to SCA GEO-2, the Project applicant is required to provide a soils report that contains, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and Project design. The project applicant

[20] Geotechnical Engineering Report, prepared by SLR, November 2014.
[21] Cited in Phase I ESA, prepared by SRS, April, 2015.
[22] USGS map available http://earthquake.usgs.gov/hazards/qfaults/map/hazfault2014.html
[23] Liquefaction Hazard Map of Alameda, Berkeley, Emeryville, Oakland, and Piedmont, California: A Digital Database by Thomas L. Holzer, Michael J. Bennett, Thomas E. Noce, Amy C. Padovani and John C. Tinsley, III. Accessed 9/14/2016 at http://pubs.usgs.gov/of/2002/of02-296/of02-296_2liq-sg.pdf.
[24] By contrast, areas surrounding the Estuary are in a 73% liquefaction area.

shall implement the recommendations contained in the approved report during project design and construction.

The terrain at the site and the surrounding area is flat and horizontal. The area is not mapped as a landslide zone by the California Geological Survey. Therefore the risk of landslide is nonexistent at the Site.

The Tsunami Foundation Map for Alameda County indicates that the inundation line is at least 1.5 miles away from the Site. Consequently the potential for tsunami-related damage at the site is less than significant.

The Project would require excavation of up to 1,530 cubic yards of soil. Projects within the City that propose to excavate more than 500 cubic yards of soil are required to obtain a grading permit. The grading permit would require the Project to comply with local and state construction requirements, including the California Building Code, in the design and building of the Project. The Project is required to comply with the requirements of the City's SCAs (GEO-1 and GEO-2), which ensure implementation of recommendations from the Applican't geotechnical report to prevent exposure of people or structures to substantial risk of loss, injury, or death.

Based on an examination of the analysis, findings, and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of significant geologic impacts identified in the Prior EIRs, nor would it result in new significant impacts related to geology, soils, and geohazards that were not identified in the Prior EIRs. The Prior EIRs did not identify any mitigation measures related to geology, soils, and geohazards, and none would be needed for the Project. SCAs related to required construction-related permits and submission of a soils report would apply, as identified in Attachment A (SCA-GEO-1: Construction- Related Permit(s) and SCA-GEO-2: Soils Report).

Greenhouse Gas and Climate Change

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically: • For a project involving a land use development, produce total emissions of more than 1,100 metric tons of COe annually AND more than 4.6 metric tons of CO e per service population annually. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed BOTH the 1,100 metric tons threshold and the 4.6 metric tons threshold. Accordingly, the impact would be considered less than significant if the project's emissions are below EITHER of these thresholds.	☒	☐	☐
b. Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.	☒	☐	☐

Redevelopment Supplemental EIR[25], Housing Element EIR, and LUTE EIR Conclusions

Greenhouse Gas Emissions (GHG) (Criterion 6a)

The Redevelopment Plan Supplemental EIR (SEIR) analyzed GHG emissions from the Redevelopment Plan, as Amended. It noted that the Plan would generated GHG emissions from an increase in both stationary and mobile sources. Area and indirect sources associated with development under the Redevelopment Plan, as Amended, would primarily result from electrical usage, water and wastewater transport (the

[25]The Redevelopment Plan EIR, prepared in 2000, contains no discussion of climate change. The Supplemental EIR in 2011 includes an analysis of climate change impacts for the entire Redevelopment Plan, as Amended.

energy used to pump water and wastewater to and from a project site of development facilitated by the Redevelopment Plan, as Amended) and solid waste generation. GHG emissions from electrical usage would be generated when energy consumed on the site is generated by fuel combustion. GHG emissions from water and wastewater transport are also indirect emissions resulting from the energy required to transport water from its source, and the energy required to treat wastewater and transport it to its treated discharge point. Solid waste emissions are generated when the increased waste generated by the project are taken to a landfill to decompose. GHG emissions from electrical usage, water and wastewater conveyance, and solid waste were estimated using the BGM GHG model.

The SEIR analysis concluded that the total adjusted annual GHG emissions generated by development facilitated by the Proposed Redevelopment Plan as Amended, including emissions from construction associated with that development, would be approximately 19,050 MT CO2e per year. Net emissions and service population (residents and employees) generated by development facilitated by the Proposed Redevelopment Plan as Amended, would result in approximately 5.2 MT CO2e per service population annually.

Based on the project-level significance thresholds applicable to redevelopment plans, the SEIR concluded that this would be a potentially significant impact since both the 1,100 MT of CO2e annually threshold, as well as the 4.6 MT of CO2e per service population annually threshold, would be exceeded. City SCA 38, Greenhouse Gas (GHG) Reduction Plan, which must identify specific reduction measures to reduce this impact to less than significant, was applied to the Plan (individual projects such as 411 W. MacArthur are subject to screening criteria to determine if a GHG Reduction Plan is required—see Project Analysis).

The HE EIR concluded that total emissions associated with buildout of the 2007-2014 Housing Element would be 85,091 MT CO2e per year. Given the 13,501 proposed residential units, it demonstrated that each new residential unit would emit 6.3 MT CO2e annually. BAAQMD sets a project-level threshold of 1,100 MT CO2e annually. Given a 6.3 MT CO2e per residential unit emission rate, the HE EIR concluded that developments of 172 residential units or less would fall below BAAQMD's threshold of 1,100 MT CO2e. Such projects were thus considered to have less-than-significant impacts and would not require further environmental review with regard to climate change.

Identified design features that reduce GHG emissions included construction and demolition waste reduction (as required by SCA UTIL-1), development/redevelopment near transit modes, and energy efficiency (now formalized in the City of Oakland Energy and Climate Action Plan), (SCA UTIL-4).

Consistency with Applicable GHG Plans (Criterion 6b)

Each of the prior EIRs was certified before the City adopted its Energy and Climate Action Plan (ECAP) in 2012. The CEQA process of certification of the ECAP was completed in an EIR Addendum in December 2012. The City found that the Addendum satisfied the requirements for environmental review contained in State CEQA Guidelines section 15183.5 and the Bay Area Air Quality Management District's June 2010 CEQA Guidelines for a "Qualified" Greenhouse Gas Reduction Strategy, as discussed in detail in the ECAP

Appendix. Therefore, future development projects may be able to tier-off/streamline CEQA review related to greenhouse gas emissions. The City's SCA regarding preparation of a GHG Reduction Plan implements the GHG reduction measures that apply from the ECAP; therefore, projects that comply with SCA 38 will not conflict with the applicable GHG plan.

Project Analysis and Conclusion

The Project would generate GHG emissions that were previously analyzed under the Prior EIRs. The Project would be required to comply with applicable SCAs that would reduce GHG emissions. These include but are not limited to a Construction and Demolition Waste Reduction and Recycling Plan under SCA-UTIL-1.

The City requires a GHG Reduction Plan for projects of a certain minimum size that produce total GHG emissions exceeding one or both of the City's established thresholds of significance, and that would potentially result in a significant impact. The Prior EIRs analysis showed that residential development projects of less than 172 units would not result in a significant climate change impact and, therefore, no project-specific GHG analysis is required for such projects. Based on the size of the Project at 20 housing units, the Project does not meet the threshold requirements for a GHG Reduction Plan, and a GHG Reduction Plan is not required. Because the Project also includes retail use, the Project was also compared against the screening criteria used by the City of Oakland to provide a conservative indication of whether a project could result in potentially significant GHG emissions. If the screening criteria are not exceeded by a project, quantification of the project's GHG emissions is not necessary to make a determination that the impact will be below the thresholds of significance. The Project's 20 residential units are 23% of the GHG emissions screening size of 87 units for mid-rise residential and the 2,500 square feet of retail is 13% of the GHG emissions screening size of 19,000 square feet of retail. Therefore, the Project is well below GHG emissions screening standard using screening size and would not have project-specific impacts related to GHG emissions.

GHG emissions would be further reduced through implementation of SCA-UTIL-1 requiring a Construction and Demolition Waste Reduction and Recycling Plan.

Based on an examination of the analysis, findings, and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of significant impacts identified in the Prior EIRs, nor would it result in new significant impacts related to GHG and climate change that were not identified in the Prior EIRs. The Prior EIRs did not identify any mitigation measures related to GHGs, and none are required for the Project.

Hazards and Hazardous Materials

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; 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; Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors; Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment;	☒	☐	☐
b. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;	☒	☐	☐
c. 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; or Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Hazardous Materials Use, Storage and Disposal and Hazardous Building Materials (Criterion 7a)

The Redevelopment Plan EIR found that there was potential for soil contamination and the need for environmental site remediation in the development of subsequent projects under the Plan. In these cases, the development applicant would need to comply with all applicable regulations of the Alameda County Environmental Health Division, the Regional Water Quality Control Board, the Bay Area Air Quality Management Agency, and any other applicable regulatory agencies, as they pertain to the need for any site-specific remediation and monitoring activities.

The HE EIR found that construction and occupation of housing developed pursuant to the 2007-2014 Housing Element would involve the transport, use, and/or disposal of hazardous materials, including relatively small quantities of hazardous materials for routine purposes such as cleaners, disinfectants, and lawn care chemicals. These commercial products are labeled to inform users of potential risks and provide appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. The HE EIR concluded that compliance with General Plan Policy HM-1 and Actions HM-1.2 –HM-1.6, along with Chapter 8.12 and 17.100A of the Municipal Code, which are detailed in the HE EIR[26], would further reduce impacts associated with the handling of hazardous materials.

The Housing Element Update (HE Update) 2015-2023 notes that the 1998 LUTE EIR identified over 100 sites in the City of Oakland as being on the state's "Cortese List" of hazardous waste sites (as of 1997) and devoted in excess of fifty (50) pages discussing hazardous materials. The HE Update states:

> More recently, the City Council has adopted Standard Conditions of Approval (Uniformly Applied Development Standards), which, in part, contain measures designed to substantially reduce or eliminate hazardous materials impacts. These Standard Conditions of Approval are applied to all projects, including housing projects. At this time, the City is not aware of anything unique or peculiar about the contamination, remediation or other factors relating to these Housing Opportunity Sites not adequately addressed in the 1998 LUTE EIR or Standard Conditions of Approval. In 2009, California Environmental Quality Act review for the 2007-2014 Housing Element included an Initial Study that also discussed hazardous materials including soil contamination. However, the impacts were found to be less-than-significant with the application of the City's policies in the General Plan, municipal code provisions and standard conditions of approval for development projects[27].

Therefore, impacts associated with hazardous materials transport, use, and disposal were found to be less than significant.

[26] City of Oakland Housing Element 2007-2014: Initial Study, 2010. p. 103.
[27] City of Oakland Housing Element, 2015-2023, p.246.

Exposure to Hazardous Materials in the Subsurface (Criterion 7a)

The HE EIR concluded that the construction phase of any residential development pursuant to 2007-2014 Housing Element could result in soil or groundwater contamination from hazardous materials used during construction. Compliance with Construction Best Management Practices as detailed in SCA-HAZ-2 is required.

The HE EIR determined that development under the HE could require excavation for installation of building foundations and underground utilities and that some of the housing opportunity sites could have had past documented releases of hazardous materials that have contaminated subsurface soils and groundwater or previously unknown releases that may be discovered during excavation activities. Disturbed contaminated soils could expose construction workers and the public to contaminants potentially causing significant adverse health effects. The HE EIR also indicated that a proposed land use change, such as changing a commercial building to a residential building, could require more stringent cleanup levels even if the site had been considered remediated or closed based on complying with standards for its current land use. Development under the HE would be subject to the City of Oakland's SCAs pertaining to hazardous materials in the subsurface (SCA-HAZ-1 through HAZ-3, detailed in Attachment A), including conducting a Phase I Environmental Site Assessment (ESA) and a Phase II ESA, if warranted based on the results of the Phase I ESA; procedures for managing suspected contamination that is encountered unexpectedly during construction activities; preparation of a construction worker health and safety plan; and implementation of best management practices related to hazardous materials management. The HE EIR determined that compliance with these SCAs would reduce potential impacts related to hazardous materials in the subsurface to a less-than- significant level.

Hazardous Materials within a Quarter Mile of a School (Criterion 7b)

The HE EIR found that if construction of a site within one-quarter mile of an existing school would involve removal or remediation of contaminated soils, groundwater or building materials, an impact could occur. Individual development projects would be required to comply with SCA-HAZ-1 through HAZ-3, as described above. In addition, compliance with SCA-67 would protect workers on the site and would also mitigate impacts beyond the site, including potential impacts to sensitive receptors at nearby schools. Compliance with SCAs, along with General Plan Policy HM-1 and HM-3, and Actions HM-1.2 through HM-1.6, and HM-3.1 through HM-3.4, would mitigate impacts to existing schools to a less-than-significant level. Since the occupation of residential housing does not involve handling of acutely hazardous substances or wastes, once construction is complete, the proximity of residential development(s) would have a less-than-significant impact to existing or proposed schools.

Emergency Access Routes (Criteria 7c)

The Redevelopment Plan EIR found, upon review of the City's Multi-Hazard Functional Plan ("City Emergency Plan") in comparison to the proposed Plan, that the Plan would not significantly interfere with the emergency routes tentatively identified by the plan. In addition, it found that the proposed Redevelopment Plan will have no direct impacts on emergency response or evacuation. Mitigation of potential impacts of Plan development would be provided by policies within the OSCAR and LUTE

Elements of the General Plan and by the Safety Element. In addition, the Plan EIR found that on-going mitigation was being provided through the City's fire suppression program and through the construction of several capital improvements, including additional fire stations and widened roadways. It concluded that project-specific mitigation might still be required for individual subsequent development applications, as appropriate.

Project Analysis and Conclusion

The Project would be required to follow all applicable laws and regulations related to transportation, use, and storage of all hazardous materials and to safeguard workers and the general public. To the extent that demolition of the structure at the Project site involves asbestos and/or lead paint, the Project would be required to comply with SCA HAZ-4: Asbestos in Structures, which requires the applicant to comply with all applicable laws and regulations regarding demolition and renovation of asbestos containing materials (ACMs), and SCA-HAZ-1: Hazardous Materials Related to Construction. These SCAs require implementation of best management practices for hazardous materials and the removal of asbestos from structures, respectively.

The Project site (411 W. MacArthur Boulevard) is on the State “Cortese” list as an open site assessment case for the presence of Total Petroleum Hydrocarbons as gasoline; benzene, toluene, ethylbenzene and xylene (BTEX) constituents; and methane in soil vapor that poses a potential risk to indoor air quality. The site is listed on the State’s Department of Toxic Substances Control Geotracker website (Site Cleanup Program Case No. RO0003192 and Geotracker Global ID T10000007937).

From at least 1902 to approximately 1953, the site and its adjacent properties appeared to be both open lots and single-family residences[28]. The site was used as a gas service station from 1954 to approximately 1998. Two generations of fuel station facilities have occupied the site. Both have been removed: the first in 1989 and the second in 1998.

In 1989, one 10,000-gallon and one 12,000-gallon gasoline underground storage tank (UST) were removed and replaced with two new 12,000-gallons USTs. In addition, one 550-gallon waste oil UST and its associated piping for all three tanks were removed. Holes were observed in the waste oil UST. Confirmation soil samples from the sidewalls contained moderate maximum concentrations of total petroleum hydrocarbons as gasoline(TPH-G), and low maximum concentrations of benzene. These sample areas were subsequently over-excavated. Soil samples from the base of the waste oil UST pit did not contain TPH-G or benzene, toluene, ethyl-benzene, and xylenes (BTEX compounds).

In 1998, two 12,000-gallon gasoline USTs and associated product piping and dispensers were removed from the site during station demolition activities. No holes or cracks were observed in the tanks. Confirmation soil samples contained low maximum concentrations of TPH-G and benzene. Methyl tertiary-butyl ether (MTBE) was below the laboratory’s indicated reporting limits. The station building and canopy were left in place following station decommissioning.

[28] Phase I Environmental Site Assessment, conducted by SLR, April 2015.

In March of 2013 AECOM, on behalf of Chevron Environmental Management Company, submitted a Low Thread Case Closure Policy (LTCP) request to the Alameda County Department of Environmental Health (ACEH). In May of 2013 ACEH responded to the request, stating that the site failed to meet the LTCP General Criteria and the Media-Specific Criteria for Groundwater, based on insufficient data and analysis to support groundwater plume stability and delineation. ACEH requested preparation of a Data Gap Investigation Work Plan.

In April of 2014, AECOM submitted a groundwater investigation work plan to ACEH to address the site data gaps. In September of 2014, following review of low risk closure guidelines, ACEH concluded that no additional site investigation is necessary and the site was eligible for closure, due to the fact that there were no drinking water wells down gradient of the residual MTBE contamination detected in offsite monitoring wells. The site went through public comment period; the final letter from ACEH dated December 23, 2014 authorizes removal of all groundwater monitoring wells. The six monitoring wells were removed in April, 2015. On August 19, 2015, ACEH granted regulatory closure for commercial land uses only.

A review of soil vapor and groundwater data collected in 2016 as part of the Applicant's site closure request for residential uses found limited residual hydrocarbon contamination above San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs) at two locations on the Project site: (1) a small area measuring approximately 30 feet by 10 feet along the east edge of the site; and (2) a small area measuring approximately 20 feet by 10 feet on the south side of the site, south of the former fuel dispenser islands. Soil vapor sampling in these locations generally showed elevated TPHg and relatively low concentrations of BTEX constituents.

However, results of a site-specific Human Health Risk Assessment (HHRA, included as Appendix D) generally indicated that indoor air TPHg and BTEX and naphthalene inhalation risks from non-mitigated residual hydrocarbons for the proposed redevelopment site are in the neighborhood of 10^{-5} to 10^{-6} for lifetime excess cancer risk (below the significance threshold of 10 in one million excess risk) and 0.6 for cumulative non-cancer risk (below the threshold of 0.8)[29]. Additionally, the HHRA noted the TPHg concentrations did exceed the odor nuisance level and methane is present in the eastern site area at concentrations exceeding its upper explosive limit.

Residual petroleum hydrocarbon concentrations that exceed the Commercial ESLs applicable for the proposed redevelopment are present in the foundation excavation area on the eastern side of the site. Residual petroleum hydrocarbon concentrations that exceed the applicable Residential ESLs are present in the basement/elevator excavation on the southern side of the site. The commercial ESL exceedances are limited to a swath of soil approximately 20 feet wide along Webster Street; residential ESL exceedances are in a localized area surrounding the proposed elevator pit. The HHRA indicates that chemicals of concern (mainly TPHg, benzene, and naphthalene) identified in groundwater and soil vapor beneath the site may pose a potential risk to occupants of the building for vapor intrustion to indoor air.

[29] Revised Human Health Risk Assessment Report, prepared by ARS, Inc. August 26, 2016.

To mitigate these risks, proposed engineering controls were presented in a Draft Conceptual Remedial Action Plan (RAP, included as Appendix E), dated September 16, 2016. These include installation of a vapor mitigation system (VMS) consisting of a sub-slab depressurization system (SSDS) and a barrier system. The VMS will be installed beneath the building and will provide a route for the affected soil vapor to vent directly to the atmosphere. Such venting will allow the VMS to reduce the potential convective effects generated by the building and retard the migration of affected soil vapor into the building. The effect of the VMS will be that the chemicals of concern in soil vapor no longer represent a potentially unacceptable risk to human health. The VMS is proposed to be installed under the planned commercial space (approximately 2,500 sf) on the east side of the building, and will include the elevator pit area. The implementation of the VMS will also address the potential for TPHg odor nuisance conditions and methane concentrations.

In a letter dated November 29, 2016 ACEH (Appendix E) summarized the process by which the site remediation will be approved and conducted and eventual site closure will be processed, which will enable the proposed development to be constructed:

- As presented in the RAP, a Site Management Plan (SMP) will be prepared for ACEH review and approval. The SMP will include protocols for excavation oversight, collection of confirmatory analytical samples, and manage and dispose any impacted soil.
- In addition, the following reports must be prepared by the Applicant and approved by ACEH:
  - A Basis of Design Report (BDR) which includes detailed system construction plans and specifications for vapor barrier products and installation;
  - A Construction Quality Assurance Plan for installation of the VMS; and
  - An Operation and Maintenance Plan, to include measures to be implemented both during and after VMS installation to insure the integrity and long-term effectiveness of the VMS.
- Upon completion of these activities, a Removal Action Completion Report (RACR) will be prepared and submitted to ACEH for review and concurrence.
- Following SMP and BDR approval, ACEH anticipates approving the Project formally and taking steps necessary to close the site to allow development to proceed. The City will not issue a building foundation permit or other permit for site construction until the RACR, SMP, and BDR have been submitted to and approved by ACEH.

Consistent with the requirements of CEQA, this document provides a determination of whether the Project would have a significant impact. Where applicable, Standard Conditions of Approval and/or mitigation measures in the prior EIRs have been identified that serve to mitigate potential impacts. In some instances, exactly how the measures/conditions identified will be achieved awaits completion of future studies, an approach that is legally permissible where measures/conditions are known to be feasible for the impact identified, where subsequent compliance with identified federal, state or local regulations or requirements applies, where specific performance criteria is specified and required, and where the Project commits to developing measures that comply with the requirements and criteria identified. In this case, the studies required pursuant to SCAs and ACDEH regulatory requirements for hazardous materials have been completed (i.e, the Phase I ESA, Human Health Risk Assessment, and the Conceptual Remedial Action Plan). The Site Management Plan, Basis for Design Report and detailed Construction and Operations Plans will be completed prior to site closure and approval of City

construction permits. Implementation of the recommendations and requirements of the remediation process, under the jurisdiction of the ACEH, will ensure that impacts related to hazardous materials will be less than significant.

The HE EIR determined that the potential risks related to hazardous materials use in the vicinity of schools would be less than significant given incorporation of SCAs and other existing regulatory requirements. Since the Project is required to comply with these same SCAs and regulatory requirements, potential risks to other sensitive receptors will be similarly less than than significant. The Project would not change the surrounding streets or roadways, or limit emergency access or plans. Any temporary roadway closures required during construction of the Project would be subject to City of Oakland review and approval, to ensure consistency with City of Oakland requirements.

Based on an examination of the analysis, findings, and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of significant impacts identified in the Prior EIRs, nor would it result in new significant impacts related to hazards and hazardous materials that were not identified in the Prior EIRs. The Prior EIRs did not identify any mitigation measures related to hazards and hazardous materials, and none would be needed for the Project. SCAs related to asbestos removal; lead-based paint/coatings; PCBs; ESA reports and remediation; health and safety plans; groundwater and soil contamination; and hazardous materials business plans would apply to the Project, as identified in Attachment A at the end of the CEQA Checklist (SCA-HAZ-1: Hazardous Materials Related to Construction, SCA-HAZ-2: Site Contamination, and SCA-HAZ-3: Hazardous Materials Business Plan).

Hydrology and Water Quality

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Violate any water quality standards or waste discharge requirements; Result in substantial erosion or siltation on or off site that would affect the quality of receiving waters; Create or contribute substantial runoff which would be an additional source of polluted runoff; Otherwise substantially degrade water quality; Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.	☒	☐	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted);	☒	☐	☐
c. Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems; 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.	☒	☐	☐

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
d. Result in substantial flooding on or off site; Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows; Place within a 100-year flood hazard area structures which would impede or redirect flood flows; or Expose people or structures to a substantial risk of loss, injury, or death involving flooding.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Water Quality, Stormwater, and Drainages and Drainage Patterns (Criteria 8a and 8c)

The Redevelopment Plan EIR found that the implementation of the Plan would not have a direct impact on water quality. Although it allows and accommodates additional development, redevelopment, and revitalization of properties in the watersheds of a number of lakes and creeks in Oakland, the Plan Area is largely covered by impervious surfaces currently. The EIR noted that the Redevelopment Plan is not anticipated to directly result in an increase in the amount of impervious surface in the area overall, and that the Plan Area does not currently include any known creek, inlet, lake or waterway. Thus, little or no increase in surface flow was expected as a result of the Redevelopment Area designation.

The Redevelopment Plan EIR also noted that standard erosion control measures will be included as part of any subsequent development projects within the Plan Area, as appropriate. In such cases, the Applicant would be required to prepare and submit to the City for approval an Erosion and Sedimentation Control Plan, to include measures sufficient to stabilize the construction site for all phases of the project.

