R0139

5175 BROADWAY PROJECT

Initial Study / Environmental Review Checklist and Negative Declaration

Prepared for
City of Oakland File No. ER07-004

December 2007

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5175 BROADWAY PROJECT – INITIAL STUDY / ENVIRONMENTAL REVIEW CHECKLIST AND NEGATIVE DECLARATION

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City of Oakland
File No. ER07-004

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

Project Information

1.	**Project Title:**	5175 Broadway
2.	**Lead Agency Name and Address:**	City of Oakland Community and Economic Development Agency Planning Division 250 Frank H. Ogawa Plaza, Suite 3315 Oakland, CA 94612
3.	**Contact Person and Phone Number:**	Pete Vollman, Planner III (510) 238-6167
4.	**Project Location:**	5175 Broadway, Oakland, CA Southwest corner of the intersection of Coronado Avenue and Broadway. APN: 014-1241-005-01
5.	**Project Sponsor's Name and Address:**	Gary Feiner Email: gary@liveoakfund.net Live Oak Fund, LLC 2224 Sixth Street Berkeley, CA 94710 (510) 549-1719 / (510) 845-9777
6.	**General Plan Designation:**	Community Commercial
7.	**Zoning:**	C-30 District Thoroughfare Commercial Zone
8.	**Description of Project:**	Demolish vacant service station facility and construct a 28-unit, four-story apartment building with approximately 2,995 square feet of ground-floor commercial/retail space. (Detailed project description is provided as Item 12, below.)

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

- Interim Conditional Use Permit to allow up to 28 residential units, resulting in residential density that exceeds Zoning but conforms to the General Plan (Oakland Planning Code Sec. 17.01);
- Design Review pursuant to the C-30 Zone (Oakland Planning Code Sec. 17.46.030);
- Major and/or Minor Encroachment Permits for projections into or over the public sidewalk (Oakland Municipal Code Sec. 12.08);
- Minor Variances (if determined to be required) (Oakland Planning Code Section 17.148); and
- Tree Protection and Removal Permit (Oakland Municipal Code, Section 12.36)

11. **Other Public Agencies Interested in the Project:**

- Alameda County Department of Environmental Health (ACDEH)

12. **Detailed Description of Project:**

Project Site and Vicinity

The project site is in the Temescal district of northwest Oakland, at the southwest corner of the intersection of Coronado Avenue and Broadway, approximately one block north[1] of the intersection of Broadway and 51st Street/Pleasant Valley Avenue (see **Figure 1**, Site Location Map, provided at the end of this section). The project site is approximately 12,833 square feet (sq.ft.) or approximately 0.3 acres in size. A vacant gasoline service station facility (primarily the main building, site paving, gas pump foundations, and service lighting fixtures) currently occupies the site, which contains no existing landscaping. Most of the site is paved, although some gravel areas exist. The project site is identified as a hazardous materials site, pursuant to Government Code Sec. 65962.5, Cortese List (see Checklist Item VII (d)).

Land uses adjacent to and near the project site primarily include commercial, residential, and an institutional use. Immediately north (across Coronado Avenue) is a fast-food restaurant, and to the northwest (across Broadway) is the California College of the Arts campus. To the west are a four-unit apartment building and a residential neighborhood of mainly single-family dwellings beyond. To the south are two low-rise commercial retail buildings that front Broadway, and a large retail and grocery shopping center and associated surface parking lot lies directly east of the site, across Broadway.

Project Description

The proposed project would demolish the vacant service station facility and construct a four-story, approximately 50-foot-tall residential building that would contain up to 28 dwelling units and about 2,995 square feet of ground-floor commercial/retail space. **Figure 2** shows the proposed site plan and is provided at the end of this section.

Ground Floor. The ground floor of the project would contain the retail and/or restaurant space along the Broadway frontage. Four residential units with private terraces and a group (shared) garden area would be located "behind" the commercial space and orient to the west. The main residential entrance to the building is proposed facing Coronado Avenue. **Figure** 3 provided at the end of this section shows the plan for the ground floor.

[1] For the purposes of this EIR, and following Oakland convention, Broadway and streets parallel to it run north-south: 51st Street/Pleasant Valley Avenue and streets parallel to it run east-west.

Residential Units and Open Space. The 28 units in the proposed project would include an even mix of one- and two bedroom units; most of the one-bedroom units would also include a small secondary room or "den". The units would range from 900 to 990 square feet in floor area. As mentioned above, the four residential units on the ground floor would have private terraces of approximately 250 square feet each that would face the "rear" (west) of the building. The three upper floors of the building would contain eight dwelling units each (as well as circulation and lobby space). Primarily, each upper-floor unit would have a private deck of approximately 86 square feet: the west-facing units on each of the upper floors would have west-facing decks, and the east-facing units would have decks overlooking Broadway. Also, the two upper-level units along Coronado Avenue would have slightly larger private decks of approximately 148 square feet that also have north-facing views. **Figure 4** provided at the end of this section shows the second through fourth floor plan, and **Figures 5 and 6** depict project elevations. The group (shared) garden area on the west side of the project would be approximately 1,200 square feet and located adjacent to the private terraces of the ground-floor units. (See **Figure 2**, Proposed Site Plan.)

Parking and Site Access. A new, two-way driveway located approximately 120 feet west of the Broadway intersection would serve a proposed basement garage and would require a new 18-foot wide curb cut on Coronado Avenue. The basement parking garage would provide a total of 28 parking spaces, as well as utility facilities, such as trash enclosure, elevator mechanical room, and access to the building elevator and stairwells. The basement floor plan is shown in **Figure** 7 at the end of this section.

The project sponsor has submitted a request that the City convert a segment of the one-way eastbound Coronado Avenue along the project to its prior two-way configuration. This conversion would allow vehicles to access Coronado Avenue (and the primary residential and vehicle entrance to the building) from Broadway.

The project site is served by AC Transit bus line 51 along Broadway, and bus line 12 along Pleasant Valley Avenue/51st Street. The Rockridge and MacArthur BART stations are located within 0.5 and 1.0 mile of the site, respectively.