The HE EIR noted that construction activities for identified housing sites would generate stormwater runoff and potentially increase sewage requiring treatment at the wastewater treatment facility. Projects would comply with applicable NPDES permits, which also serve as Waste Discharge Requirements (WDRs), include the Municipal NPDES permit for stormwater discharges (Alameda Countywide NPDES Municipal Stormwater Permit Water Quality Order No. R2-2003-0021, NPDES No.

CAS0029831) and discharges from the municipal wastewater treatment facilities (Waste Discharge Requirements for the East Bay Municipal Utility District, Special District No. 1 Wet Weather Facilities (WWFs) Alameda and Contra Costa Counties Water Quality Order No. R2-2009-0004, NPDES N0. CA0038440, and U.S. HUD Oakland City of Housing Authority). Housing sites would primarily involve residential land development and replacement of existing commercial uses, and would not include new or increased industrial or commercial uses within the City of Oakland. Therefore, the Industrial General Permit WDR would not be violated.

Compliance with the C.3 provisions of the National Pollutant Discharge Elimination System Municipal Regional Permit (Order R2-2009-0074, NPDES Permit No. CAS612008) would require that small projects (projects that create and/or replace at least 2,500 but less than 10,000 square feet of impervious surface, such as 411 W. MacArthur) implement at least one of the following site design measures:

- Direct roof runoff into cisterns or rain barrels for use.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

These measures have been incorporated into City SCA #48.

The HE EIR found that potential impacts associated with housing development will be minimized by the following:

- General Plan policies detailed in the HE EIR.
- Chapter 13.16 of the Municipal Code (Creek Protection, Storm Water Management, and Discharge Control);
- Ordinances 10446 (Sedimentation and Erosion Control) and 10312 (Grading);
- Applicable SCAs related to Hydrology and Water Quality

Use of Groundwater (Criterion 8b)

Potable water will be supplied to new housing sites through imported surface water by East Bay Municipal Utility District (EBMUD). Groundwater is generally not used for municipal purposes in the City. Much of the City is developed and covered in impervious surfaces, and the amount of water able to infiltrate the aquifer in the East Bay Plain groundwater basin would not substantially decrease with development pursuant to the HE.

Flooding and Substantial Risks from Flooding (Criteria 8d)

The Redevelopment Plan Area is located in Zone C, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map. This zone is defined as a minimal potential risk for flooding. Redevelopment Plan would not result in the direct exposure of people or property in the vicinity to flooding-related hazards.

Project Analysis and Conclusion

The Project includes retail use at grade, parking below grade, and residential uses above grade, and would disturb an area of approximately 7,953 (approximately 0.18 acres, the entire Project site). The total post-Project impervious surface area would be approximately 7,953 square feet. Because the Project would result in greater than 2,500 sf but fewer than 10,000 square feet of impervious area, it is considered a "Small Project" and on that basis, stormwater management requirements pursuant to National Pollutant Discharge Elimination System (NPDES) C.3 criteria would not apply. However, since the ground floor retail space is intended to be used as a restaturant, the C.3 provisions would apply. The requirements are set forth in the applicable SCAs set forth in Attachment A , SCA HYDRO-1 – HYDRO-4, which include preparation of a Stormwater Management Plan, site design, source control, and stormwater treatment measures.

Based on provisions of the City's NPDES Municipal Regional Stormwater Permit, the Project would be classified as High Density Development[30] and would qualify for 100 percent Low Impact Design treatment reduction credits, allowing for 100 percent runoff treatment by either tree-box-type high flowrate biofilters or vault-based high flowrate media filters. The Project design includes 1,992 square feet of biofiltration using flow-through tree-box planters along the western and northern perimeters and within the second floor courtyard, yielding a treatment-to-impervious surface ratio of 15.3% (Figure 13**.)**. Since the Project site is relatively flat and largely covered with impervious surfaces, and would remain so under the Project, the Project would not substantially alter drainage patterns or increase the flow of runoff from the site.

A clayey-sand layer with a thickness of several feet has been documented approximately 10 to 15 feet beneath ground surface (bgs), and additional clayey-sand layers were encountered at depths of approximately 5 feet bgs and 20 to 25 feet bgs.[31] Groundwater was encountered at varying depths, ranging from less than 1 foot to 16.5 feet bgs. The groundwater flow direction has consistently been measured towards the south-southeast, towards Lake Merritt. Based on the proposed volume of excavation (up to 1,530 cubic yards of soil), it is unlikely that construction period dewatering would be required for the Project.

The Project site is located outside of the 100-year flood hazard zone,[32] and therefore flooding hazards are not expected to affect the Project.

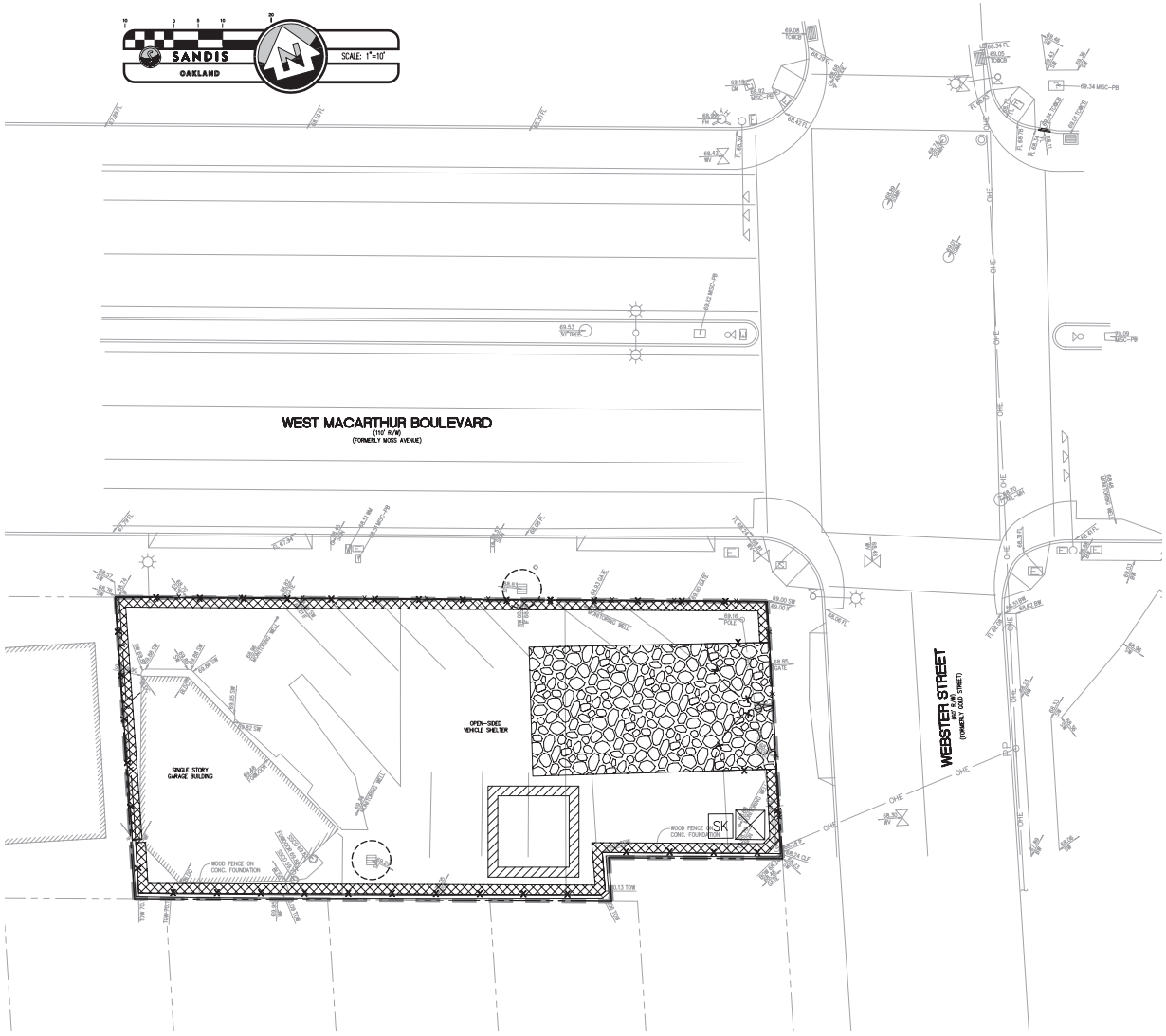
Based on an examination of the analysis, findings, and conclusions of the Prior EIRs, implementation of the Project would not substantially increase the severity of significant impacts identified in the Prior EIRs, nor would it result in new significant impacts related to hydrology and water quality that were not identified in the Prior EIRs. The Prior EIRs identified no mitigation measures related to hydrology and water quality, and none would be required for the Project. The Project would be required to implement

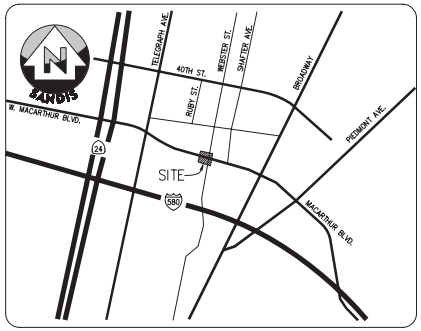
[30] City of Oakland Stormwater Supplemental Form. Based on project parameters, the Project is designated as Special Project Category A, qualifying for 100% treatment using non-Low Impact Development (LID) measures.

[31] Subsurface Investigation Report, Allwest Environmental, December 18, 2015

[32] Federal Emergency Management Agency, 2009. Flood Insurance Rate Map, Alameda County, California and Incorporated Areas, Panel 67 of 725, Map Number 06001C0067G, accessed 9-14-2016.

SCAs related to stormwater, drainages and drainage patterns, and water quality, as identified in Attachment A (SCA-HYDRO-1: Erosion and Sedimentation Control Plan for Construction, SCA-HYDRO-2: Site Design Measures to Reduce Stormwater Runoff; SCA-HYDRO-3: Source Control Measures to Limit Stormwater Pollution; and SCA-HYDRO-4: NPDES C.3 Stormwater Requirements for Small Projects).





VICINITY MAP

NOT TO SCALE

WATER POLLUTION CONTROL NOTES:

A. TEMPORARY CONSTRUCTION ENTRANCE/EXIT LOCATION SHOWN IS APPROXIMATE. CONTRACTOR TO PROVIDE LOCATION WHERE APPROPRIATE.

B. THIS PLAN REPRESENTS POSSIBLE WATER POLLUTION CONTROL MEASURES INCLUDING EROSION CONTROL AND SEDIMENT CONTROL.

C. EXISTING SURFACES SHALL BE UNDISTURBED TO THE EXTENT PRACTICAL.

D. GROUND WATER SHALL NOT BE DISCHARGED WITH STORM WATER. GROUND WATER DEWATERING OPERATIONS SHALL BE COORDINATED AS NEEDED WITH OWNER.

E. CONTRACTOR SHALL PROVIDE EFFECTIVE SOIL COVER FOR AREAS OF CONSTRUCTION ACTIVITY THAT HAVE BEEN DISTURBED AND ARE NOT SCHEDULED TO BE ACTIVE FOR AT LEAST 14 DAYS.

F. ALL EROSION CONTROL AND SEDIMENT CONTROLS TO BE OBTAINED INSTALLED AND MAINTAINED BY THE CONTRACTOR.

G. CONTRACTOR TO INSTALL RUN-ON AND RUN-OFF CONTROL MEASURES ACCORDING TO PLANS OR AS NECESSARY TO ENSURE SEDIMENT IS NOT TRANSPORTED FROM SITE.

H. CONTRACTOR TO PROVIDE BACK-UP EROSION PREVENTION MEASURES (SOIL STABILIZATION) WITH SEDIMENT CONTROL MEASURES SUCH AS STRAW WATTLES, SILT FENCE, GRAVEL INLET FILTERS, AND/OR SEDIMENT TRAPS OR BASINS. ENSURE CONTROL MEASURES ARE ADEQUATE, IN PLACE, AND IN OPERABLE CONDITIONS. SEDIMENT CONTROLS, INCLUDING INLET PROTECTION, ARE NECESSARY BUT SHOULD BE A SECONDARY DEFENSE BEHIND GOOD EROSION CONTROL MEASURES.

I. STOCKPILE LOCATION(S) TO BE DETERMINED BY THE CONSTRUCTION SCHEDULE.

LEGEND

- APPROXIMATE STABILIZED GRAVEL CONSTRUCTION ENTRANCE, OR CONTRACTOR TO LOCATE AS APPROPRIATE
- STRAW WATTLE
- — X — CONSTRUCTION FENCE, ACTUAL LOCATION TO BE FIELD DETERMINED
- INLET PROTECTION
- APPROXIMATE AREA OF CONSTRUCTION DISTURBANCE – AREA TO COMPLY WITH REQUIREMENTS IN PROJECT SWPPP
- SK SPILL KIT
- PORTABLE RESTROOM
- CONCRETE WASHOUT

Figure 13
Project's Proposed Erosion Control Plan

Source: Sandis Engineers

Land Use, Plans, and Policies

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Physically divide an established community;	☒	☐	☐
b. Result in a fundamental conflict between adjacent or nearby land uses; or	☒	☐	☐
c. Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Division of Existing Community, Conflict with Land Uses, or Land Use Plans (Criteria 9a through 9c)

The Redevelopment Plan EIR found that development of the MacArthur BART station site in Subarea 2 of the Plan would locate a permanent population in an area that has become isolated from the surrounding neighborhoods. In addition, it noted that proposed projects within the Plan fall within LUTE planning areas, which are delineated around established neighborhoods. The EIR concluded that the Redevelopment Plan would not physically divide an existing community.

The Redevelopment Plan EIR concluded that proposed development projects are compatible with LUTE and meet many of the goals and policies expressed in LUTE (see Attachment B). The Plan's streetscape improvements along MacArthur Boulevard are part of an overall LUTE strategy for MacArthur Boulevard to "grow and change." In addition, because MacArthur is located within a target Area for Community and Economic Development, the Plan EIR noted that streetscape improvements could help encourage public and private investments along MacArthur Boulevard. The projects proposed for Redevelopment Subarea 2 carry out LUTE strategies for development of the MacArthur BART environs by adding residential, commercial, office and medical space. The EIR found that Plan development would generally be consistent with the Safety Element of the General Plan because construction is regulated by existing Building Codes in order to limit potential damange to structures and injury to persons due to hazards such as fire damage.

The HE EIR found that housing development under the 2007-2014 Housing Element would comply with policies and regulations outlined in the General Plan and the LUTE EIR regarding conflicts with nearby or

adjacent land uses (including Policies I/C4.1, N3.4, N3.11, N4.4, N5.2, N7.2, N7.5, N9.7, N11.6, and Objectives N8, and N9); Municipal Code (Title 17); and SCAs[33] to ensure that development under the 2007-2014 Housing Element would not conflict with adjacent land uses, divide an existing community, or conflict with applicable land use policies. As such, the HE EIR concluded that new housing development pursuant to the HE would have a less-than-significant impact with regard to land use.

Project Analysis and Conclusion

The Project site's General Plan land use classification is Neighborhood Center Mixed Use (CN). The intent of the CN classification is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment. The centers are typically characterized by smaller scale, pedestrian-oriented, continuous and active store fronts with opportunities for comparison shopping, with mixed use development at residential densities of up to 125 units per gross acre. The Project site's zoning designation is Neighborhood Center-3 (CN-3). The intent of the CN-3 zone is to enhance the character of established neighborhood centers; it permits non-ground floor residential uses at a density of 450 square feet of lot area per unit. The CN-3 zone allows for a building height of 60 feet. The Project proposes to construct 20 residential units over a lot area of 7800 sf, which equals 390 sf/du, thus achieving the density requirement for CN-3 of 375 sf/du. As discussed in detail in Attachment B, the Project is consistent with the General Plan, the zoning designation, and the Planning Code requirements of Section 17. Therefore, the Project would be consistent with the land use plans and policies for the site.

Based on the above, the Project would be consistent with the land use regulations in the HE. Based on an examination of the analysis, findings, and conclusions in the prior EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in that EIR, nor would it result in new significant impacts related to land uses, plans, or policies that were not identified in the prior EIRs.

[33] City of Oakland Housing Element 2007-2014: Initial Study, 2010, pp. 152-154.

Noise

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommended measures to reduce potential impacts. During the hours of 7:00 p.m. to 7:00 a.m. on weekdays and 8:00 p.m. to 9:00 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard; Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code Section 8.18.020) regarding persistent construction-related noise;	☒	☐	☐
b. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;	☒	☐	☐
c. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3-dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);	☒	☐	☐
d. Expose persons to interior L_{dn} or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be	☒	☐	☐

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24); Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval; Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]); or			
e. During either project construction or project operation expose persons to or generate ground-borne vibration that exceeds the criteria established by the Federal Transit Administration (FTA).	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Construction and Operational Noise, Exposure of Receptors to Noise (Criteria 10a, 10b, and 10d)

The prior EIRs concluded that noise from construction equipment associated with new housing development would potentially be excessive at nearby sensitive receptors, depending on their distance from the construction area. that typical construction noise sources range from about 76 to 85 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 89 dBA for certain types of earthmoving (e.g., scrapers, pavers). The highest noise levels would be generated by rock drills and pile drivers, which can generate noise peaks of approximately 98 and 101 dBA at 50 feet, respectively.These noise levels would diminish rapidly with distance from the construction activity at a rate of approximately 6 dBA per doubling of distance. The prior EIRs found that compliance with the City's relevant SCAs (NOI-1 through NOI-3) would restrict noise-generating activities to the daytime hours, reduce noise levels from construction activities, and provide nearby residents notification of construction activities and complaint procedures. Compliance with these measures would reduce construction noise impacts from development within the Redevelopment Plan Area to a less-than-significant level.

The Redevelopment Plan EIR also noted that the Plan would encourage new residential uses as part of mixed-use retail areas, and that future noise levels in some areas could be incompatible with these new

residential uses. It further noted that where noise levels are conditionally acceptable, conventional construction but with closed windows and fresh air supply systems or air conditioning will normally suffice. It concluded that potential noise incompatibility of future residential development in the vicinity of the MacArthur BART station, Telegraph Avenue, and possibly other arterial streets in the Plan Area would be a significant impact. It proposed the following Mitigation Measure:

> **Mitigation Measure D.3**: A detailed analysis of noise reduction requirements shall be required for any future residential development proposals along arterials or in the vicinity of the MacArthur BART Station, and the design of residential development shall incorporate recommendations of such analyses in the project.

Traffic Noise (Criterion 10c)

Traffic noise is of most concern in areas where sensitive noise receptors, such as residential units, are adjacent to high-traffic roadways. In almost all cases, existing traffic noise at average building setbacks from the streets currently exceeds the City of Oakland's 65 dBA Ldn "Normally Acceptable" level for multi-family residential use. The Redevelopment Plan EIR estimated future noise levels along selected roadways with and without the proposed Redevelopment Plan, using FHWA modeling methodologies. It found that noise levels along W. MacArthur Blvd. from San Pablo to Telegraph (the closest analyzed roadway segment to the Project site) would increase by 1 dBA with proposed redevelopment activity, from a baseline CNEL of 69 dBA in 2005 to a CNEL of 70 dBA with Plan implementation. None of the freeway or arterial street segments modeled displayed increases of more than 2 dBA with Plan implementation. It is generally accepted that an increase of 3 dBA is minimally perceptible by humans. Therefore, traffic noise levels will increase over time, but imperceptibly, and will remain below the City's 75 dBA Ldn "Clearly Unacceptable" level for multi-family residential use.

In all cases, including where a proposed Housing Site is adjacent to a high-volume roadway, it would be required to comply with the SCA-NOI-6: Exposure to Community Noise, which would include project design measures to reduce interior noise to acceptable levels within the buildings. Thus, compliance with this SCA would reduce impacts to a less-than-significant level.

Project Analysis and Conclusion

The Redevelopment Plan EIR estimated the baseline noise level (CNEL) along W. MacArthur between San Pablo and Telegraph (the closest modeled point to the Project site) to be 69 dbA. This is consistent with the noise level displayed on the noise contour map in the Noise Element of the General Plan[34]. This CNEL is considered within the State's Conditionally Acceptable range for multi-family residential uses (60-70 dBA). Therefore, SCA-NOI-5: Exposure to Community Noise conservatively applies to the Project, and requires a noise reduction plan prepared by a qualified acoustical engineer that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) required to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. Such a study is also required by Mitigation Measure D.3 in the

[34] City of Oakland General Plan Noise Element, contour map available at http://www2.oaklandnet.com/oakca1/groups/ceda/documents/webcontent/oak035228.pdf

Redevelopment Plan EIR (detailed above), which applies to projects along arterial roadways, which includes the segment of W. MacArthur Blvd. that includes the Project site. In addition, SCA-NOI-4: Project-specific Construction Noise Reduction Measures, requires a Construction Noise Management Plan that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts.

The Project is not located adjacent to any active rail line and the SCA pertaining to exposure of new dwelling units to vibration (Exposure to Vibration) would not apply.

Construction activities for the Project are expected to occur over approximately 18 months, and would consist of phases including demolition, excavation, below-grade and above-grade construction. However, there is nothing unique or peculiar about the Project's construction activities that would substantially increase the level of significance of construction noise impacts over those identified in the prior EIRs, or result in new significant construction noise impacts not previously identified. The Project does not propose to use pile-driving. In addition, the Project would be required to implement SCA-NOI-1: Construction Days/Hours to limit the days and hours of construction, SCA-NOI-2: Construction Noise, and SCA-NOI-3: Extreme Construction Noise to ensure the application of noise reduction measures to reduce noise impacts and extreme construction noise.

During operation of the Project, noise from increased residential and retail traffic, including truck deliveries, would be generated. However, there is nothing unique or peculiar about the Project's traffic that would be anticipated to substantially increase the severity of significant traffic noise impacts identified in the prior EIRs or result in new significant traffic impacts. The Project would be required to implement SCA-NOI-6: Operational Noise, which requires all operational noise to comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. With the implementation of SCA-NOI-6, the Project would not violate the City of Oakland operational noise standards and noise generated by mechanical equipment and delivery trucks at the site would be less than significant, consistent with the finding in the prior EIRs.

Implementation of the City's SCAs would lessen the impacts of construction period noise, minimize potential adverse vibration effects from Project-related construction activities, require compliance with City of Oakland operational noise standards including for noise generated by the HVAC systems and delivery trucks, and require the incorporation of noise reduction measures into the building's design.

With the implementation of the Mitigation Measure in the Redevelopment Plan EIR noted above, and the required SCAs included in Attachment A (SCA-NOI-1: Construction Days/Hours, SCA-NOI-2: Construction Noise, SCA-NOI-3: Extreme Construction Noise, SCA-NOI-4: Project-specific Construction Noise Reduction Measures, SCA-NOI-5: Exposure to Community Noise, and SCA-NOI-6: Operational Noise, the Project would not result in significant effects related to noise and vibration.

Based on an examination of the analysis, findings, and conclusions of the prior EIRs, the Project would not substantially increase the severity of significant noise impacts identified in the prior EIRs, nor would it result in new significant impacts related to noise that were not identified in the prior EIRs. The Project

would be required to implement SCAs to reduce construction noise and vibration, achieve interior noise standards, and require mechanical equipment to meet applicable noise performance standards.

Population and Housing

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed;	☒	☐	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element; or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Population Growth and Displacement of Housing and People (Criteria 11a and 11b)

The 2015-2023 Housing Element Update provided the following housing numbers: a total of 61 units already constructed or under construction; 4,470 units with planning approvals; and 3,468 units in stages of pre-development. An additional 6,766 units were anticipated to be developed through 2023. These housing numbers equate to the Regional Housing Needs Allocation (RHNA) target for the 2015-2023 Housing Element. The HE EIR Addendum concluded that the growth proposed in the was consistent with the General Plan and would not exceed growth projections in the General Plan.

The HE EIR concluded that, in general, development under the Housing Element would occur on in-fill sites that are currently served with existing infrastructure. Therefore, extension of infrastructure to an under-served area is not anticipated. The HE EIR also found that new housing development could require demolition of existing housing units, but that existing regulations such as Housing Element policies, the Ellis Act (Government Code Sections 7060 through 7060.7), and the City of Oakland's Ellis Act Ordinance (Oakland Municipal Code Sections 8.22.400 through 8.22.480) would prevent significant impacts related to displacement of housing and people.

Project Analysis and Conclusion

The Project would demolish the existing structures on the Project site. It would construct a new mixed-use building with 20 residential units and approximately 2,500 square feet of retail space. Therefore, the Project is accommodating a net increase of 20 housing units (approximately 37 people)[35] in the City. The Project would employ 12 to 35 construction workers per day on a temporary basis, and approximately 5-6 workers within the approximately 3,000 square feet of ground-floor retail space.

Based on an examination of the analysis, findings, and conclusions in the prior EIRs, the Project would not substantially increase the severity of any significant impacts related to populations and housing, nor would it result in new significant impacts related to population and housing that were not identified in the prior EIRs. The prior EIRs did not identify any mitigation measures or SCAs related to population and housing, and none would be required for the Project.

[35] The HE EIR assumed approximately 1.87 residents per dwelling unit. Jobs are calculated using a standard generation rate of 500 square feet per employee.

Public Services, Parks, and Recreation Facilities

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: • Fire protection; • Police protection; • Schools; or • Other public facilities.	☒	☐	☐
b. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Public Services and Parks and Recreation (Criteria 12a and 12b)

Public Services

The Redevelopment Plan concluded the following with respect to public services in the Plan Area:

- Fire hydrants, street capacity, and water supply for Subarea 2 of the Plan Area are adequate for firefighting and emergency medical response purposes under Plan implementation.
- Implementation of the Plan could result in incremental increase in calls for City of Oakland fire protection services. The impact would be less than significant but the EIR recommended (but did not require) that each specific project include fire protection systems such as fire sprinklers and automatic fire alarm systems, even when not required by applicable building code, if deemed

appropriate or necessary by Oakland Fire Services Agency.

- Implementation of the Plan was found to:
  - Not significantly impact the ability of the contract emergency ambulance services provider (American Medical Response) to maintain adequate emergency service to the Plan Area.
  - Not require a new police facility to respond effectively to a potential increase in criminal activity following implementation of the Plan
  - Add an estimated 213 students to the Oakland Unified School District schools in the Plan Area. It concluded this would be a less than significant impact.

The Redevelopment Plan EIR did find a potentially significant cumulative impact of increased demand for fire protection services from future development in and around Oakland. However, it concluded that These impacts are addressed by policies in the LUTE and mitigation measures identified in the LUTE EIR. Such policies and mitigation measures are intended to ensure that there would not be significant cumulative public service impacts, primarily by expanding fire protection services commensurate with growth and by assessing the needs for such services as individual projects are proposed.

The HE EIR concluded that its proposed housing may result in the need for new or expanded fire, police, and school facilities, the construction of which could result in adverse environmental impacts. However, all future development would occur pursuant to General Plan policies, Municipal Code regulations, mitigation measures adopted for the LUTE EIR, and the Standard Conditions of Approval (SCA-HAZ-1 through SCA-HAZ-3) that would reduce the potential impact on services to less-than significant levels. The EIR identified SCAs that would reduce the potential impacts related to the increased need for fire protection by requiring all projects to implement safety features, and to comply with all applicable codes and regulations.

Parks and Recreation

The Redevelopment Plan EIR discusses the 11-acre Mosswood Park, which is across Webster Street from the 411 MacArthur Project. The Park is classified as a "community park," defined by OSCAR as a park with a service radius of one-half mile in the flatlands. Mosswood contains lighted tennis courts, lighted basketball courts, a lighted softball field, a baseball field, a tot lot, a playground lawn, patio area, picnic areas, barbecue pits, horseshoe pits, and a recreation center, as well as limited off-street parking near the center. As noted, the park is also the site of the Moss Cottage, an historical landmark. The recreation center provides a variety of programs.

The Redevelopment EIR concluded Plan implementation would add an estimated 198 Mosswood Park school-age park users. This was found to constitute a less than significant impact, given the capacity and current usage of the Park.

Adherence to the General Plan's OSCAR Element policies 3.1, 3.3, and 3.10, as identified in the LUTE EIR, would reduce potential impacts to recreational facilities. In addition, any increases in need for police protection, fire protection, schools, or other public facilities would be mitigated by adherence to General Plan policies N.12.1, N.12.2, N.12.5, FI-1, Action FI-1, and Action FI-2[36]. No additions or

[36] City of Oakland, 1998. *General Plan*, Land Use and Transportation Element.

expansions of parks or recreational facilities are proposed under the HE, and no new parks or recreational facilities, or expansion of existing parks or recreational facilities, were determined to be required under the HE.

Project Analysis and Conclusion

The Project would construct 20 residential units, housing approximately 37 people, and add approximately 2,500 square feet of retail space. The Project's minor increases in demand for public services are consistent with the analysis in the Redevelopment Plan EIR.

The Project would likely increase student enrollment at local schools. In the HE EIR, a student generation rate was applied to projected housing units, based on the OUSD's Developer Impact Fee Justification Study. That student generation rate is 0.274 students per household.[37] Applied to the Project, this student generation rate would increase school enrollment by 6 students. The study also found that over half of student generation was in the K-5 range; the rest was split between grades 6-8 and 9-12. For the Project, this translates to an increase of 3 students in K-5, and 3 split between middle and upper school.

Pursuant to Senate Bill 50, the Project developer would be required to pay school impact fees, which are established to offset potential impacts from new development on school facilities. Payment of these impact fees is deemed full and complete mitigation.

The Project could also cause a minor increase in demand for police and fire protection services; however, as described in the Redevelopment Plan, these impacts are less than significance. Also, as noted in the HE EIR, adherence to General Plan policies N.12.1, N.12.2, N.12.5, FI-1, and FI-2 would mitigate potential impacts.

As described in the Project Description, the Project would provide approximately 3,624 square feet of usable open space, which is above the required 3,000 square feet of usable open space (150 square feet per regular dwelling unit) pursuant to Planning Code Section 17.33.050. In addition, Mosswood Park is adjacent to the Project site and provides a variety of outdoor recreational opportunities.

Based on an examination of the analysis, findings, and conclusions in the prior EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in those EIR, nor would it result in new significant impacts related to the provision of public services or park and recreational facilities that were not identified in the prior EIRs. The prior EIRs did not identify any mitigation measures or SCAs related to public services or park and recreational facilities, and none would be required for the Project.

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[37] School Facility Fee Justification Report for Residential, Commercial & Industrial Development Projects for the Oakland Unified School District December 2012. The rate in the Prior EIRs was 0.364, based on a 1997 study. For this document, the most recent study in 2012 was used. http://www.ousd.org/cms/lib07/CA01001176/Centricity/Domain/95/Oakland%20USD%20-Developer%20Fees%20Study.pdf

Transportation and Circulation

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities (except for automobile level of service or other measures of vehicle delay);	☒	☐	☐
b. Cause substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure);	☒	☐	☐
c. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Transportation and circulation were analyzed in the Program EIRs. The Redevelopment Plan EIR concluded that impacts relating to transportation and circulation would be less than significant after mitigation, including the intersection of Telegraph and MacArthur, where Mitigation Measure B.1b (providing "protected" left turn phasing for all approaches and re-striping the shared through-left lanes to exclusive left turn lanes on MacArthur Bouldevard) has been implemented. The 1998 LUTE EIR and 2010 Housing Element EIR and 2014 Addendum identified significant and unavoidable impacts related to level of service (LOS) on several roadway segments.

Project Analysis and Conclusion

Based on trip generation rates for multi-family dwelling units and ground floor commercial, the City has determined that the Project would not generate more than 50 new peak hour vehicle trips daily. See Table 2 below.

Table 2. Automobile Trip Generation Summary—Before Reduction Credits[1]

Land Use	Units[2]	ITE Code	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Ou	Total
Residential	20 DU	220[3]	133	2	8	10	3	9	12
Restaurant	2.54 KSF	932[4]	322	15	12	27	15	10	25
Maximum New Project Trips			**455**	**17**	**20**	**37**	**18**	**19**	**37**

1. This estimate does not account for trip reduction credits from proximity to transit; therefore, the likely number of vehicle trips would be less
2. DU = Dwelling Units, KSF = 1,000 square feet.
3. ITE Trip Generation (9th Edition) land use category 220 (Apartment):
   Daily: T = 6.65*(X)
   AM Peak Hour: T = 0.51*(X) (20% in, 80% out) PM Peak Hour: T = 0.62*(X) (65% in, 35% out)
4. ITE Trip Generation (9th Edition) land use category 932 (High-Turnover Sit-Down Restaurant):
   Daily: T = 127.15*(X)
   AM Peak Hour: T = 10.81*(X) (55% in, 45% out)
   PM Peak Hour: T = 9.85*(X) (60% in, 40% out)

Source: adapted from Fehr & Peers, Trip Generation Report, 500 Grand Avenue, Oakland.

Because the Project would not generate 50 new peak hour vehicle trips, its impacts would be considered less than significant and a Transportation Impact Assessment is not required per the City's SCAs.

Vehicle Miles Traveled

On April 14, 2017, the City released revised Transportation Impact Review Guidelines (Guidelines) to guide the analysis of transportation impacts associated with land use development projects[38]. The Guidelines ensure that potentially significant impacts are studied according to the City's thresholds of significance under CEQA.TheGuidelines align with guidance from the Governor's Office of Planning and Research and the City's approach to transportation impact analysis with adopted plans and polices related to transportation, which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. This section describes the potential impacts of the proposed project on the transportation system.

Estimating Vehicle Miles Traveled

Neighborhoods within Oakland are expressed geographically in transportation analysis zones (TAZs). The Metropolitan Transportation Commission (MTC) Travel Model includes 116 TAZs within Oakland that vary in size from a few city blocks in the downtown core, to multiple blocks in outer neighborhoods, to even larger geographic areas in lower density areas in the hills. TAZs are used in transportation planning models for transportation analysis and other planning purposes.

The MTC Travel Model is a model that assigns all predicted trips within, across, to, or from the nine-county San Francisco Bay Area onto the roadway network and the transit system, by mode (single-driver

[38] City of Oakland Transportation Impact Review Guidelines, April 14, 2017.

and carpool vehicle, biking, walking, or transit) and transit carrier (bus, rail) for a particular scenario.

The MTC Travel Model estimates travel behavior based on the following inputs:

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

The daily VMT output from the MTC Travel Model for residential and office uses comes from a tour-based analysis. The tour-based analysis examines the entire chain of trips over the course of a day, not just trips to and from the project site. In this way, all of the VMT for an individual resident or employee is included; not just trips into and out of the person's home or workplace. For example, a resident leaves her apartment in the morning, stops for coffee, and then goes to the office. In the afternoon she heads out to lunch, and then returns to the office, with a stop at the drycleaners on the way. After work she goes to the gym to work out, and then joins some friends at a restaurant for dinner before returning home. The tour-based approach would add up the total amount driven and assign the daily VMT to this resident for the total number of miles driven on the entire tour.

Based on the MTC Travel Model, the regional average daily VMT per capita is 15 miles under 2020 conditions and 13.8 miles under 2040 conditions; the regional average daily VMT per worker is 21.8 miles under 2020 conditions and 20.3 miles under 2040 conditions.

Thresholds of Significance for Vehicle Miles Traveled

The following are the City's thresholds of significance related to substantial additional VMT:

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15 percent.
- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per employee minus 15 percent.
- For retail projects, a project would cause substantial additional VMT if it results a net increase in total VMT.

Screening Criteria

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

1. Small Projects: The project generates fewer than 100 vehicle trips per day.
2. Low-VMT Areas: The project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, or 15 percent or more below the regional average.
3. Near Transit Stations: The project is located in a Transit Priority Area or within a ½ mile of a Major Transit Corridor or Stop,66 and satisfies the following:

a. Has a Floor Area Ratio (FAR) of more than 0.75.

b. Does not include more parking for use by residents, customers, or employees of the project than other typical nearby uses, or more than required by the City (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site).

c. Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the MTC).

Analysis

1. **Criterion #1:** The Project does not satisfy this criterion because it would generate more than 100 total vehicle trips per day. s.

2. **Criterion #2:** Based on the following map of VMT by Transit Area Zones (TAZ) prepared by the Metropolitan Transportation Commission, the Project is in TAZ 976, which has a Per Capita VMT of 7.3, which is 51% lower than the Plan Bay Area regional average of 15.0 for 2020 (see Figure 14). Also, the Per Employee VMT for the Project TAZ is 18.26, which is 16% below the regional average of 21.8. Therefore, the Project satisfies criterion 2 because it is located in a TAZ whose VMT are 15 percent or more below the regional average. Its transportation impacts are presumed to be less than significant and detailed VMT analysis is not required.

3. **Criterion #3**: The Project satisfies criterion #3 because:

   a. It is locatedapproximately 2,000′ from an Existing Major Transit Stop (MacArthur BART Station), which is a major transfer point for three BART lines. The site is also served by Alameda-Contra Costa Transit (AC Transit) Routes 51A, 651 and 851 on Broadway (northbound and southbound), Route 6 on Telegraph (northbound and southbound) and Routes 57, 653, 657 and 658 on MacArthur Boulevard. All stops are approximately 2/10ths of a mile (975 feet) from the site. Bus and BART service establish the location as a major transit stop per CEQA Section 21064.3 (see Attachment C for further detail).

   b. The Project's floor area ratio is greater than .75 (it is 3.93)

   c. The Project does not provide more parking than required by the City (20 spaces are required, 20 are proposed)

   d. The Project is consistent with the Bay Area's Sustainable Communities Strategy, Plan Bay Area 2013. Plan Bay Area identified Priority Development Areas (PDAs), where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. As identified in the General Plan Housing Element 2015-2023, the Project is within the MacArthur Transit Village PDA.

There is no Project-specific or location-specific information which indicates that the Project will generate

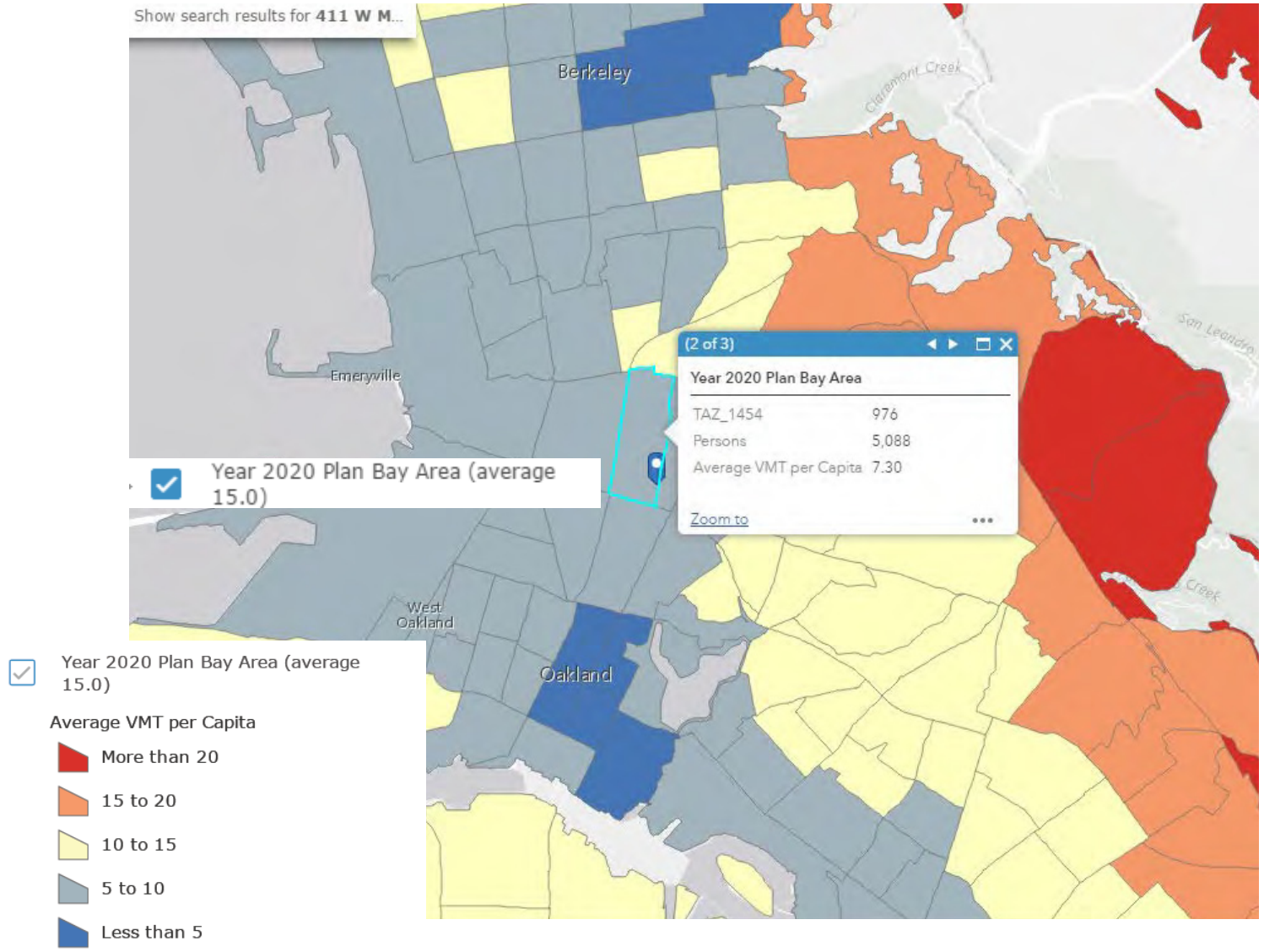

Figure 14
Average Vehicle Miles Travelled per Capita by TAZ, compared to Regional Average

Source: MTC and ABAG, Available at http://analytics.mtc.ca.gov/foswiki/Main/PlanBayAreaVmtPerCapita. Accessed March 20, 2017.

significant levels of VMT. Therefore, its transportation impacts are presumed less than significant and detailed VMT analysis is not required.

Vehicle Miles Traveled Screening Conclusion

The Project meets screening criteria #2 and #3 for VMT; therefore it is assumed that the Project impact on VMT will be less than significant.

The proposed project is consistent with applicable plans, ordinances, and policies, and would not cause a significant impact by conflicting with adopted plans, ordinances, or policies addressing the safety and performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay).

The HE EIR found that policies in the Land Use and Transportation Element and the Housing Element promote walking and bicycling as alternative modes to driving. Alternate modes would be encouraged because most Housing Sites are within walking distance of retail and employment opportunities as well as transit services, particularly in the Downtown area. The use of bicycle facilities, such as bike lanes, would increase as a result of development under the HE, but this would be in accord with the goals of the Bicycle Master Plan. This would be a beneficial impact from the standpoint of reducing vehicular traffic, which would in turn lead to improved air quality and reduced noise levels. The HE EIR determined that no significant impacts to transit, pedestrian, bicycle, and other related topics would occur under any of the development scenarios.

Also in the LUTE, in addition to being part of MacArthur Transit Village, MacArthur Boulevard is identified in the LUTE as a Local Transit Street. The network of transit streets is designated to provide transportation alternatives, reduce auto travel and avoid congested operating conditions.

The HE EIR identified SCAs that require City review and approval of all improvements in the public right-of-way, reduction of vehicle traffic and parking demand generated by development projects, and construction traffic and parking management, which will also address transportation and circulation impacts.

Based on an examination of the analysis, findings, and conclusions of the Prior EIRs, and application of the City's thresholds of significance for transportation impacts demonstrating that a further VMT analysis is not required, the Project would not substantially increase the severity of significant traffic impacts identified in the Prior EIRs, nor would it result in new significant traffic impacts related to transportation and circulation that were not identified in the Prior EIRs. The Project would be required to implement SCAs related to city review and approval of all improvements proposed in the public right-of-way, and construction traffic and parking management, as identified in Attachment A (SCA-TRANS-1: Construction Activity in the Public Right-of-Way, SCA-TRANS-2: Bicycle Parking, and SCA-TRANS-3: Transportation Improvements).

Utilities and Service Systems

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board; Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects; 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;	☒	☐	☐
b. 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;	☒	☐	☐
c. 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; Violate applicable federal, state, and local statutes and regulations related to solid waste:	☒	☐	☐

Would the project:	Equal or Less Severity of Impact Previously Identified in Prior EIRs	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
d. Violate applicable federal, state and local statutes and regulations relating to energy standards; or 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.	☒	☐	☐

Redevelopment EIR, Housing Element EIR, and LUTE EIR Conclusions

Wastewater, Stormwater, and Water Supply (Criteria 14a and 14b)

Wastewater

The HE EIR estimated total water demand associated with the HE to be approximately 3.51 mgd. The HE EIR found that, based on typical wastewater generation figures, approximately 80 percent of the water used by residential units developed under the HE would enter the wastewater system. Thus, wastewater volumes generated by all housing development from the HE would be approximately 2.8 mgd. However, the HE EIR conservatively assumed that an additional 3.51 mgd of wastewater (100% of the water demand) would flow into EBMUD's Main Wastewater Treatment Plant (MWWTP). This additional flow was found to be within the MWWTP remaining capacity of 240 mgd for primary treatment and 88 mgd for secondary treatment (as of 2010). The conservative flow of 3.51 mgd was also found to be within the 20 percent increase in flow that is anticipated by EBMUD for future wastewater treatment. EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the wastewater flows as a result of the Housing Element, provided that the wastewater meets the requirements of the current EBMUD Wastewater Control Ordinance.

However, wet weather flows were discussed in the HE EIR as a concern. As required by a Stipulated Order for Preliminary Relief issued in 2009 by EPA, the State Water Resources Control Board, and the Regional Water Quality Control Board in 2009, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the wet weather facilities. The schedule for implementation of

any new flow allocations has not yet been determined. In the interim, EBMUD has requested that the City require project applicants to incorporate the following measures into development projects: (1) replace or rehabilitate any existing sanitary sewer collection systems to reduce inflow and infiltration, and (2) ensure any new wastewater collection systems for new projects are constructed to prevent infiltration and inflow to the maximum extent feasible. These measures are incorporated as SCA-UTIL-5 and SCA-UTIL-6.

Given the above points, and the incorporation of two SCAs noted above, the HE EIR concluded that the additional wastewater generated by future housing was not expected to exceed current wastewater treatment capacity at the MWWTP. Future capacity increases that have been planned, regardless of the Housing Element, would further increase wastewater treatment capacity and ensure that RWQCB requirements are met. Impacts from housing development pursutant to the HE were found to be less than significant.

Stormwater

The HE EIR noted that construction activities would disturb surfaces and expose underlying soil to wind and water erosion. Construction equipment could also track sediment onto roads and other impervious surfaces to be washed off into storm drains during rain events. Trash and construction materials and spills and leaks from construction equipment could also end up in the storm drain system. These impacts could impair storm drain capacity of they were to occur on a fairly large scale.

The HE EIR concluded that, post-construction, new housing development pursuant to the HE is not expected to increase stormwater flow into the City and Alameda County systems such that there would be a need for expansion or construction of new stormwater facilities. The reason is that most of the housing sites are within an urbanized area that is largely covered by impermeable surfaces already and is already served by the City and Alameda Flood Control and Water Conservation District (ACFCWCD) systems. Development of new housing in the urban infill sites is not expected to substantially increase impermeable surface area, and so stormwater flow into the City and ACFCWCD systems should not substantially increase to the extent that new or expanded drainage system infrastructure would be needed. Additionally, new developments are subject to strict design protocols for stormwater runoff.

Comparisons of runoff prior to development are compared with post-development runoff to ensure that the development has not resulted in increased flow levels. The City refers each development to ACFCWCD, which reviews the project and imposes mitigation measures if the project exceeds previous stormwater flow. Project plans are reviewed by the Oakland Public Works Agency to make sure that the site design provides for adequate site drainage to moderate water flows to the City's storm drain system located in the public right-of-way. Thus, development of the housing units allowed under the Housing Element would not be expected to result in increased stormwater flow such that expansion or construction of new stormwater systems would be needed. In addition, implementation of SCAs HYDRO-1 & HYDRO-2 would ensure that impacts would be less than significant.

Water Supply

East Bay Municipal Utility District (EBMUD) provides potable water for the City. The HE EIR noted that the normal year water supply for 2005 was 222 million gallons per day (mgd) and is expected to increase to 232 mgd by the year 2040, according to the EBMUD's Water Supply Management Program 2040 adopted in October 2009[39].

The HER EIR details the anticipated demands from the cities of Oakland, Berkeley and Alameda as determined in EBMUD's WSMP 2040 demand surveys. Of the aggregated demand shown, total water consumption associated with HE buildout would be approximately 2.51 mgd. This assumes that each residential unit built under the Housing Element would consume approximately 70 gallons per capita per day based on 2.6 persons per household (the HE EIR further notes that residential demand could be as low as 110 gpd per unit with installation of high efficiency water fixtures). This total represents approximately 4.1 percent of the estimated 2020 demands and 3.4 percent of the 2030 demands in those jurisdictions.

Current supply and demand projections shown in the HE EIR[40] conclude that EBMUD has adequate supplies in all years, including single and multiple dry year scenarios. This conclusion assumes that demand reductions of up to 25 percent will be achieved and EBMUD could rely on supplemental dry year supplies from FRWP beginning as early as late 2009 or by spring 2010. As stated above, the incremental increase in demand of 2.51 mgd associated with the Housing Element is assumed to be accounted for in EBMUD's WSMP 2040 study and these demands would not cause EBMUD to seek additional water rights. Further, compliance with the General Plan policies and Action 7.4.2. from the Housing Element along with LEED or green building provisions implemented for each housing project could further reduce the demand contributions associated with the Housing Element. Thus, potable water impacts associated with buildout of the Housing Element would be less than significant.

Solid Waste Services (Criterion 14c)

As described in the HE EIR, impacts associated with solid waste would be less than significant. The average annual volume of solid waste produced by a household of Oakland residents in multi-family units was 1,962 pounds in 2008. If disposal and diversion rates remained constant, the increase in solid waste volume associated with new housing units would be 13,244 tons annually. This represents less than one percent of the annual capacity of the Altamont Landfill and Resource Facility, where nonhazardous solid waste in the City is ultimately hauled. Thus, the increase in population associated with the Housing Element would not exceed the capacity of a permitted landfill.

Implementation of SCA-UTIL-1& SCA-UTIL-3 pertaining to waste reduction and recycling would reduce waste through compliance with the City of Oakland's Recycling Space Allocation Ordinance (Oakland Municipal Code, Chapter 17.118).

[39] City of Oakland Housing Element 2007-2014: Initial Study, 2010, pp. 201
[40] Ibid., p. 207.

Energy (Criterion 14d)

The HE EIR concluded that new housing development under the HE would result in less-than-significant impacts related to energy standards and use. It also concluded there are adequate energy supplies to provide for the increase in energy requirements associated with the new residential units planned under the Housing Element, and that PG&E can serve the proposed growth in housing units. In the event that additional distribution stations would need to be constructed, these facilities are anticipated to occur in the City, in the vicinity of housing sites. Such construction could result in environmental impacts, such as loss of trees or erosion impacts. Nonetheless, the City of Oakland has jurisdiction over the PG&E easements. All General Plan policies, Municipal Code regulations, and SCAs would apply to the construction of new energy facilities within the City. These requirements are expected to reduce potential impacts from construction of electric distribution facilities to less than significant.

Developments would be required to comply with the standards of Title 24 of the California Code of Regulations. SCA UTIL-4 pertaining to compliance with the Green Building Ordinance requires construction projects to incorporate energy-conserving design measures.

Project Analysis and Conclusion

As stated in the HE EIR, because EBMUD has planned for improvements to the water treatment system to improve system reliability and accommodate projected growth in its regional service area, the Housing Element would not prompt a need to expand treatment facilities in order to meet its demands. Therefore, because water demand from the Project is consistent with the Housing Element and the Municipal Code density, construction of the Project would not prompt a need to expand treatment facilities in order to meet its demands.

With respect to wastewater, the same conclusion applies. Since the HE EIR concluded that development pursuant to the HE would not impact wastewater treatment facilities, and because the Project is consistent with applicable density requirements, no significant impacts would occur.

With respect to solid waste, the same conclusion applies. Since the HE EIR concluded that development pursuant to the HE would not impact solid waste disposal facilities, and because the Project is consistent with applicable density requirements, no significant impacts would occur.

With respect to energy usage, the same conclusion applies. Since the HE EIR concluded that development pursuant to the HE could be accommodated with existing energy supplies, and the Project is consistent with applicable density requirements, no significant impacts to energy usage or facilities would occur.

Based on an examination of the analysis, findings, and conclusions in the prior EIRs, implementation of the Project would not substantially increase the severity of the significant impacts identified in those EIRs, nor would it result in new significant impacts related to the operation of utility services or facilities, including water supply, wastewater treatment, stormwater capacity, solid waste disposal, and energy standards and use, that were not identified in the prior EIRs. The prior EIRs did not identify any

mitigation measures or SCAs related to utilities services or facilities, and none would be required for the Project.

ATTACHMENT A: CITY OF OAKLAND – STANDARD CONDITIONS OF APPROVAL

The City of Oakland's Uniformly Applied Development Standards, adopted as Standard Conditions of Approval (Standard Conditions of Approval, or SCAs), were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code section 21083.3) and have been incrementally updated over time. The SCAs incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, Green Building Ordinance, historic/Landmark status, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects.

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

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

All SCAs identified in the CEQA Analysis—which are consistent with the measures and conditions presented in the City of Oakland General Plan, Land Use and Transportation EIR (LUTE EIR, 1998)—are included herein. To the extent that any SCA identified in the CEQA Analysis was inadvertently omitted, it is automatically incorporated herein by reference.

- The first column identifies the SCA applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the Project.
- The third column names the party responsible for monitoring the required action for the Project.

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

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

the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., SCA-AIR-1, SCA-AIR-2, etc. The SCA title and the SCA number that corresponds to the City's master SCA list are also provided in the Appendix listing—i.e., SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions) (#19).

	Implementation/Monitoring		
Standard Conditions of Approval	**When Required**	**Initial Approval**	**Monitoring/ Inspection**
Aesthetics, Shadow and Wind			
SCA-AES-1: Graffiti Control. (#16) a. During construction and operation of the Project, the Project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation: i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. b. The Project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include: i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required).	Ongoing	N/A	Bureau of Building
SCA-AES-2: Landscape Plan. (#17) *a. Landscape Plan Required* The Project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.	Prior to approval of construction-related permit	Bureau of Planning	N/A
b. Landscape Installation	Prior to building	Bureau of	Bureau of

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
The Project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.	permit final	Planning	Building
c. Landscape Maintenance All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	Ongoing	N/A	Bureau of Building
SCA-AES-3: Lighting. (#18) Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.	Prior to building permit final	N/A	Bureau of Building
Air Quality			
SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions). (#19) The Project applicant shall implement all of the following applicable air pollution control measures during construction of the Project: a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible. b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used. e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). f. Limit vehicle speeds on unpaved roads to 15 miles per hour. g. Idling times on all diesel-fueled commercial vehicles over	During construction	N/A	Bureau of Planning

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations"). i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.			
Note: Screening analysis demonstrated that the Project would be below the applicable threshold. No further action is required under this SCA. **SCA-AIR-2: Exposure to Air Pollution (Toxic Air Contaminants). (#20)** *a. Health Risk Reduction Measures* The Project applicant shall incorporate appropriate measures into the Project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The Project applicant shall choose <u>one</u> of the following methods: i. The Project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of Project residents/occupants/ users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City.	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection

– or –
 	
ii. The Project applicant shall incorporate the following health risk reduction measures into the Project. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:
• Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the Project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
• Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
• Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
• The Project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
• Sensitive receptors shall be located on the upper floors of buildings, if feasible.
• Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid popular (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
• Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
• Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
• Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
  • Installing electrical hook-ups for diesel trucks at loading docks.
  • Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
  • Requiring truck-intensive Projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
  • Prohibiting trucks from idling for more than two minutes.
  • Establishing truck routes to avoid sensitive receptors in the Project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
b. Maintenance of Health Risk Reduction Measures: The Project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the Project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.	Ongoing	N/A	Bureau of Building
Note: No stationary sources of TAC emissions (e.g., backup generator) are proposed for the Project. Thus, no further action is required under this SCA. **SCA-AIR-3: Stationary Sources of Air Pollution (Toxic Air Contaminants). (#21)** The Project applicant shall incorporate appropriate measures into the Project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants.	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
Biological Resources			
SCA-BIO-1 Bird Collison Reduction Measures. (#25) The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include all of the following: i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Monopole structures or antennas shall not include guy wires. iv. Avoid the use of mirrors in landscape design. v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below. vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Planning

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	When Required	Initial Approval	Monitoring/ Inspection
include the following: • Use opaque glass in window panes instead of reflective glass. • Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. • Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans. • Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides. • Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage. vii. Reduce light pollution. Examples include the following: • Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to December 30). • Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise. • Reduce perimeter lighting whenever possible. • Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass. • Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to December 30) migration.			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
viii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following: • Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws. • Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials. • Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day. • Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs. • Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.			
Cultural Resources			
SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction. (#29) Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the Project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The Project applicant shall implement the ARDTP at his/her expense. In the event of excavation of paleontological resources, the Project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the Project applicant.			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
SCA-CUL-2: Archaeologically Sensitive Areas—Pre-Construction Measures. (#30) Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources. Provision A: Intensive Pre-Construction Study. The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include: a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.	Prior to approval of construction-related permit; during construction	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Provision B: Construction ALERT Sheet. The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site. The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.			
SCA-CUL-3: Human Remains – Discovery during Construction. (#31) Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the Project site during construction activities, all work shall immediately halt and the Project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the Project applicant.	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Geology and Soils			
SCA-GEO-1: Construction-Related Permit(s). (#33) The Project applicant shall obtain all required construction-related permits/approvals from the City. The Project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
SCA-GEO-2: Soils Report. (#34) The Project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and Project design. The Project applicant shall implement the recommendations contained in the approved report during Project design and construction.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
Hazards and Hazardous Materials			
SCA-HAZ-1: Hazardous Materials Related to Construction. (#39) The Project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacture's recommendations for 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. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the Project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.	During construction	N/A	Bureau of Building
SCA-HAZ-2: Hazardous Building Materials and Site Contamination. (#40)	Prior to Approval of demolition,	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
a. *Hazardous Building Materials Assessment* The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.	grading, or building Permit		
b. Environmental Site Assessment Required The Project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the Project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The Project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
c. Health and Safety Plan Required The Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect Project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan.	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
d Best Management Practices (BMPs) Required for Contaminated Sites The Project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following: i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.	During construction	N/A	Bureau of Building
SCA-HAZ-3: Hazardous Materials Business Plan. (#41) The Project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the Project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following: 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. A plan that describes the manner in which these materials are handled, transported, and disposed.	Prior to building permit final	Oakland Fire Department	Oakland Fire Department
SCA HAZ-4: Asbestos in Structures (#23) The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.	Prior to Approval of Construction-Related Permit	Applicable regulatory agency with jurisdiction	Applicable regulatory authority with jurisdiction

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Hydrology and Water Quality			
SCA-HYDRO-1: Erosion and Sedimentation Control Plan for Construction. (#45) *a. Erosion and Sedimentation Control Plan Required* The Project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. 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 and/or construction 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 City. 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.	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A
b. Erosion and Sedimentation Control During Construction Requirement: The Project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.	During Construction	N/A	Bureau of Building
SCA-HYDRO-2: Site Design Measures to Reduce Stormwater Runoff (#48) Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following: a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas; b. Utilize permeable paving in place of impervious paving where appropriate; c. Cluster structures; d. Direct roof runoff to vegetated areas; e. Preserve quality open space; and f. Establish vegetated buffer areas.	Ongoing	N/A	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
SCA-HYDRO-3: Source Control Measures to Limit Stormwater Pollution (#49) Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following: a. Stencil storm drain inlets "No Dumping – Drains to Bay;" b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories; i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and **j.** Fire sprinkler teat water, if discharge to on-site vegetated areas is not feasible.	Ongoing	N/A	N/A
SCA-HYDRO-4: NPDES C.3 Stormwater Requirements for Small Projects. (#51) Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project: a. Direct roof runoff into cisterns or rain barrels for reuse; b. Direct roof runoff onto vegetated areas; c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas; d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas; e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces. The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.	Prior to Approval of Construction-Related Permit	Bureau of Planning; Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
b. Maintenance Agreement Required The Project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following: i. The Project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the Project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.	Prior to Building Permit Final	Bureau of Building	Bureau of Building
Noise			
SCA-NOI-1: Construction Days/Hours. (#58) The Project applicant shall comply with the following restrictions concerning construction days and hours: a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. 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. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The Project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
days/hours, the Project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.			
SCA-NOI-2: Construction Noise. (#59) The Project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following: 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. Applicant shall use temporary power poles instead of generators where feasible. d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.	During Construction	N/A	Bureau of Building
SCA-NOI-3: Extreme Construction Noise. (#60) *a. Construction Noise Management Plan Required* Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the Project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The Project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following: i. Erect temporary plywood noise barriers around the	Prior to Approval	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
construction site, particularly along on sites adjacent to residential buildings; ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. Based on the potential noise impacts from construction equipment to nearby sensitive receptors, the following draft site-specific noise attenuation measures are additionally recommended for inclusion in the Construction Noise Management Plan: • Temporary noise barriers will be placed between the proposed construction activities and nearby receptors. The noise barriers may be constructed from plywood and installed on top of a portable concrete K-Rail system to be able to move and/or adjust the wall location during construction activities. A sound blanket system hung on scaffolding, or other noise reduction materials that result in an equivalent or greater noise reduction than plywood, may also be used. Due to the proximity of the commercial and apartment buildings located at the northern and southern borders of Project site, respectively, the use of Sound Transmission Class (STC) rated materials, or other materials that could similarly provide high levels of noise reduction above what plywood or sound blankets alone could provide, should be incorporated into the design of the noise barriers installed at these borders. An STC rating roughly equals the decibel reduction in noise volume that a wall, window, or door can provide. Therefore, using STC-rated materials could substantially increase the level of noise reduction provided by the barrier. The composition, location, height, and width of the barriers during different phases of construction will be determined by a qualified acoustical consultant and incorporated into the Construction Noise Management Plan for the Project. • Best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) will be used for Project equipment and trucks during construction wherever feasible. For example, exhaust mufflers on pneumatic tools can lower noise levels by up to about 10 dBA and external jackets can lower noise levels by up to about 5 dBA.			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
• Noise control blankets will be utilized on the building structure as the building is erected to reduce noise emission from the site. The use of noise control blankets will particularly be targeted to cover the levels of the building that have line of sight with the windows of adjacent receptors; • Construction equipment will be positioned as far away from noise-sensitive receptors as possible. The Project site is surrounded by hard surfaces, and therefore, for every doubling of the distance between a given receptor and construction equipment, noise will be reduced by approximately 6 dBA. *b. Public Notification Required* The Project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the Project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.			
SCA-NOI-4: Project Specific Construction Noise Reduction Measures Requirement: The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. The project applicant shall implement the approved Plan during construction	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building
SCA-NOI-5: Exposure to Community Noise. (#63) The Project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following: a. 45 dBA: Residential activities, civic activities, hotels. b. 50 dBA: Administrative offices; group assembly activities. c. 55 dBA: Commercial activities. d. 65 dBA: Industrial activities.	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
SCA-NOI-6: Operational Noise. (#64) Noise levels from the Project site after completion of the Project (i.e., during Project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.	Ongoing	N/A	Bureau of Building
Transportation /Traffic			
SCA-TRANS-1: Construction Activity in the Public Right-of-Way. (#68) *a. Obstruction Permit Required* The Project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
b. Traffic Control Plan Required In the event of obstructions to vehicle or bicycle travel lanes, the Project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The Project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Project applicant shall implement the approved Plan during construction.	Prior to Approval of Construction Related Permit	Public Works Department, Transportation Services Division	Bureau of Building
c. Repair City Streets The Project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by Project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.	Prior to Building Permit Final	N/A	Bureau of Building
SCA-TRANS-2: Bicycle Parking. (#69) The Project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
Utilities and Service Systems			
SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling. (#74) The Project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and	Prior to Approval of Construction-Related Permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/ modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the Project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalo systems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.			
SCA-UTIL-2: Underground Utilities. (#75) The Project applicant shall place underground all new utilities serving the Project and under the control of the Project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the Project's street frontage and from the Project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.	During Construction	N/A	Bureau of Building
SCA-UTIL-3: Recycling Collection and Storage Space. (#76) The Project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential Projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential Projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building
SCA-UTIL-4: Green Building Requirements. (#77) *a. Compliance with Green Building Requirements During Plan-Check* The Project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code). i. The following information shall be submitted to the City for review and approval with the application for a building permit: • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
• Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the Project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the Project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. Ii. The set of plans in subsection (i) shall demonstrate compliance with the following: • CALGreen mandatory measures. • All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. • A minimum of 23 points (3 Community; 6 IAQ/Health; 6 Resources; 8 Water) as defined by the Green Building Ordinance for Residential New Construction. • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories.			
b. Compliance with Green Building Requirements During Construction The Project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the Project. The following information shall be submitted to the City for review and approval: i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the Project complies with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
c. Compliance with Green Building Requirements After Construction Within sixty (60) days of the final inspection of the building permit for the Project, the Green Building Certifier shall submit the appropriate documentation to Build It Green and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the Project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.	After Project Completion as Specified	Bureau of Planning	Bureau of Building
SCA-UTIL-5: Sanitary Sewer System. (#79) The Project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-Project and post-Project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City-Projected increases in wastewater flow in the sanitary sewer system, the Project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.	Prior to Approval of Construction-Related Permit	Public Works Department, Department of Engineering and Construction	N/A
SCA-UTIL-6: Storm Drain System. (#80) The Project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the Project site shall be reduced by at least 25 percent compared to the pre-Project condition.	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building

ATTACHMENT B: PROJECT CONSISTENCY WITH COMMUNITY PLANS OR ZONING, PER CEQA GUIDELINES SECTION 15183

Section 15183 (a) of the California Environmental Quality Act (CEQA) Guidelines states that "…projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

Project. The Project includes demolition of the existing structure and removal of a canopy and surface asphalt paving. The building footprint of approximately 7,953 sf will overlay nearly the entire surface of the property. At grade, ground floor development would include a 2,540-sf retail or restaurant space at the corner of MacArthur Boulevard and Webster Street, a 410-sf residential lobby and a two-story open void of approximately 3,175 sf where the Puzzle Lift Parking equipment would operate, with 17 stalls. Three standard stalls (including one accessible), would bring the total residential parking capacity to to 20 cars; the garage area would also provide parking space for nine bicycles. Also on the ground floor would be a recycling and trash enclosure space and rooms for mechanical equipment. The second through fifth floors would provide 20 apartment units with nearly repetitive floor plans on each floor; the mix of units would include nine (9) one-bedroom + den plans, seven (7) two-bedroom plans, and four (4) three-bedroom plans.

The proposed building height would be 59' 11", consistent with the 60' height limit applicable to the Project site in the Planning Code. A 1,725-sf amenity area would be provided on the roof as common open space for use by building residents, accessed by the single elevator.

Project Consistency. The City of Oakland completed an update of the General Plan Land Use and Transportation Element (LUTE) in March 1998. The LUTE includes the City's current Land Use and Transportation Diagram as well as strategies, policies, and priorities for Oakland's development and enhancement during a two decade period. The EIR certified for the LUTE is used to simplify the task of preparing environmental documents on later projects that occur as a result of LUTE implementation. Cumulative environmental effects identified in the LUTE's EIR as (a) significant and unavoidable or (b) significant but can be reduced to less-than-significant through mitigation, are limited to the following topics: aesthetics/winds, cultural resources, hazards/hazardous materials, land use/planning, transportation/circulation, population/housing, and public services.

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

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

Yes	No	
☑	❒	The Project is consistent with the development density established by existing zoning,community plan, or general plan policies for which an EIR was certified.

General Plan-- Land Use and Transportation Element

The General Plan land use designation for the Project Site and surrounding area is Neighborhood Center Mixed Use (CN). The intent of the CN classification is to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses.

1. The Project is aligned with policies set forth in the LUTE of the General Plan as listed below:

The site is within the North Oakland Planning area as described in the LUTE. The LUTE designates the segment of West MacArthur Blvd between Piedmont Avenue and the Emeryville border (San Pablo Avenue) as both a Key Corridor and a "Grow and Change" corridor. Key corridors are envisioned as mixed-use urban environments with concentrations of commercial and civic uses joined by segments of multifamily housing. The redevelopment of the Broadway/MacArthur/San Pablo area is consistent with this designation.

In Neighborhood Center Mixed Use areas, the General Plan promotes future development that is commercial or mixed use, and that is urban residential with ground floor commercial.[41] Development in these areas must fulfill the following policy objectives, as detailed in the LUTE: Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies; Industry and Commercial Objectives I/C1, I/C2, and I/C3; and Transportation Objectives T2 and T6[42].

Specifically, the Project is consistent with the following policies in the LUTE:

- **Policy N1.1 Concentrating Commercial Development**. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.

- **Policy N1.2 Placing Public Transit Stops**. The majority of commercial development should be accessible by public transit. Public Transit stops should be placed at strategic locations in Neighborhood Activity Centers and Transit-Oriented Districts to promote browing and shopping by transit users.

[41] City of Oakland, 1998. *General Plan*, Land Use and Transportation Element, Policies in Action p. 149.
[42] City of Oakland, 1998. *General Plan*, Land Use and Transportation Element, Policy Framework.

- **Policy N3.2 Encouraging Infill Development.** In order to facilitate the construction of needed housing units, infill development consistent with the General Plan should take place throughout the City of Oakland.

- **Policy N1.8 Making Compatible Development.** The height and bulk of commercial development in "Neighborhood Mixed-Use Center" and "Community Commercial" areas should be compatible with that which is allowed for residential development.

The Project is consistent with the above General Plan policies for the following reasons:

- The Project site currently has an existing structure, canopy, and surface asphalt paving. The Project would remove these structures and replace them with infill housing that complies with the City's design standards and respects the surrounding streetscape, as specified in the Planning Code and subject to the City's design review process.

- The Project would redevelop an existing unused developed lot with a mixed-use residential development that would include ground floor retail uses and provide new infill housing in a neighborhood mixed use center.

- The Project would be generally compatible with the mixed-use buildings on neighboring blocks, as it would also provide residential uses, and would complement other adjacent buildings that contain ground floor retail by providing similar types of uses.

Therefore, the Project would be consistent with the General Plan policies detailed above.

2. The Project is consistent with the Housing Element 2015-2023 of the General Plan

The Project site meets Housing Element criteria of sites suitable for new housing development, including:

- It is an underutilized site with outmoded facilities and/or marginal existing use;

- It is located along one of the City's major commercial corridors (West MacArthur), and utilizes ground floor commercial space with housing above, as encouraged by zoning and development guidelines to maximize residents' access to services including retail opportunities, transportation alternatives and civic activities, while reducing the need for automobiles, thus increasing the sustainability of such development.

3. The Project is consistent with the Broadway/MacArthur/San Pablo Redevelopment Plan. The Project is located within Subarea 2 of this Plan. The Redevelopment Plan EIR states, "Neighborhood-oriented commercial uses would be encouraged to locate in vacant or abandoned storefronts along San Pablo/Golden Gate, 40th Street, MacArthur Bouldevard, Telegraph Avenue, 27th Street, and Broadway. Land use on these corridors would remain primarily commercial, but would include multi-family housing in mixed-use retail areas."[43] The Project is consistent with this land use.

[43]Draft EIR for Broadway/MacArthur/San Pablo Redevelopment Plan, 2000. p 3-6.

4. **The Project is consistent with the development density established by existing Zoning, Community Plan or General Plan policies.**

The Project site is zoned CN-3, meaning Neighborhood Center Commercial, per the City of Oakland Planning Code Sections 17.33. This section of the Code states that "The intent of the Neighborhood Center Commercial (CN) Zones is to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping." The specific intent of the CN-3 Zone is "to create, improve, and enhance area neighborhood commercial centers that have a compact, vibrant pedestrian environment."

- **The Project is consistent with the development density in the Planning Code for CN-3 Neighborhood Commercial Zones**. For regular residential units in a 60' height area, the required square footage of lot area per dwelling unit (sf/du) is 375[44]. The Project proposes to construct 20 residential units over a lot area of 7800 sf, which equals 390 sf/du, thus achieving the density requirement. Therefore, the Project is consistent with the development density established by existing zoning, community plan or General Plan policies for which an EIR was certified (i.e., the Housing Element 2015-2023 and its associated EIR and Addendum), and the Project qualifies as a Project Consistent with a Community Plan or Zoning pursuant to CEQA Guidelines Section 15183.
- **The Project otherwise conforms to existing zoning policies.** The proposed design complies with design standards and regulations of the Planning Code, including but not limited to the following:
  - The proposed residential and ground floor retail uses are permitted under Chapter 17.33.030 of the Planning Code (certain types of commercial activities would require a Conditional Use Permit under Chapter 17.134 of the Planning Code). The Project does not include any ground floor residential units.
  - The Project is within the 60' height limit for properties within the CN-3 zone (it is 59'11" high).
  - The Project conforms to the zero side setback provisions (both interior and street side) pursuant to the Planning Code, Table 17.33.03,
  - The Project is requesting a variance for the nonresidential (ground floor) rear setback requirement of 10' for a property whose real lot line is adjacent to an RM zone (in this case, the adjacent housing is in an RM-3 zone. Pursuant to Section 17.107.095 of the Planning Code and California Government Code 65915 (e) (1), the Project is eligible for a waiver of a development standard--in this case, the rear yard setback requirement--where a development standard will "have the effect of physically precluding the construction of a development…at the densities or with the concessions or incentives permitted by this Chapter." The Applicant is requesting the waiver because the narrow lot depth of the property would preclude an effective design solution for neighborhood-serving retail: the garage would need to be configured such that the retail would become so small as to become unleasable. The only alternative would be eliminating the ground floor commercial component of the Project, which would create many more additional instances of non-compliance with the Planning Code. The waiver will not result in any adverse impacts on health, safety, or the physical

[44] Oakland Planning Code, Table 17.33.04.

environment, nor will it result in an adverse impact on a property listed in the California Register of Historical Resources.

- The Project would provide 3,624 square feet of usable open space, which is above the required 3,000 square feet of usable open space (150 square feet per regular dwelling unit) pursuant to Planning Code Section 17.33.050. The usable open space applies 750 sf of group open space on the roof (equal to 20% of the total requirement), a common deck of 632 sf, and 2,242 of private open space.

Therefore, the Project adheres to the criteria of CEQA Guidelines Section 15183(a) as being consistent with both the development density established in the General Plan and applicable zoning regulations for the site.

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

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

Further, as outlined in Section IV, Purpose and Summary, the analysis in Attachments B and C, provide substantial evidence to support the use of the:

- Qualified Infill Exemption; and/or
- Program EIRs and Redevelopment Projects.

ATTACHMENT C: STREAMLINING FOR INFILL PROJECTS, SECTION 15183.3

Based on CEQA Guidelines Section 15183.3(d)(1), the Lead Agency must examine an eligible infill project in light of the prior EIR to determine whether the infill project will cause any effects that require additional review under CEQA. This evaluation shall:

A. Document whether the infill project satisfies the applicable performance standards in Appendix M.

B. Explain whether the effects of the infill project were analyzed in a prior EIR

C. Explain whether the infill project will cause new specific effects (defined as "an effect that was not addressed in the prior EIR and that is specific to the infill project or the infill project site").

D. Explain whether substantial new information shows that the adverse environmental effects of the infill project are more significant (defined as "substantially more severe") than described in the prior EIR.

If the infill project will cause new specific effects or more significant effects, the evaluation should indicate whether uniformly applicable development policies or standards will substantially mitigate those effects.

The following information demonstrates that the Project is eligible for permit streamlining pursuant to CEQA Guidelines Section 15183.3 as a qualified infill Project, and fulfills the review requirements of its provisions.

A. Appendix M Performance Standards

The following analysis demonstrates that the Project is located in an urban area on a site that has been previously developed; satisfies the performance standards provided in CEQA Guidelines Appendix M; and is consistent with the General Plan land use designation, density, building intensity and applicable policies. As such, this environmental review is limited to an assessment of whether the Project may cause any Project-specific effects, and relies on uniformly applicable development policies or standards to substantially mitigate cumulative effects.

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Project**
1.	Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter. For the purpose of this subdivision, "adjoin" means the infill Project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])	Yes. The Project site has been previously developed as a gasoline service station and surface parking lot, and adjoins existing urban uses, as described in the Project Description, above.
2.	Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:	—
	2a. Performance Standards Related to Project Design. All Projects must implement **all** of the following:	—
	Renewable Energy. *Non-Residential Projects.* All nonresidential Projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible. *Residential Projects.* Residential Projects are also encouraged to include such onsite renewable power generation.	Not Applicable: According to Section IV (G) of CEQA Appendix M, for mixed-use Projects "…the performance standards in this section that apply to the predominant use shall govern the entire Project." Because the predominant use is residential, the Project is not required to include onsite renewable power generation.
	Soil and Water Remediation. If the Project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the Project shall document how it has remediated the site, if remediation is completed. Alternatively, the Project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.	Yes. The Project site is on State Water Resources Control Board's GeoTracker list, one of the lists included under Section 65962.5 of the Government Code (Site Cleanup Program Case No. RO0003192 and Geotracker Global ID T10000007937). A Human Health Risk Assessment (HHRA) indicated that chemicals of concern (mainly TPHg, benzene, and naphthalene) identified in groundwater and soil vapor beneath the site may pose a potential risk for vapor intrusion to indoor air to occupants of the building. A Draft Conceptual Remedial Action Plan (RAP) was prepared by ARS in September, 2016. It includes a vapor mitigation system (VMS) consisting of a sub-slab depressurization system (SSDS) and a barrier system. Per the RAP, a Site Management Plan (SMP) will be prepared for ACDEH approval. Additionally, the RAP presents an outline for the submittal of a Basis of Design Report (BDR) which includes detailed system construction plans and specifications, including specific vapor barrier products and specifications; a Construction Quality Assurance Plan (CQAP) for installation of the VMS; and an Operation and Maintenance Plan (O&MP), to include measures to be implemented both during and after VMS installation to insure the integrity and long-term effectiveness of the VMS. Following SMP and BDR approval, ACDEH anticipates

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Project**
		approving the project formally and taking steps necessary to close the site to allow the project to proceed. It is anticipated that the County's closure process will be coincide with the completion of the project provided that the City of Oakland concurs with the process (or an essentially comparable process that meets the needs and requirements of ACDEH).
	Residential Units Near High-Volume Roadways and Stationary Sources. If a Project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the Project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the Project shall include measures, such as enhanced air filtration and Project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.	Yes. For Projects that include residential units, the BAAQMD recommends evaluating the cumulative health risks to the residents from mobile and stationary sources of TAC emissions within 1,000 feet of the Project. The Project would be required to implement the health risk reduction measures under SCA-20, including the installation and maintenance of high efficiency filtration systems with a Minimum Efficiency Reporting Value rating of 13 (MERV-13). See the discussion under Air Quality, included in this CEQA Analysis.
	2b. *Additional Performance Standards by Project Type.* In addition to implementing all the features described in criterion 2a above, the Project must meet eligibility requirements provided below by Project type.[a]	—
	Residential. A residential Project must meet **<u>one</u>** of the following: A. *Projects achieving below average regional per capita vehicle miles traveled.* A residential Project is eligible if it is located in a "low vehicle travel area" within the region; B. *Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.* A residential Project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor (A major transit stop is defined as "a site containing... the intersection of two or more major bus routes with frequencies of service intervals of 15 minutes or less udring the morning and afternoon peak commute periods"); **<u>or</u>** C. *Low – Income Housing.* A residential or mixed-use	Yes, Project satisfies A and B: A: The Project site is in a Transit Area Zone that is below the average level of per capita residential VMT in the Region. B: The Project site is within ½-mile of an Existing Major Transit Stop (MacArthur BART Station). MacArthur BART Station is a major transfer point for three BART lines. The site is served by Alameda-Contra Costa Transit (AC Transit) bus routes 51A, 651 and 851 on Broadway (northbound and southbound) and routes 57, 653, 657 and 658 on MacArthur Boulevard. All stops are approximately 2/10ths of a mile (975 feet) east of the site, at the corner of MacArthur and Broadway.

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Project**
	Project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development Project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.	
	Commercial/Retail. A commercial/retail Project must meet **one** of the following: A. *Regional Location.* A commercial Project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a "low vehicle travel area"; **or** B. *Proximity to Households.* A Project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.	Not Applicable. According to Section IV (G) of CEQA Appendix M, for mixed-use Projects "…the performance standards in this Section that apply to the predominant use shall govern the entire Project." Because the predominant use is residential, the requirements for commercial/retail Projects do not apply.
	Office Building. An office building Project must meeting **one** of the following: A. *Regional Location.* Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; **or** B. *Proximity to a Major Transit Stop.* Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.	Not Applicable.
	Schools. Elementary schools within 1 mile of 50 percent of the Projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the Projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible. Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.	Not Applicable.
	Transit. Transit stations, as defined in Section 15183.3(e)(1), are eligible.	Not Applicable.
	Small Walkable Community Projects. Small walkable community Projects, as defined in Section 15183.3, subdivision (f)(5), that implement the Project features in 2a above are eligible.	Not Applicable.

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Project**
3.	Be consistent with the general use designation, density, building intensity, and applicable policies specified for the Project area in either a sustainable communities strategy or an alternative planning strategy, **except** as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B). (CEQA Guidelines Section 15183.3[b][3])	Yes. The adopted Plan Bay Area (2013)[1] serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375. Plan Bay Area identified Priority Development Areas (PDAs), where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. As identified in the General Plan Housing Element 2015-2023, the Project is within the MacArthur Transit Village PDA. This PDA is planned to become one of Oakland's premier transit villages. Planned improvements include attractive streetscapes, abundant housing choices, ground floor neighborhood serving retail, a new public place adjacent to retail, community space, a new BART plaza, and improved shuttle service. The planned improvements are intended to reduce dependency vehicles by placing new residents near both transit and employment opportunities. This transit village aims to be a regional model of a complete community. As such, the 411 W. MacArthur mixed use project is consistent with the general land use designation, density, building intensity, and applicable policies specified in the General Plan, as described in further detail in the CEQA Analysis under Section 15183 and summarized below. The General Plan land use designation for the site is Neighborhood Center Mixed Use; this classification is intended to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment. The proposed mixed-use Project would be consistent with this designation.

B. Effects Analyzed in Prior EIR

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

Less-than-significant impacts were identified for the following resources in the 1998 LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway

[1]Metropolitan Transportation Commission and Association of Bay Area Governments, 2013. Plan Bay Area, Strategy for a Sustainable Region. Adopted July 18, 2013.

emissions, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use projects and near transit); noise (roadway noise citywide, multifamily near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand). No impacts were identified for agricultural or forestry resources and mineral resources.

Significant unavoidable impacts were identified for the following environmental resources in the 1998 LUTE EIR: air quality (regional emissions); public services (fire safety); transportation/circulation (roadway segment operations: Grand Avenue between Harrison St. and I-580); and policy consistency (Clean Air Plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

Environmental Effects Summary – 2010 Housing Element and 2014 Addendum

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

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

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

Environmental Effects Summary – 2000 Redevelopment Plan EIR and 2011 Redevelopment Plan Amendments SEIR

The 2000 Redevelopment Plan EIR determined that development facilitated by the Redevelopment Plan would result in impacts to the following resources that would be reduced to a less-than-significant level

with the implementation of identified mitigation measures and/or SCAs (described in Section IV): Land use (potential conflicts with the Historic Preservation Element of the City's General Plan, land use conflicts in Subarea 3, particularly along San Pablo Avenue and Stanford Avenue because of the proximity of schools and parks; transportation and circulation (the addition of project traffic would result in unacceptable level of service at three intersections duringthe PM peak hour under existing conditions and cumulative 2020 conditions; air quality (construction activities associated with development projects within the Project area would generate dust (including the respirable fraction known as $PM_{2.5}$) and combustion emissions; noise (development within the Project Area would generate short-term increases in noise and vibration due to construction; also, the Redevelopment Plan would encourage new residential uses as part of mixed-use retail areas within the Project Area and future noise levels could be incompatible with these new residential uses; and public services and utilities ((a)The project could result in a lack of adequate open space and recreational opportunities for residents of new housing developments; and (b) together with other existing and reasonably foreseeable future development in the vicinity in Oakland, the project would contribute to cumulative demand for increased fire protection services).

Less-than-significant impacts were identified for the following resources in the 2011 Redevelopment Plan EIR: aesthetics (i.e., less than significant with SCAs); air quality (clean air plan consistency); hydrology and water quality (i.e., less than significant with SCAs); population and housing; noise (roadway noise only); traffic/circulation (air traffic and emergency access); and utilities and service systems (i.e. less than significant with SCAs). No impacts were identified for agricultural or forestry resources, and mineral resources.

The 2011 Redevelopment Plan EIR determined that the Proposed Amendments combined with cumulative development would have significant unavoidable impacts on the following environmental resources: air quality (toxic air contaminant exposure and odors); cultural resources (historic); and traffic/circulation (roadway segment operations). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

Thus, the effects of the infill project were discussed in the prior EIRs.

C. New Specific Effects

As demonstrated in Section VII, the Project would not cause new specific effects that were not addressed in the LUTE EIR or the Housing Element EIR and EIR Addendum. The checklist analysis of the 411 W. MacArthur Boulevard Project in Section VII concludes that there would be no impacts that were not analyzed in prior EIRs.

Specifically, the analysis in Section VII included resource topics that the Housing Element Initial Study or the Redevelopment Plan EIR determined could have significant impacts:

- Aesthetics
- Air Quality
- Noise

- Population and Housing
- Hazardous Materials
- Transportation/Traffic
- Public Service and Utilities

As the analysis demonstrates, the Project would not substantially increase the severity of the significant impacts identified in the Prior EIRs, nor would it result in new significant impacts related to population and housing that were not identified in the Prior EIRs. Further, there have been no substantial changes in circumstances following certification of the Housing Addendum EIR that would result in any new specific effects.

D. Substantial New Information

As stated in Section VII, there is no new information that was not known at the time the Housing Element EIR Addendum was certified in 2014 or the Supplemental Redevelopment Plan EIR in 2011 that would cause more severe adverse impacts than discussed in the prior EIR. The updated Housing Element (2015-2013) reinforced the need for available potential housing sites to be developed to meet RHNA goals. There have been no significant changes in the underlying development assumptions, nor in the applicability or feasibility of mitigation measures or SCAs included in the prior EIRs.

E. Standard Conditions of Approval

SCAs incorporate policies and standards from various adopted plans, policies, and ordinances, which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. SCAs that apply to 411 W. MacArthur Boulevard Project are included above in Attachment A.

Consistent with CEQA Guidelines Section 15183.3(a), which allows streamlining for qualified infill Projects, this environmental document is limited to topics applicable to Project-level review where the effects of infill development have been addressed in other planning level decisions of the General Plan Land Use and Transportation Element (LUTE) and LUTE Environmental Impact Report (EIR) (1998), the General Plan 2007-2014 Housing Element and EIR (2010) and the 2015-2023 Housing Element and Addendum (2014), or by uniformly applicable development policies (Standard Conditions of Approval) which mitigate such impacts.

ATTACHMENT D: HUMAN HEALTH RISK SCREENING: 411 W. MACARTHUR BOULEVARD

411 West MacArthur Blvd Project, TAC Screening Summary and Highway/Roadway Sources

Highway/High Volume Roadway 1000 ft Screening for 411 W. MacArthur Project

Highways	Side of Road	Distance Measured	Distance Rounded Down	Cancer Risk	PM 2.5	Hazard Index
580	North	750	750 ft	10.537	0.09395	0.01158 acute

Roadways	Direction	AADT	Side of Road	Distance	Cancer Risk	PM 2.5
Webster	**N/S**	2334	W	10	1.71	0.031
W. MacArthur	E/W	13,925	S	10	10.2	0.20

Summary 1000 ft Screening for 411 W. MacArthur Project, Stationary and Highway/Roadway Sources

	Cancer Risk	PM 2.5	Hazard Index
Sum of Highways/Roadways	**22.4**	**0.33**	**0.012**
Sum of Stationary Sources	**9.6**	**0.00**	**0.01**
Sum of all Screening Sources	**32.0**	**0.33**	**0.03**
BAAQMD Cumulative Source Threshold	100.0	0.80	10.00

NOTES:
Highway Screening data is from BAAQMD Highway Screening Tool (6ft), Alameda County 2011
Roadway Cancer Risk and PM 2.5 concentrations were generated using BAAQMD's Roadway Screening Analysis Calculator, Alameda County, dated 4/16/15
Hazard Index is not generally exceeded by roadway sources so is not reported in all methodologies or here.
Stationary Source Screening is details on the following pages.
W. MacArthur Roadway AADT is from the closest reported segment in the 2007-2014 Oakland Housing Element DEIR Appendix E-1

ATTACHMENT E: DRAFT CONCEPTUAL REMEDIAL ACTION PLAN

September 12, 2016

Alameda County Department of
Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Attention: Keith Nowell

Subject: Draft Conceptual Remedial Action Plan
411 West MacArthur Boulevard, Oakland, California
ACEH RO#0003192; Global ID: T10000007937

Ladies and Gentlemen:

Attached please find a copy of the *Draft Conceptual Remedial Action Plan* prepared by Applied Remedial Services. I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge.

Very truly yours,

Joseph A. Hernon (Manager)
411 W. MacArthur LLC.

ARS INC.
Applied Remedial Services, Inc.

P.O. BOX 5086
Walnut Creek, California 94596
Phone (925)943-7742, Fax (925) 943-7714

September 12, 2016

Mr. Keith Nowell
Ms. Dilan Roe
Alameda County Department of
Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Subject: Draft Conceptual Remedial Action Plan
411 West MacArthur Boulevard, Oakland, California
ACEH RO#0003192; Global ID: T10000007937

Dear Mr. Nowell and Ms. Roe:

ARS is pleased to submit this Draft Conceptual Remedial Action Plan (RAP) on behalf of 411 West MacArthur LLC for the planned residential development at 411 West MacArthur Boulevard in Oakland, California (the "Site"). The Site is currently in the planning stages of redevelopment that will include construction of a five-story residential building with 20 apartments and a 3,000 sf commercial establishment on the eastern portion of the property. Subsurface investigations performed at the Site have identified Total Petroleum Hydrocarbons as Gasoline (TPHg), BTEX constituents, and methane in soil vapor that pose a potential risk to indoor air quality. This RAP describes the proposed mitigation measures to protect indoor air quality.

Please do not hesitate to call us if you need any further assistance. In addition to the office I can be reached at (707) 567-2202 and Jim at (707) 631-1505.

Respectfully Submitted,

Michael Kara
Principal Toxicologist

James E. Gribi
Professional Geologist
California No. 5843

CERTIFICATION

We, Michael F. Kara and James E. Gribi P.G., certify under penalty of law that this document entitled "Draft Conceptual Remedial Action Plan" dated September 12, 2016 which was prepared for the 411 West MacArthur Boulevard project in the City of Oakland, was personally researched and prepared by us. The completed RAP was conducted under our supervision and direction in accordance with a system designed to assure that the information submitted was properly gathered and evaluated by qualified personnel. This information is, to the best of our knowledge and belief, true, accurate, complete and satisfies the scope of work prescribed by the client. We are aware that there are significant penalties for submitting false information.

Furthermore, we certify and declare that, to the best of our professional knowledge and belief, we meet the definition for Environmental Professionals as specified in 40 CFR Part 312.10. We have the specific qualifications, based on education, training, and experience, to assess and remediate a property of the nature, history, and setting of this Site.

Michael Kara

September 12, 2016

Michael F. Kara — Date

Principal Toxicologist
USEPA Environmental Professional
Registered Environmental Property Assessor # 386340
Registered Lead Sampling Technician #21985

September 12, 2016

James E. Gribi — Date

Registered Geologist
California No. 5843

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FIGURES

DRAFT CONCEPTUAL REMEDIAL ACTION PLAN

411 W. MACARTHUR BOULEVARD, OAKLAND, CALIFORNIA
ACEH RO#0003192; Global ID: T10000007937

1.0 INTRODUCTION

On behalf of 411 West MacArthur LLC (the Client), Applied Remedial Services, Inc. (ARS) is pleased to submit this Draft Conceptual Remedial Action Plan (RAP) for the planned residential development at 411 West MacArthur Boulevard in Oakland, California (the "Site"). The Site is currently in the planning stages of redevelopment that will include construction of a residential structure on the property which is comprised of 20 apartments and a 3,000 sf commercial space at the ground floor on the eastern corner of the property. Subsurface investigations performed at the Site have identified Total Petroleum Hydrocarbons as Gasoline (TPHg), BTEX constituents, and methane in soil vapor that pose a potential risk to indoor air quality. This RAP describes the proposed mitigation measures to protect indoor air quality.

The Site comprises an approximately 7,800-square foot parcel on the southwest corner of West MacArthur Boulevard and Webster Street (Figures 1 and 2). A gas station (Unocal #3538, Chevron #351642) occupied the Site in the past. Two generations of fuel station facilities have been removed from the Site: the first in 1989 and the second in 1998. The station building and canopy were left in place following station decommissioning (Figure 3). A significant amount of environmental investigation and remediation has been conducted for the Site. These activities have resulted in residual hydrocarbons remaining in soil and groundwater on the Site in two locations: (1) A small area measuring approximately 30 feet by 10 feet along the east edge of the Site; and (2) A small area measuring approximately 20 feet by 10 feet on the south side of the Site, south of the former fuel dispenser islands (see Figures 4 through 9). Soil vapor sampling in these locations generally showed elevated TPHg and relatively low concentrations of BTEX constituents (see Figure 10). On August 19, 2015, Alameda County Department of Environmental Health (ACEH) granted regulatory closure for commercial land uses only.

The current Site owner, 411 W MacArthur LLC, plans to redevelop the Site for residential land use and has entered into agreement with ACEH to conduct additional tasks to allow for residential land use. The planned Site development will consist of a five-story apartment

building with approximately 20 living units. The building will include a concrete-encased parking and storage basement on the west side of the building. The ground floor will include parking over the basement area on the west side and concrete-floored commercial use on the east side of the building. The second through fifth floors will include residential apartments. An elevator shaft on the south side of the building will extend from the basement up to the fifth floor.

ARS recently completed a Human Health Risk Assessment for the Site that generally indicated that indoor air TPHg/BTEX inhalation risks from non-mitigated residual hydrocarbons are in the neighborhood of 10^{-5} to 10^{-6} for lifetime excess cancer risk and 0.6 for cumulative non-cancer risk. Based on these results and on discussions with Alameda County Environmental Health (ACEH) staff, it has tentatively been agreed that mitigative measures to include a sub-slab depressurization system (SSDS) and a vapor barrier will provide adequate protection against potential vapor intrusion into the planned development structure.

2.0 ADMINISTRATIVE PROCESS AND REGULATORY REQUIREMENTS

Several administrative and regulatory actions will be required to provide assurances that an acceptable, fully-functioning vapor mitigation system (VMS) is operating on the Site. These requirements are summarized as follows:

1. **Short Term Management Plan:** Due to the potential to encounter and excavate contaminated soil during installation of foundation elements (including basement and elevator pit), a Short Term Site Management Plan (SMP) must be generated and must be approved by ACEH in order to provide protocols for excavation oversight, collection of confirmatory analytical samples, and potentially manage and dispose of any impacted soil at an appropriate permitted landfill facility. The Short Term SMP will include procedures to follow should contaminated soil be encountered and will include a project-specific Health and Safety Plan (HASP). The purpose of the Short Term SMP is two-fold:

    - To provide for communication primarily with contractors who will be redeveloping the site; and
    - To document removal of potential contaminated soil in accordance with regulatory guidelines and statutes.

2. **VMS Basis of Design Report:** The VMS Basis of Design Report will include the following elements:

   - Detailed system construction plans and specifications, including specific vapor barrier products and specifications;
   - Construction Quality Assurance Plan (CQAP) for installation of the VMS, to include qualifications and experience of contractors and inspectors involved in the construction of the VMS, procedures for construction monitoring and documentation including responsibility and authority, construction inspections (i.e. smoke testing, etc.), and as-built documentation;
   - Construction Sequencing Plan (CSP), to include details on construction measures and sequencing events, designed to protect the VMS during site development activities; and
   - Operation and Maintenance Plan (O&MP), to include measures to be implemented both during and after VMS installation to insure the integrity and long-term effectiveness of the VMS.

   The VMS Basis of Design Plan must be approved by ACEH prior to beginning construction activities.

3. **VMS Building Permit Approvals:** The ACEH-approved VMS design plans (from the specialized engineering design firm) will be incorporated into the construction drawings to be submitted with the building permit application to the City of Oakland Planning and Building Department (OPBD). To insure ACEH participation during the building permit approval process, the following steps will be taken:

   - A duplicate full set of construction drawings will be submitted to ACEH at the same time that the building permit application drawings are submitted to OPBD;
   - ACEH will be notified of any planned changes to the construction drawings;
   - Any pending changes to the VMS design and/or construction drawings required by OPBD must also be approved by ACEH; and
   - Prior to construction, a letter from the VMS design engineer must be submitted to ACEH stating that he/she has reviewed and approves the final construction drawings

4. **VMS Record Report of Construction:** Following VMS construction and prior to tenant occupancy, a VMS Record Report of Construction must be submitted and approved by ACEH. This report will include as-built drawings, copies of permits, construction monitoring and documentation, post-construction sub-slab and vent riser sampling results verifying system integrity, and other information relevant to the installation of the VMS.

5. **Land Use Covenants (LUCs), Activity Use Limitations (AULs), and Codes, Covenants, and Restrictions (CCRs):** These documents will provide long-term legal and regulatory requirements for the Site. To minimize contact with impacted media, the recorded LUCs / AULs, and CCRs will prohibit alteration, disturbance, or removal of any component of the VMS. Additional components of the LUCs / AULs, and CCRs will include but may not be limited to:
   - Notification to the City of Oakland Planning and Building Department of the VMS and the potential flagging of the property such that ACEH will be notified if building permits are to be issued (to prevent impacting the VMS);
   - Prohibition of new construction activities that could encounter or breach the VMS without the express knowledge of ACEH and the City of Oakland Planning and Building Department, including for utility repair and installation;
   - Lease documents that include CCRs that will serve as the primary communication tool for the site's business occupants, including fact sheets; and
   - The provision to maintain inspection and monitoring records associated with VMS.

3.0 VAPOR MITIGATION SYSTEM CONCEPTUAL DESIGN

Engineering controls will be installed during site development, to include installation of a sub-slab passive venting system and installation of a vapor barrier. The purpose of the vapor intrusion mitigation system is to prohibit the intrusion of TPHg, BTEX, and methane vapors from the subsurface to indoor air at concentrations that may pose a risk to human health. To provide a redundant system, the following elements will be included:

- **Sub-Slab Depressurization System (SSDS):** A passive vapor venting system will be installed beneath the foundation/slab on the east side of the Site building (see Figure 11 and Figure 12). Slotted piping will be installed in sufficiently permeable materials and at sufficient spacing to allow for passive venting of the entire area underlying the at-grade

commercial area on the east side of the Site building. Sub-slab slotted piping will be connected to solid vertical piping located within walls/chases. Vertical pipes will exit the roof at safe distances from any roof top use areas and any building openings or air intakes. Vent risers will be clearly marked to indicate that the pipe may contain VOC vapors.

- **Vapor Barrier:** A vapor barrier will be installed beneath the foundation/slab on the east side of the Site building. The vapor barrier will have a minimum final thickness of at least 100 millimeters. The vapor barrier will be placed between the bottom of the floor slab and the underlying subgrade. Seams will be over lapped and sealed, and the edges will be fastened/sealed to footings and trenches.

Installation of the vapor venting system and vapor barrier shall be monitored by qualified personnel under the direction of a California-registered Professional Engineer. To remain effective, the venting system and vapor barrier must be intact and operational. In the event that the venting system is damaged or the vapor barrier is punctured or damaged, the damaged components will be repaired by a qualified contractor.

Conceptual design elements for the SSDS and vapor barrier are depicted on Figures 11 and 12. Note that the design elements depicted in these figures are not exact and may change during the system design phase.

4.0 CLOSING

The goal of this RAP has been to provide a general plan to mitigate potential vapor intrusion concerns associated with the specific planned residential redevelopment of the Site. The conceptual mitigation measures (installation of a sub-slab depressurization system and vapor barrier under the western portion of the planned development) have been approved in principle by ACEH. This RAP provides step-wise milestone requirements to be implemented to successfully implement the plan. In turn, the following key milestone submittals are required from ACEH for the project to proceed:

- **Upon ACEH approval of this RAP:** ACEH will provide written approval to the City of Oakland Planning and Building Department (OPBD) for the planned change of use from commercial to residential land use.
- **Upon ACEH approval of the successful installation of the VMS:** ACEH will grant “no further action” status for this case.

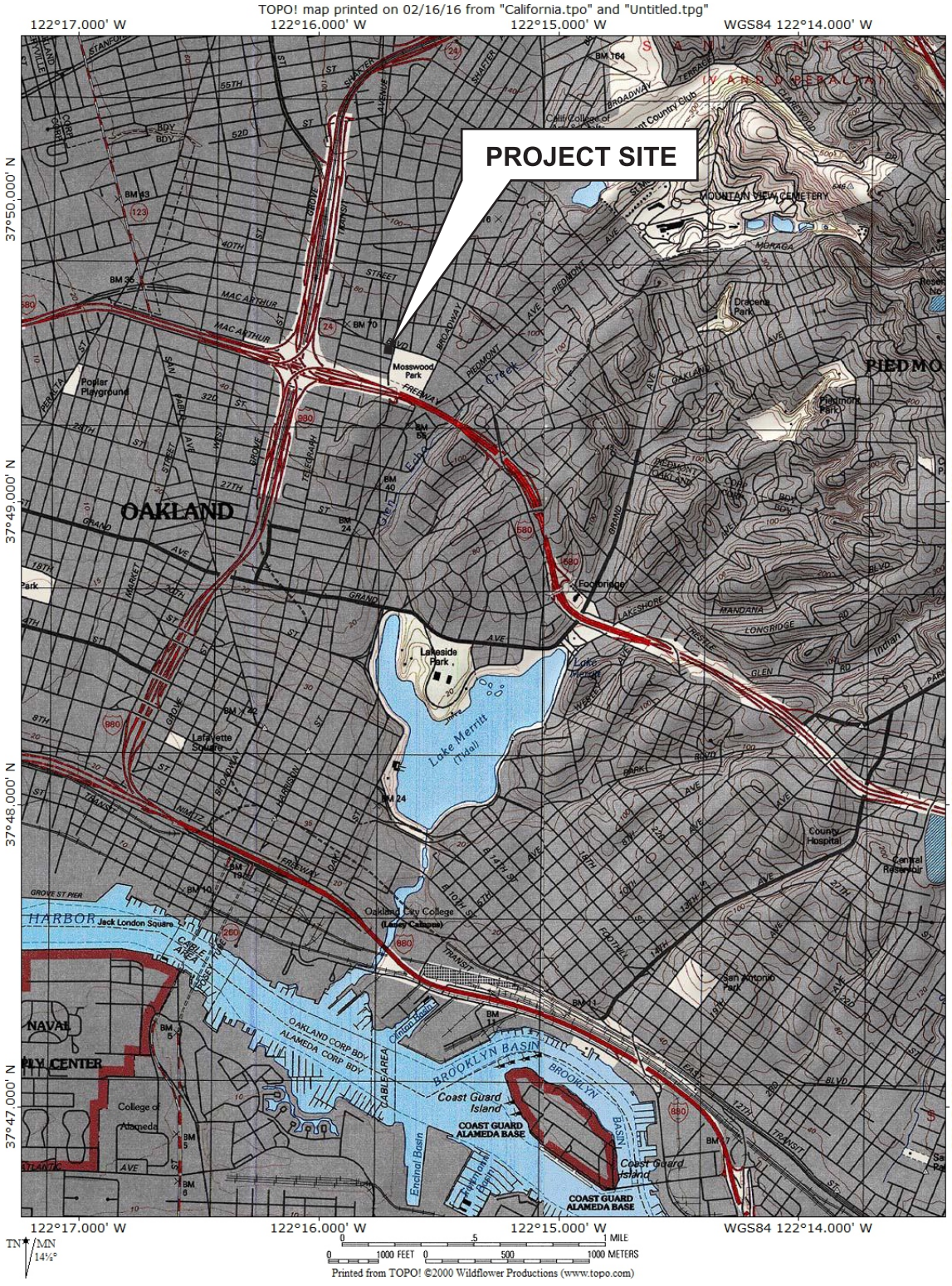
5.0 REFERENCES

San Francisco Regional Water Quality Control Board. Feb 2016 Update to Environmental Screening Levels. California Regional Water Quality Control Board, San Francisco Bay Region.

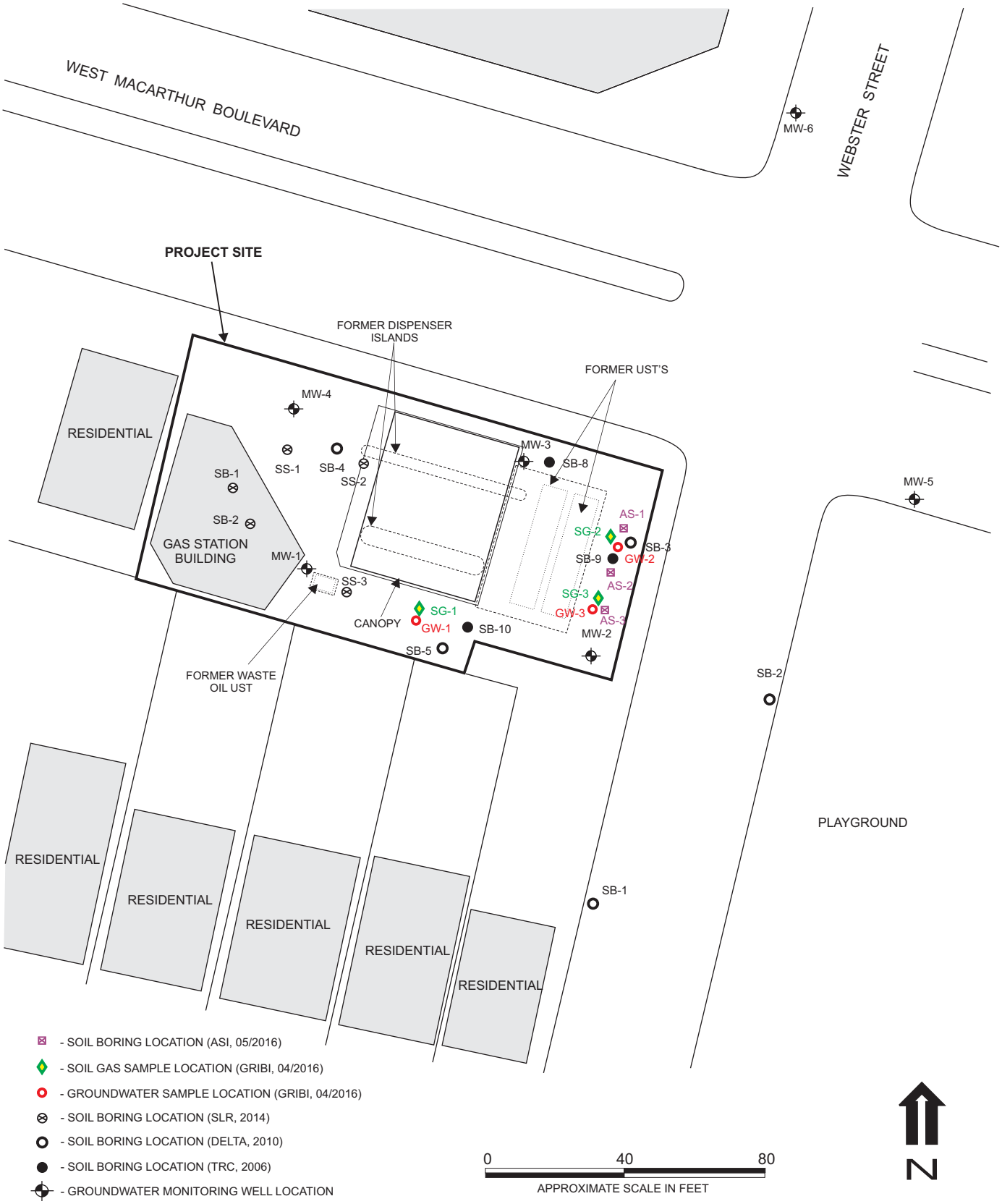
Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance). Department of Toxic Substances Control. October 2011.

Advisory – Active Soil Gas Investigations. Jointly issued by the Regional Water Quality Control Board, Los Angeles Region, San Francisco Region, and the Department of Toxic Substances Control. April 2012.

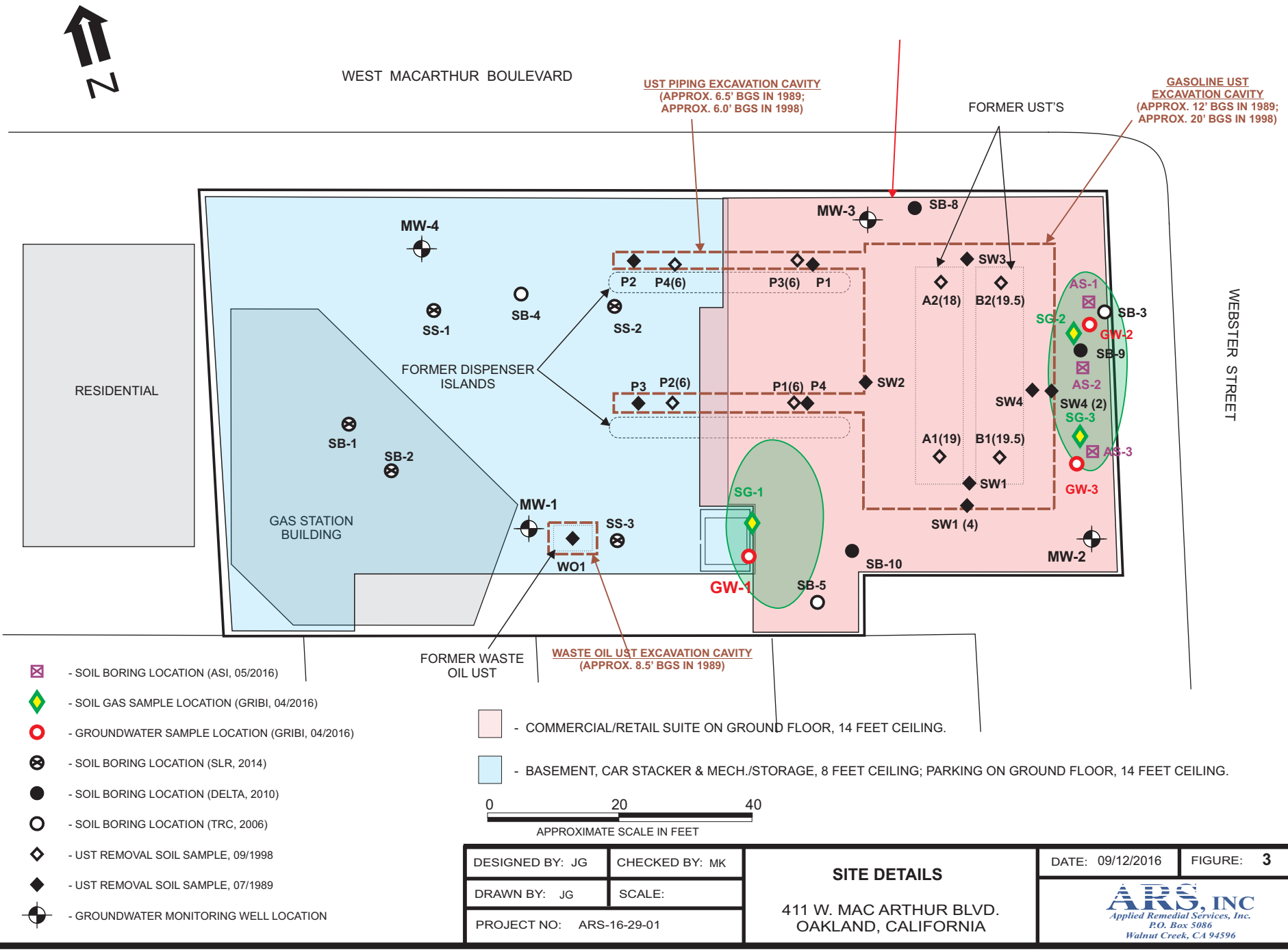
FIGURES



DESIGNED BY: JG	CHECKED BY: MK	**SITE VICINITY MAP**	DATE: 09/12/2016	FIGURE: **1**
DRAWN BY: JG	SCALE:	411 WEST MACARTHUR BLVD. OAKLAND, CALIFORNIA	ARS, INC Applied Remedial Services, Inc. P.O. Box 5086 Walnut Creek, CA 94596	
PROJECT NO: ARS-16-29-01				

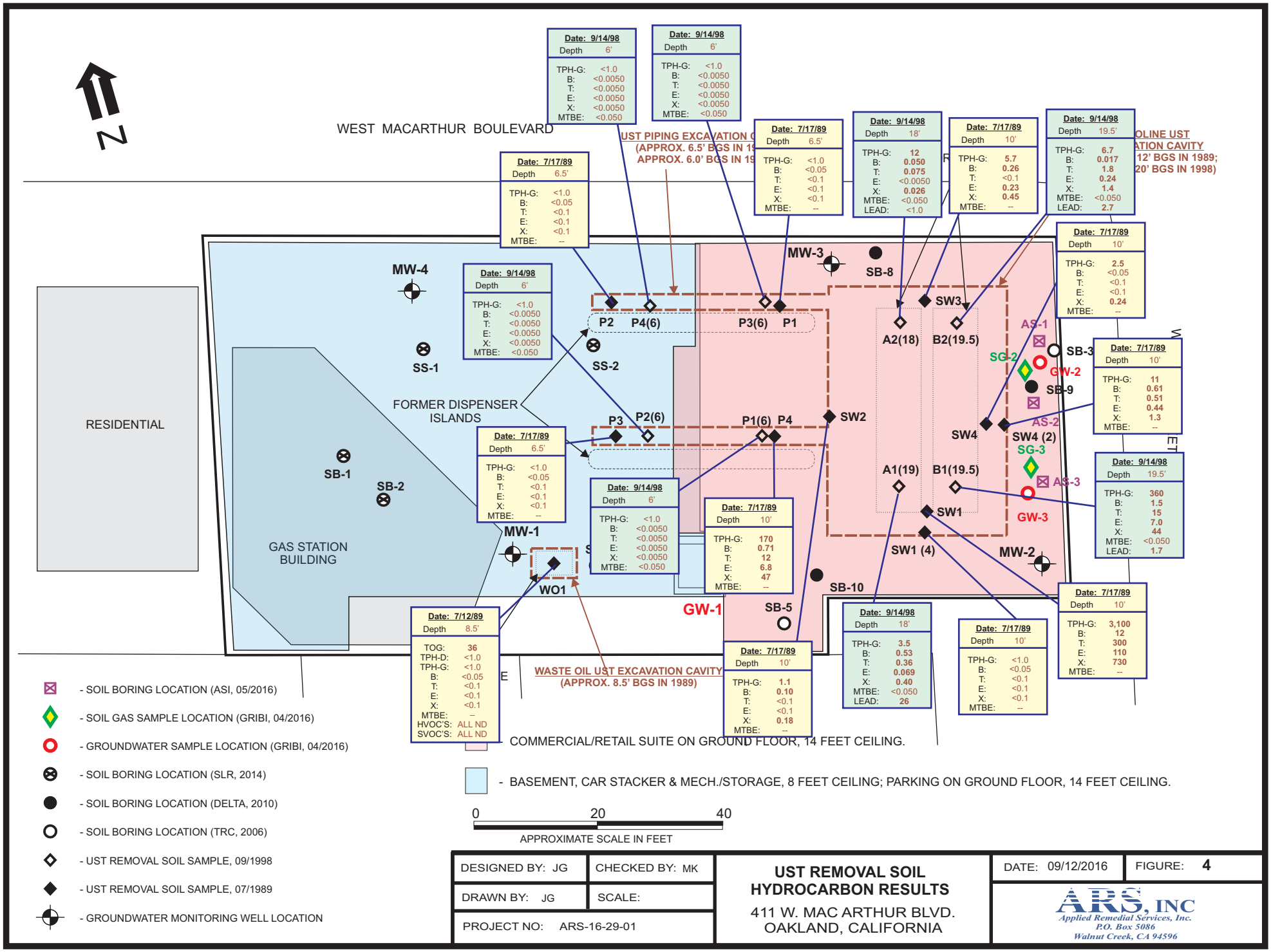


DESIGNED BY: JG	CHECKED BY: MK	**SITE PLAN**	DATE: 09/12/2016	FIGURE: **2**
DRAWN BY: JG	SCALE:	411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	ARS, INC Applied Remedial Services, Inc. P.O. Box 5086 Walnut Creek, CA 94596	
PROJECT NO: ARS-16-29-01				



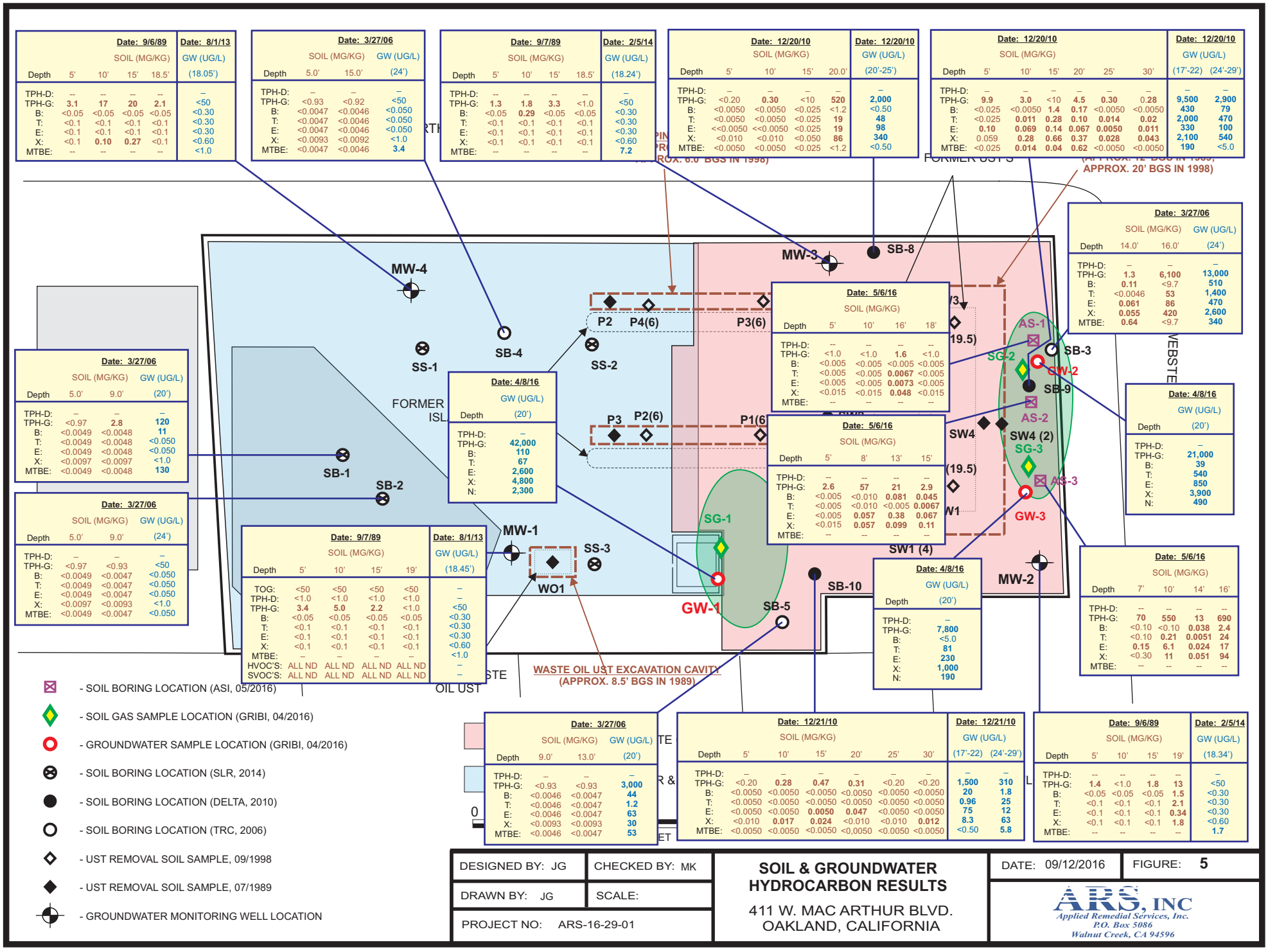
DESIGNED BY: JG	CHECKED BY: MK	**SITE DETAILS**	DATE: 09/12/2016
DRAWN BY: JG	SCALE:	411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	FIGURE: 3
PROJECT NO: ARS-16-29-01			

ARS, INC
Applied Remedial Services, Inc.
P.O. Box 5086
Walnut Creek, CA 94596



DESIGNED BY: JG	CHECKED BY: MK	**UST REMOVAL SOIL HYDROCARBON RESULTS**	DATE: 09/12/2016
DRAWN BY: JG	SCALE:	411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	FIGURE: 4
PROJECT NO: ARS-16-29-01			

ARS, INC
Applied Remedial Services, Inc.
P.O. Box 5086
Walnut Creek, CA 94596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SOIL (MG/KG) | GW (UG/L)
Depth 5' 10' 15' 18.5' | (18.05')
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TPH-G: 3.1 17 20 2.1 | <50
B: <0.05 <0.05 <0.05 <0.05 | <0.30
T: <0.1 <0.1 <0.1 <0.1 | <0.30
E: <0.1 <0.1 <0.1 <0.1 | <0.30
X: <0.1 0.10 0.27 <0.1 | <0.60
MTBE: – – – – | <1.0
Date: 3/27/06
SOIL (MG/KG) | GW (UG/L)
Depth 5.0' 15.0' | (24')
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E: <0.0047 <0.0046 | <0.050
X: <0.0093 <0.0092 | <1.0
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Date: 9/7/89 | Date: 2/5/14
SOIL (MG/KG) | GW (UG/L)
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B: <0.05 0.29 <0.05 <0.05 | <0.30
T: <0.1 <0.1 <0.1 <0.1 | <0.30
E: <0.1 <0.1 <0.1 <0.1 | <0.30
X: <0.1 <0.1 <0.1 <0.1 | <0.60
MTBE: – – – – | 7.2
Date: 12/20/10 | Date: 12/20/10
SOIL (MG/KG) | GW (UG/L)
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T: <0.0050 <0.0050 <0.025 19 | 48
E: <<0.0050 <<0.0050 <0.025 19 | 98
X: <0.010 <0.010 <0.050 86 | 340
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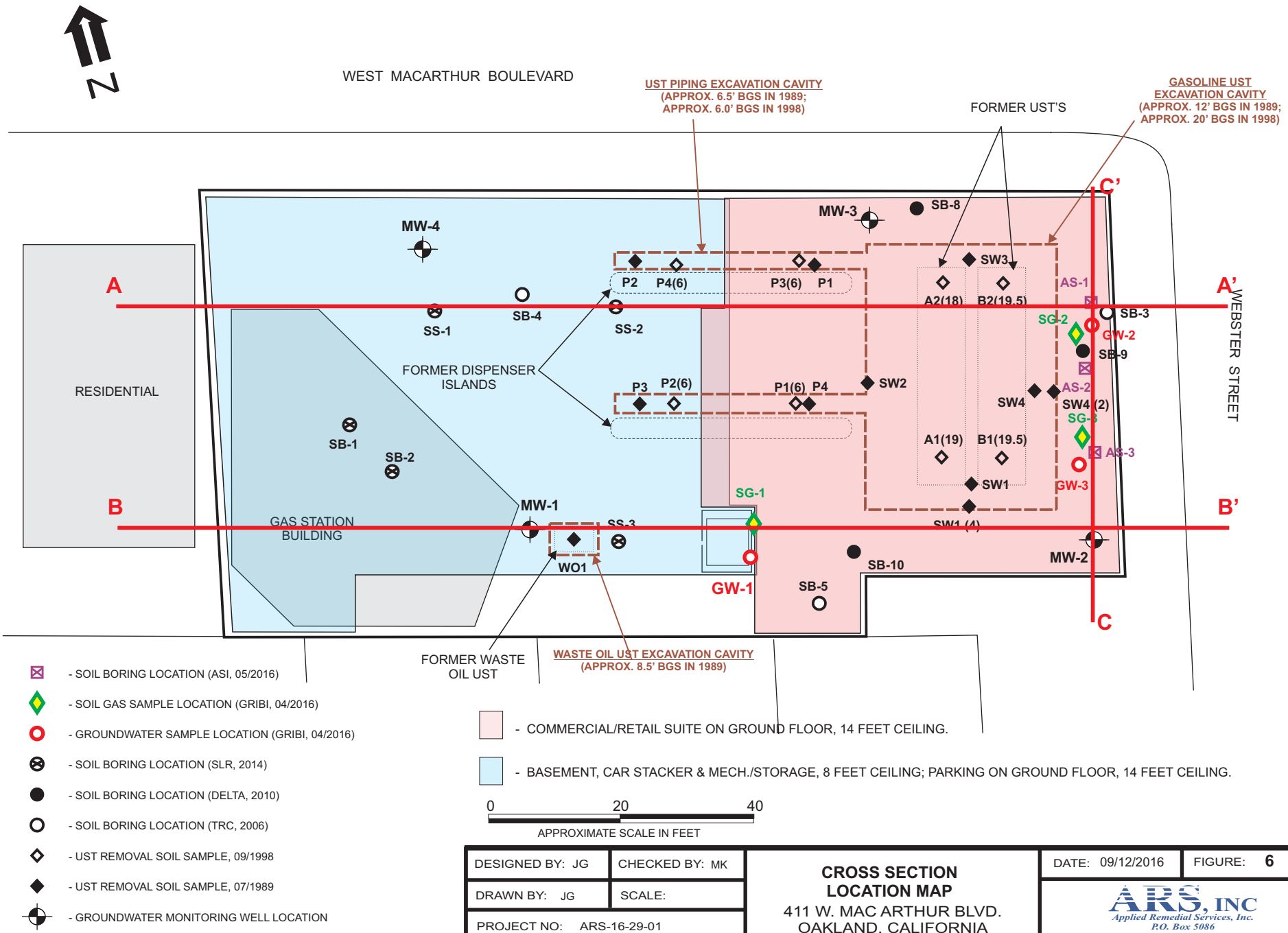
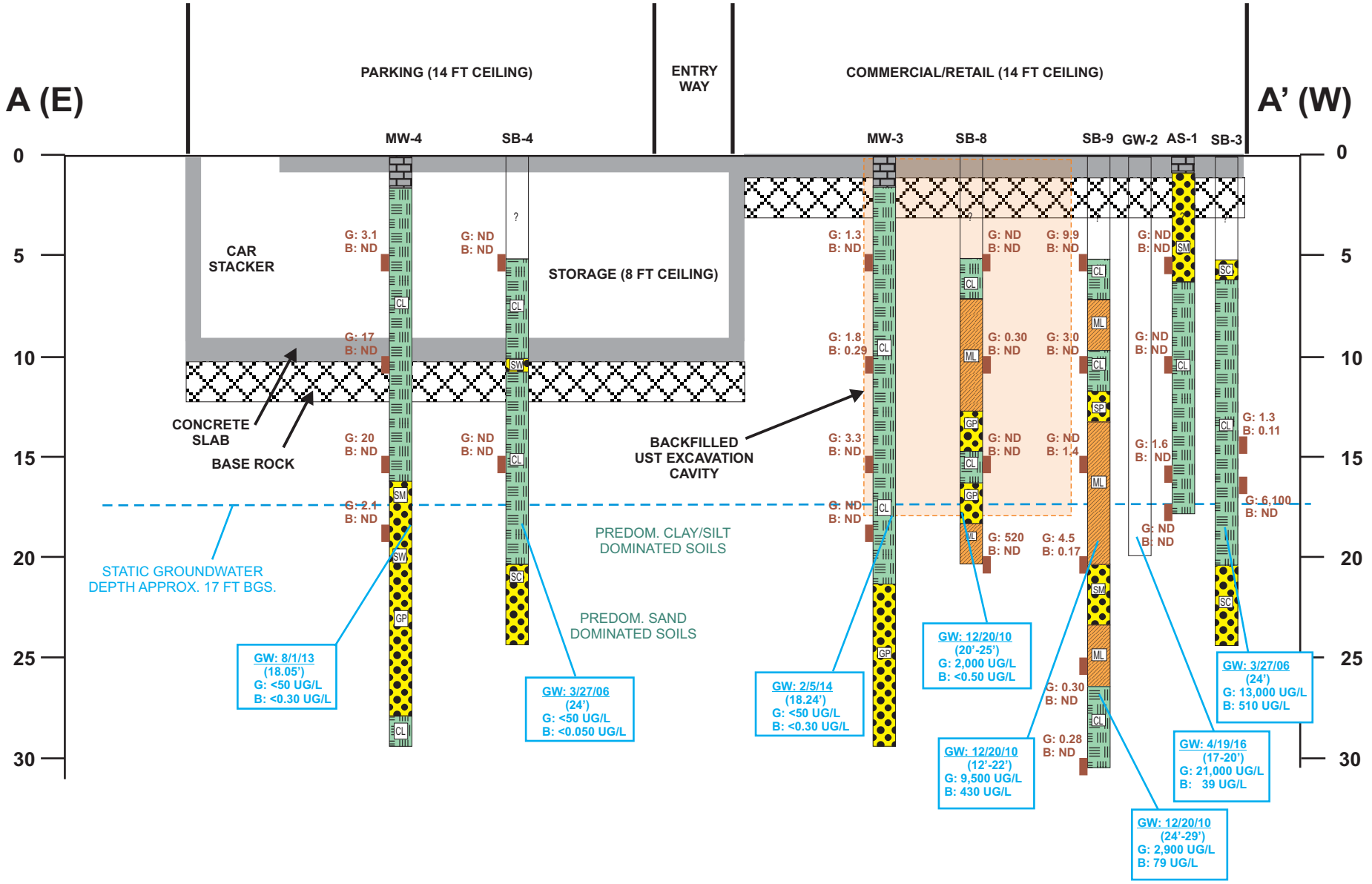
Date: 12/20/10 | Date: 12/20/10
SOIL (MG/KG) | GW (UG/L)
Depth 5' 10' 15' 20' 25' 30' | (17'-22') (24'-29')
TPH-D: – – – – – – | – –
TPH-G: 9.9 3.0 <10 4.5 0.30 0.28 | 9,500 2,900
B: <0.025 <0.0050 1.4 0.17 <0.0050 <0.0050 | 430 79
T: <0.025 0.011 0.28 0.10 0.014 0.02 | 2,000 470
E: 0.10 0.069 0.14 0.067 0.0050 0.011 | 330 100
X: 0.059 0.28 0.66 0.37 0.028 0.043 | 2,100 540
MTBE: <0.025 0.014 0.04 0.62 <0.0050 <0.0050 | 190 <5.0
Date: 3/27/06
SOIL (MG/KG) | GW (UG/L)
Depth 14.0' 16.0' | (24')
TPH-D: – – | –
TPH-G: 1.3 6,100 | 13,000
B: 0.11 <9.7 | 510
T: <0.0046 53 | 1,400
E: 0.061 86 | 470
X: 0.055 420 | 2,600
MTBE: 0.64 <9.7 | 340
Date: 3/27/06
SOIL (MG/KG) | GW (UG/L)
Depth 5.0' 9.0' | (20')
TPH-D: – – | –
TPH-G: <0.97 2.8 | 120
B: <0.0049 <0.0048 | 11
T: <0.0049 <0.0048 | <0.050
E: <0.0049 <0.0048 | <0.050
X: <0.0097 <0.0097 | <1.0
MTBE: <0.0049 <0.0048 | 130
Date: 3/27/06
SOIL (MG/KG) | GW (UG/L)
Depth 5.0' 9.0' | (24')
TPH-D: – – | –
TPH-G: <0.97 <0.93 | <50
B: <0.0049 <0.0047 | <0.050
T: <0.0049 <0.0047 | <0.050
E: <0.0049 <0.0047 | <0.050
X: <0.0097 <0.0093 | <1.0
MTBE: <0.0049 <0.0047 | <0.050
Date: 4/8/16
GW (UG/L)
Depth (20')
TPH-D: –
TPH-G: 42,000
B: 110
T: 67
E: 2,600
X: 4,800
N: 2,300
Date: 5/6/16
SOIL (MG/KG)
Depth 5' 10' 16' 18'
TPH-D: – – – –
TPH-G: <1.0 <1.0 1.6 <1.0
B: <0.005 <0.005 <0.005 <0.005
T: <0.005 <0.005 0.0067 <0.005
E: <0.005 <0.005 0.0073 <0.005
X: <0.015 <0.015 0.048 <0.015
MTBE: – – – –
Date: 5/6/16
SOIL (MG/KG)
Depth 5' 8' 13' 15'
TPH-D: – – – –
TPH-G: 2.6 57 21 2.9
B: <0.005 <0.010 0.081 0.045
T: <0.005 <0.010 <0.005 0.0067
E: <0.005 0.057 0.38 0.067
X: <0.015 0.057 0.099 0.11
MTBE: – – – –
Date: 4/8/16
GW (UG/L)
Depth (20')
TPH-D: –
TPH-G: 7,800
B: <5.0
T: 81
E: 230
X: 1,000
N: 190
Date: 4/8/16
GW (UG/L)
Depth (20')
TPH-D: –
TPH-G: 21,000
B: 39
T: 540
E: 850
X: 3,900
N: 490
Date: 5/6/16
SOIL (MG/KG)
Depth 7' 10' 14' 16'
TPH-D: – – – –
TPH-G: 70 550 13 690
B: <0.10 <0.10 0.038 2.4
T: <0.10 0.21 0.0051 24
E: 0.15 6.1 0.024 17
X: <0.30 11 0.051 94
MTBE: – – – –
Date: 9/7/89 | Date: 8/1/13
SOIL (MG/KG) | GW (UG/L)
Depth 5' 10' 15' 19' | (18.45')
TOG: <50 <50 <50 <50 | –
TPH-D: <1.0 <1.0 <1.0 <1.0 | –
TPH-G: 3.4 5.0 2.2 <1.0 | <50
B: <0.05 <0.05 <0.05 <0.05 | <0.30
T: <0.1 <0.1 <0.1 <0.1 | <0.30
E: <0.1 <0.1 <0.1 <0.1 | <0.30
X: <0.1 <0.1 <0.1 <0.1 | <0.60
MTBE: – – – – | <1.0
HVOC'S: ALL ND ALL ND ALL ND ALL ND | –
SVOC'S: ALL ND ALL ND ALL ND ALL ND | –
Date: 3/27/06
SOIL (MG/KG) | GW (UG/L)
Depth 9.0' 13.0' | (20')
TPH-D: – – | –
TPH-G: <0.93 <0.93 | 3,000
B: <0.0046 <0.0047 | 44
T: <0.0046 <0.0047 | 1.2
E: <0.0046 <0.0047 | 63
X: <0.0093 <0.0093 | 30
MTBE: <0.0046 <0.0047 | 53
Date: 12/21/10 | Date: 12/21/10
SOIL (MG/KG) | GW (UG/L)
Depth 5' 10' 15' 20' 25' 30' | (17'-22') (24'-29')
TPH-D: – – – – – – | – –
TPH-G: <0.20 0.28 0.47 0.31 <0.20 <0.20 | 1,500 310
B: <0.0050 <0.0050 <0.0050 <0.0050 <0.0050 <0.0050 | 20 1.8
T: <0.0050 <0.0050 <0.0050 <0.0050 <0.0050 <0.0050 | 0.96 25
E: <0.0050 <0.0050 0.0050 0.047 <0.0050 <0.0050 | 75 12
X: <0.010 0.017 0.024 <0.010 <0.010 0.012 | 8.3 63
MTBE: <0.0050 <0.0050 <0.0050 <0.0050 <0.0050 <0.0050 | <0.50 5.8
Date: 9/6/89 | Date: 2/5/14
SOIL (MG/KG) | GW (UG/L)
Depth 5' 10' 15' 19' | (18.34')
TPH-D: – – – – | –
TPH-G: 1.4 <1.0 1.8 13 | <50
B: <0.05 <0.05 <0.05 1.5 | <0.30
T: <0.1 <0.1 <0.1 2.1 | <0.30
E: <0.1 <0.1 <0.1 0.34 | <0.30
X: <0.1 <0.1 <0.1 1.8 | <0.60
MTBE: – – – – | 1.7
MW-1
MW-2
MW-3
MW-4
SB-1
SB-2
SB-3
SB-4
SB-5
SB-8
SB-9
SB-10
SS-1
SS-2
SS-3
WO1
P2
P4(6)
P3(6)
P3
P2(6)
P1(6)
AS-1
AS-2
AS-3
SG-1
SG-2
SG-3
SW4
SW4 (2)
SW1 (4)
GW-1
GW-2
GW-3
FORMER ISL
FORMER USTS
(APPROX. 20' BGS IN 1998)
WASTE OIL UST EXCAVATION CAVITY
(APPROX. 8.5' BGS IN 1989)
OIL UST
- SOIL BORING LOCATION (ASI, 05/2016)
- SOIL GAS SAMPLE LOCATION (GRIBI, 04/2016)
- GROUNDWATER SAMPLE LOCATION (GRIBI, 04/2016)
- SOIL BORING LOCATION (SLR, 2014)
- SOIL BORING LOCATION (DELTA, 2010)
- SOIL BORING LOCATION (TRC, 2006)
- UST REMOVAL SOIL SAMPLE, 09/1998
- UST REMOVAL SOIL SAMPLE, 07/1989
- GROUNDWATER MONITORING WELL LOCATION
DESIGNED BY: JG
CHECKED BY: MK
DRAWN BY: JG
SCALE:
PROJECT NO: ARS-16-29-01
SOIL & GROUNDWATER HYDROCARBON RESULTS
411 W. MAC ARTHUR BLVD.
OAKLAND, CALIFORNIA
DATE: 09/12/2016
FIGURE: 5
ARS, INC
Applied Remedial Services, Inc.
P.O. Box 5086
Walnut Creek, CA 94596



DESIGNED BY: JG	CHECKED BY: MK	**CROSS SECTION LOCATION MAP** 411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	DATE: 09/12/2016 FIGURE: 6
DRAWN BY: JG	SCALE:		
PROJECT NO: ARS-16-29-01			

ARS, INC
Applied Remedial Services, Inc.
P.O. Box 5086
Walnut Creek, CA 94596



DESIGNED BY: JG	CHECKED BY: MK	**CROSS SECTION A-A'**	DATE: 09/12/2016
DRAWN BY: JG	SCALE:	411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	FIGURE: 7
PROJECT NO: ARS-16-29-01			

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Applied Remedial Services, Inc.
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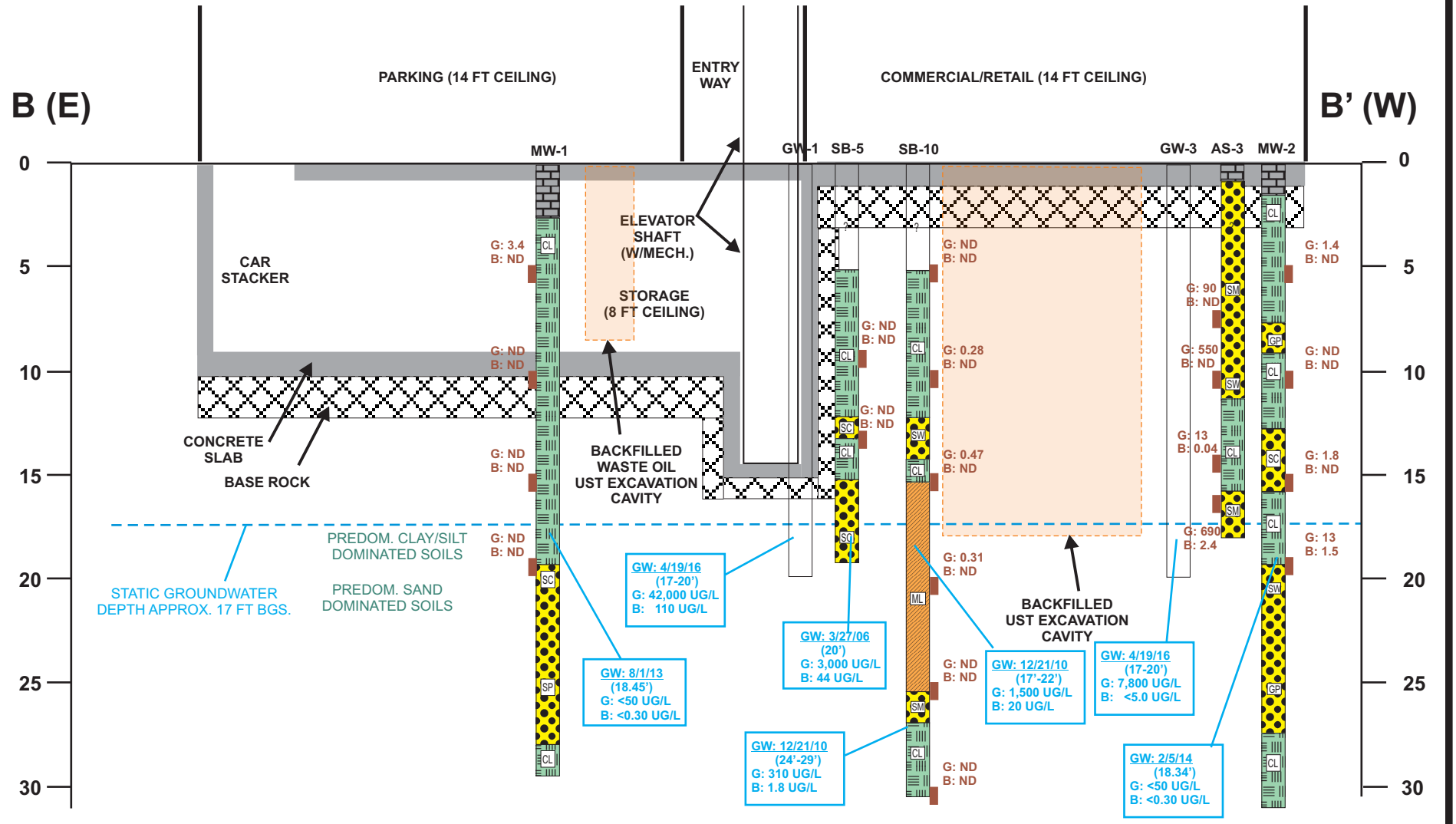
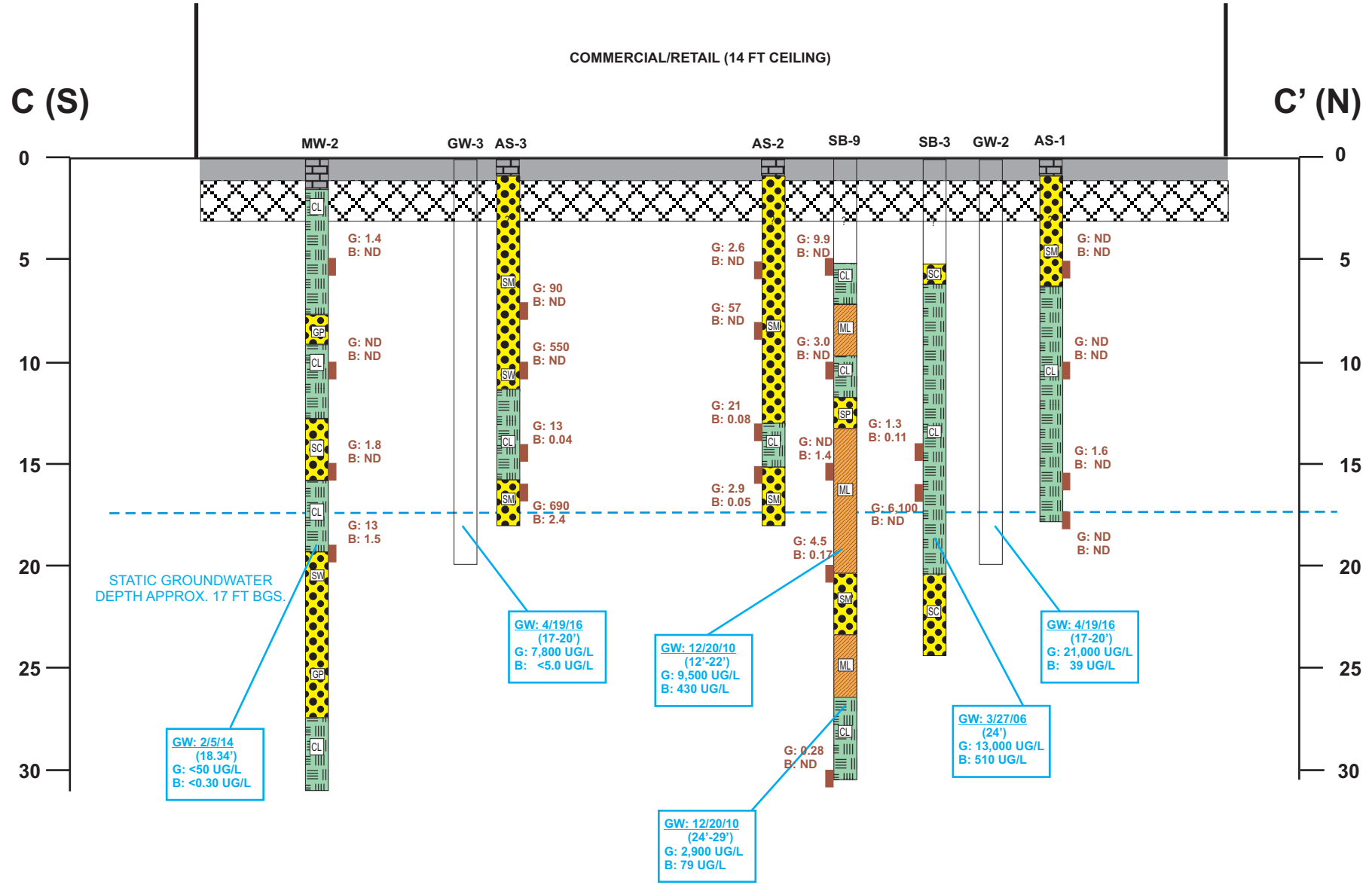
Walnut Creek, CA 94596



0 20 40

APPROXIMATE HORIZONTAL SCALE IN FEET

DESIGNED BY: JG	CHECKED BY: MK	CROSS SECTION B-B'	DATE: 09/12/2016 FIGURE: 8
DRAWN BY: JG	SCALE:	411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	ARS, INC Applied Remedial Services, Inc. P.O. Box 5086 Walnut Creek, CA 94596
PROJECT NO: ARS-16-29-01			



DESIGNED BY: JG	CHECKED BY: MK	**CROSS SECTION B-B'**	DATE: 09/12/2016
DRAWN BY: JG	SCALE:	411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	FIGURE: 9
PROJECT NO: ARS-16-29-01			

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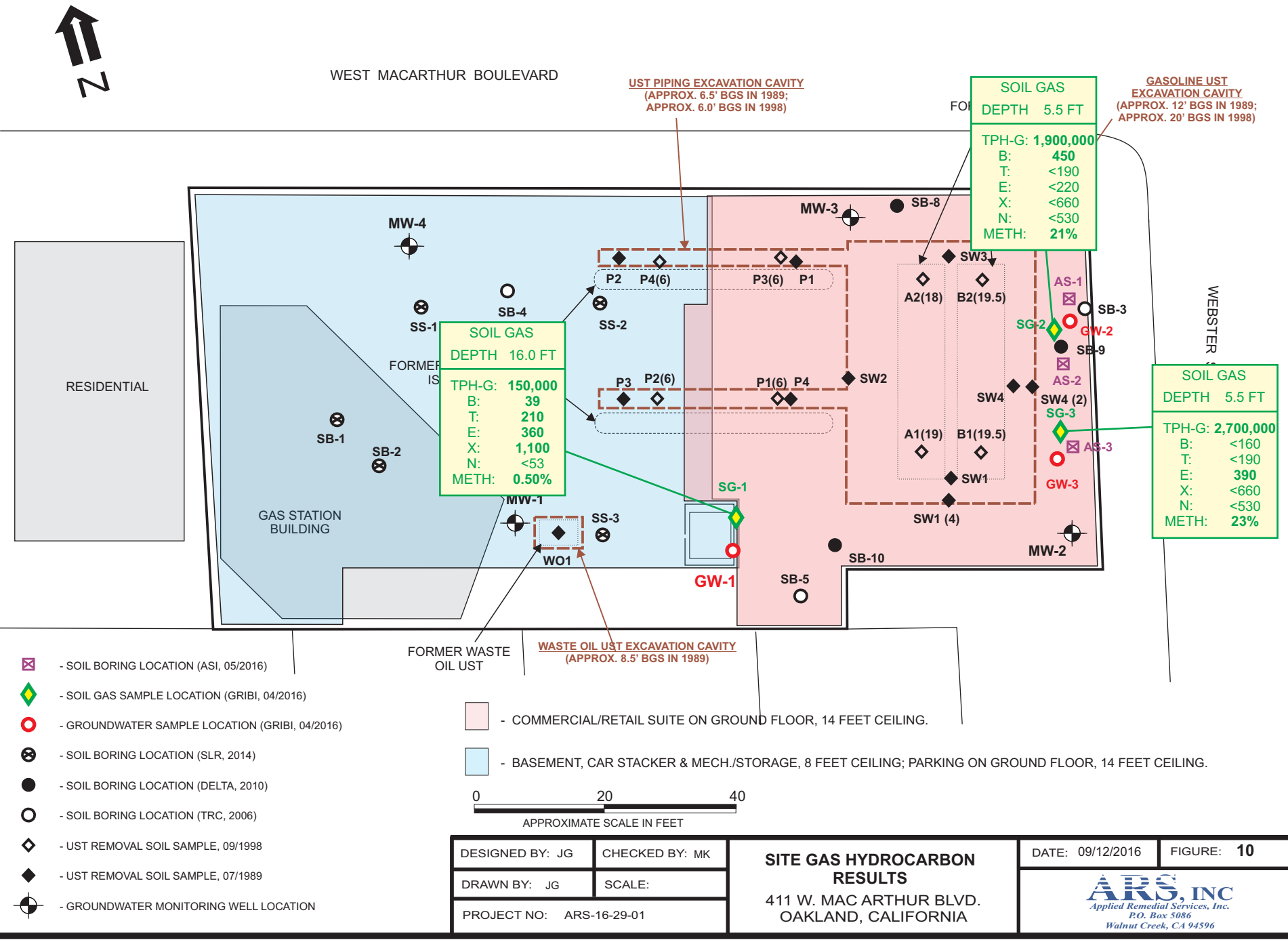

DESIGNED BY: JG	CHECKED BY: MK
DRAWN BY: JG	SCALE:
PROJECT NO: ARS-16-29-01	

SITE GAS HYDROCARBON RESULTS

411 W. MAC ARTHUR BLVD.
OAKLAND, CALIFORNIA

DATE: 09/12/2016 | FIGURE: 10

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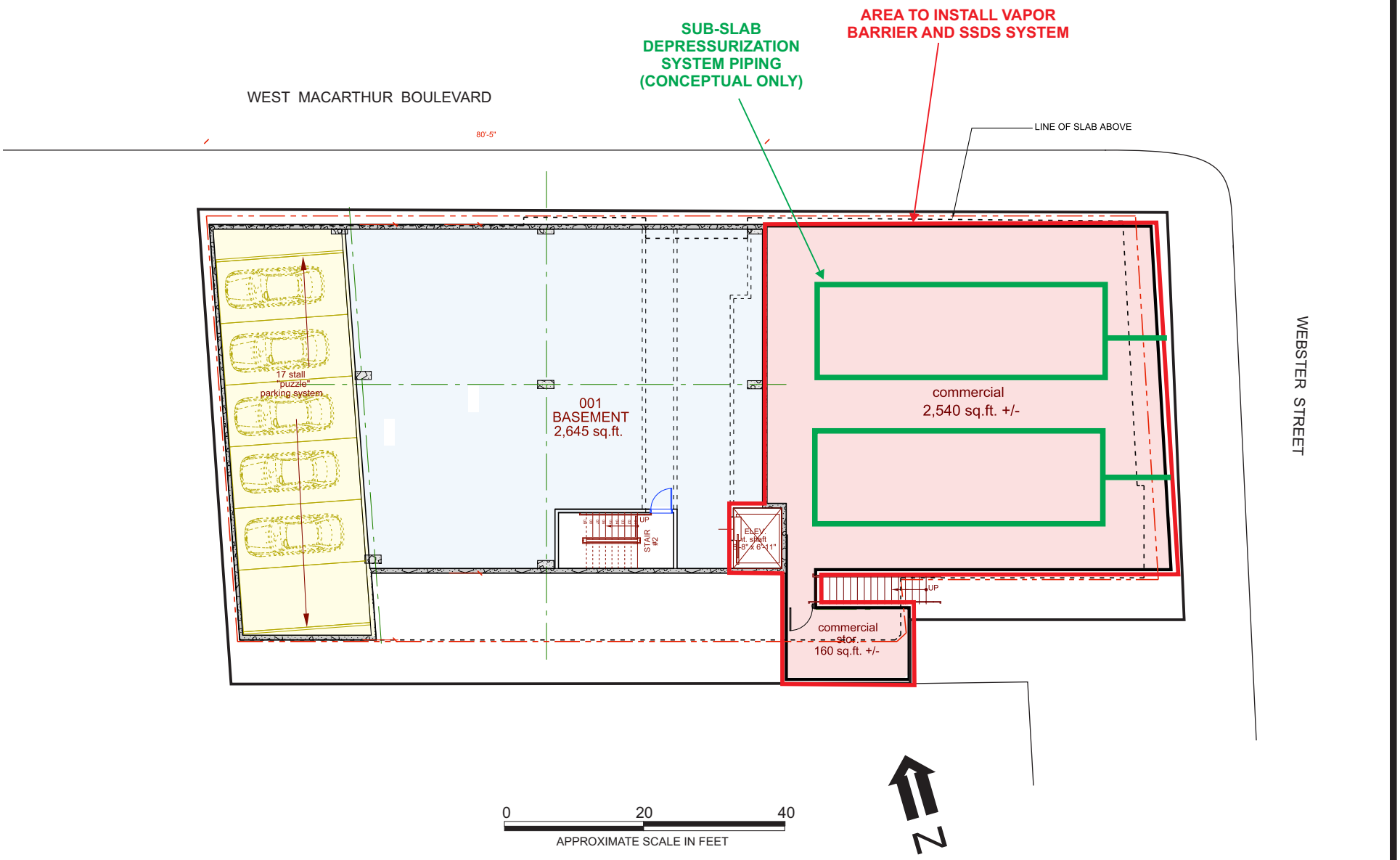

DESIGNED BY: JG	CHECKED BY: MK	**CONCEPTUAL SITE MITIGATION SYSTEM DESIGN SITE PLAN** 411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	DATE: 09/12/2016 FIGURE: **11**
DRAWN BY: JG	SCALE:		
PROJECT NO: ARS-16-29-01			

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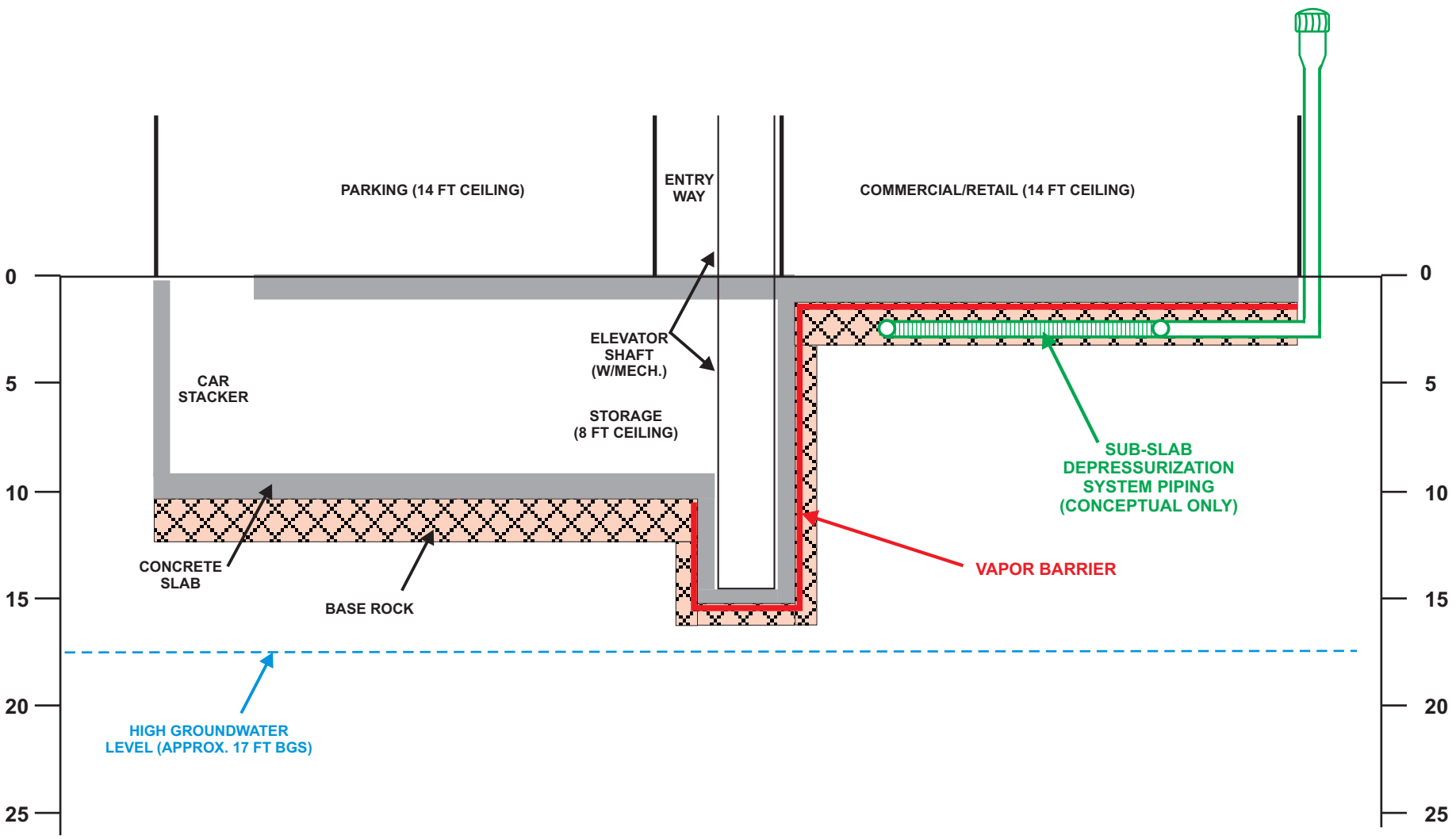

DESIGNED BY: JG	CHECKED BY: MK	CONCEPTUAL SITE MITIGATION SYSTEM DESIGN CROSS SECTION	DATE: 09/12/2016 FIGURE: 12
DRAWN BY: JG	SCALE:		
PROJECT NO: ARS-16-29-01		411 W. MAC ARTHUR BLVD. OAKLAND, CALIFORNIA	

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Applied Remedial Services, Inc.
P.O. Box 5086
Walnut Creek, CA 94596

ATTACHMENT F: SCREENING ANALYSIS FOR AIR QUALITY AND GREENHOUSE GAS EMISSIONS

411 W. MacArthur Project Air Quality and GHG Emissions Screening

Operational Air Quality (AQ) and Greenhouse Gas (GHG), and Construction AQ - Comparison to BAAQMD Screening Levels

		Operational AQ			Operational GHG			Construction AQ		
Development Type	Project Proposal	Screening Size	% Screening Size	Over Threshold?	Screening Size	% Screening Size	Over Threshold?	Screening Size	% Screening Size	Over Threshold?
Residential (units)	20	494	4%	No	87	23%	No	240	8%	No
Retail (ksf)	2.5	99	3%	No	19	13%	No	277	1%	No
				No			No			No
				No			No			No
				No			No			No
				No			No			No
Total			7%	No		36%	No		9%	No

Screening sizes from Table 3-1 of BAAQMD's CEQA Air Qulity Guidelines, May 2011 version.
It is not included in the current May 2012 version because they have removed the thresholds per the CBIA vs BAAQMD court case.
"Regional shopping center"/"Strip mall" uses in the BAAQMD table were used for unspecified retail use.

ATTACHMENT G: SHADOW MEMO

ENVIRONMENTAL
VISION
2550 NINTH STREET
SUITE 205
BERKELEY CA 94710
510.540.4882
FAX 510.540.1154

Shadow Analysis
411 West MacArthur Project, Oakland
March 23, 2017

1.0 Introduction

Environmental Vision prepared this shadow analysis to identify the potential for shadow effects on the community garden and basketball court areas within Mosswood Park as a result of the proposed 411 West MacArthur Project (Project). The Project is located in north Oakland, approximately one mile north of the downtown district, on the southwest corner of West MacArthur Boulevard and Webster Street. The project proposes the demolition of two existing low-rise buildings located on the site and construction of one new 6-story building. Figure 1 shows the proposed building location in relationship to neighboring Mosswood Park, including the two open space areas of interest.

2.0 Methodology and Assumptions

A shadow fan diagram was produced to show the maximum extent of *potential* shadow that could be cast by the proposed Project throughout the year from 1 hour after sunrise to 1 hour before sunset (Figure 2). The shadow fan is based on calculations for two key dates- December 21, the winter solstice when the sun is at its lowest and June 21, the summer solstice when the sun is at its highest. December shadow was calculated at three times of day- 1 hour after sunrise, noon, and 1 hour before sunset; June shadow was calculated at 1 hour after sunrise and 1 hour before sunset.

Figure 2 delineates the maximum area of *potential Project shadow* that could be cast on the ground surface. As such, the shadow fan diagram provides a means for assessing whether additional, more detailed shadow studies are needed. It should be noted that the shadow fan diagram does not depict the actual shadow cast by the Project, or *net new Project shadow,* that would occur when the presence of shadow cast by existing structures is taken into account.

In addition to the Figure 2 shadow fan, two detailed shadow diagrams are included for specific dates and times that illustrate the period when *potential Project shadow* may affect the subject areas. Presented as Figures 3 and 4, these diagrams show the proposed project area and the northwest corner of Mosswood Park, and include shadows cast both by existing structures, such as buildings, and *potential new Project shadow*.

Both the shadow fan and the detailed diagrams are the result of a 3D computer modeling process. The following data and technical assumptions were employed: modeling inputs include plan and elevation drawings for proposed Project building massing (Sternberg Benjamin Architects, February 2017); existing surrounding structures and ground level elements within Mosswood Park have been added based on survey data (Sandis, September 2014), field observation, and GIS data. Solar data, including times for sunrise and sunset, are based on the calendar year 2013 (US Naval Observatory, 2017). Field observation of the Project site and Mosswood Park was conducted in March 2017.

3.0 Description of Potentially Affected Open Space Areas

Figures 1 and 2 show the two subject open space areas - the community garden and basketball courts - within the larger context of Mosswood Park, an approximately 11-acre public park managed by the City of Oakland Parks and Recreation Department.

The overall park is generally bounded by Interstate 580 to the south, West MacArthur Boulevard to the north, and Webster Street and Broadway to the west and east respectively. Park facilities include the historic J. Mora Moss House, an amphitheater, several lawn areas, an area with children's play equipment, a baseball diamond, and tennis courts. Throughout the year the park hosts a number of private and community events, including a semi-monthly public market and a summer music festival. Many park facilities are available to rent for private events. Public use areas of the park are generally open from 6 am to 10 pm.

3.1 Community Garden

The community garden, an approximately 55 by 80 feet (4,400 square foot) space is located approximately 60 feet east-southeast of the Project, adjacent to the sidewalk along Webster Street, within 50 feet of the northwestern park corner, and north of the park's baseball diamond. The garden consists of a set of raised beds, which are rented to the public from the City of Oakland. A chain link fence with a locked gate encloses the garden beds, except on the south side where the garden is bordered by a low building. Benches edge the western side of the garden and a mixture of tall deciduous and evergreen trees border the west and north fence lines.

3.2 Basketball Courts

The basketball court area, an approximately 105 by 125 feet (13,000 square foot) publicly accessible space, is located directly east of the community gardens, north of the baseball diamond, and about 130 feet east-southeast of the Project. The courts are an actively-used feature of the park and are lighted at night. The basketball area is set back from the West MacArthur Boulevard sidewalk by approximately 140 feet and there are benches on three sides. Large trees border the north and a portion of the east side of the court area.

4.0 Evaluation

The Figure 2 shadow fan diagram indicates that the Project could potentially cast shadows onto the northwest corner of Mosswood Park, including portions of the community gardens and the basketball court area.

Results of additional computer modeling indicate that no new project shadow would be cast onto Mosswood Park during the fall or winter months. Additionally, throughout the year, the Project would not cast new shadow on the park during morning or mid-day hours. Potential new shadow on the park, resulting from the Project, would be limited to the very late afternoon, during late spring and early summer. As discussed below, and illustrated by Figures 3 and 4, there is the potential for the proposed Project to cast a limited amount of shadow on the Mosswood Park community garden for roughly 16 weeks of the year and on the basketball court area for about 8 weeks of the year.

4.1 Community Garden

For approximately 16 weeks of the year, from April 26th to August 16th, the Project could result in new shadow on the northern edge of the community garden in the very late afternoon, starting about 3 hours before sunset.

Figure 3 is a diagram showing existing and net new project shadow on May 24th, at 7:20 pm Pacific Daylight Time (PDT) - 1 hour before sunset. On this date, the community garden could begin to be shaded at just over 2 hours before sunset - 6:00 pm PDT.

The project has the potential to cast the most shade on the garden on the summer solstice, which generally falls on June 21st. On this day, the project has the potential to cast new shadow on a portion of the garden, starting approximately 3 hours before sunset (5:30 pm PDT). Figure 4 shows the potential shadow for June 21st at 7:35 pm PDT – 1 hour before sunset, when the largest area - approximately 1,700 square feet - of potential new shadow could occur.

As shown in Figures 3 and 4, existing structures south of the Project currently shade the southern portion of the community garden in the spring and summer months. Additionally, while not shown in the shadow diagrams, existing trees along the north and west fence lines likely cast existing shade that would effectively decrease the extent of additional new shadow cast by the project.

4.2 Basketball Courts

The Project has the potential to cast shadow upon the basketball court area for approximately 8 weeks, from May 24th to July 19th. As demonstrated in Figure 3, at 7:20 pm PDT – or 1 hour before sunset on May 24th, potential new Project shadow is almost imperceptible, covering only a sliver of the northern edge of the court area. Figure 4 shows that, by June 21st, at 1 hour before sunset, some of the northern court area, including a small portion of the playing surface, may be affected by new project shadow. In this "worst case" diagram the total area (including the space outside of the active court area), could be up to 2,500 square feet, and begins about 1.5 hours before sunset – around 7:00 pm PDT.

Figures 3 and 4 also show that existing nearby structures cast shade on the southwest corner of the courts at this time. In addition, it is expected that existing trees situated along the north side of the court area also cast some existing shadow, which could lessen the effect of any potential net new project shadow.

List of attached Figures

1. Project Location
2. Maximum Area of Potential Project Shadow
3. Existing and Net New Project Shadow – May 24th 7:20 pm
4. Existing and Net New Project Shadow – June 21st 7:35 pm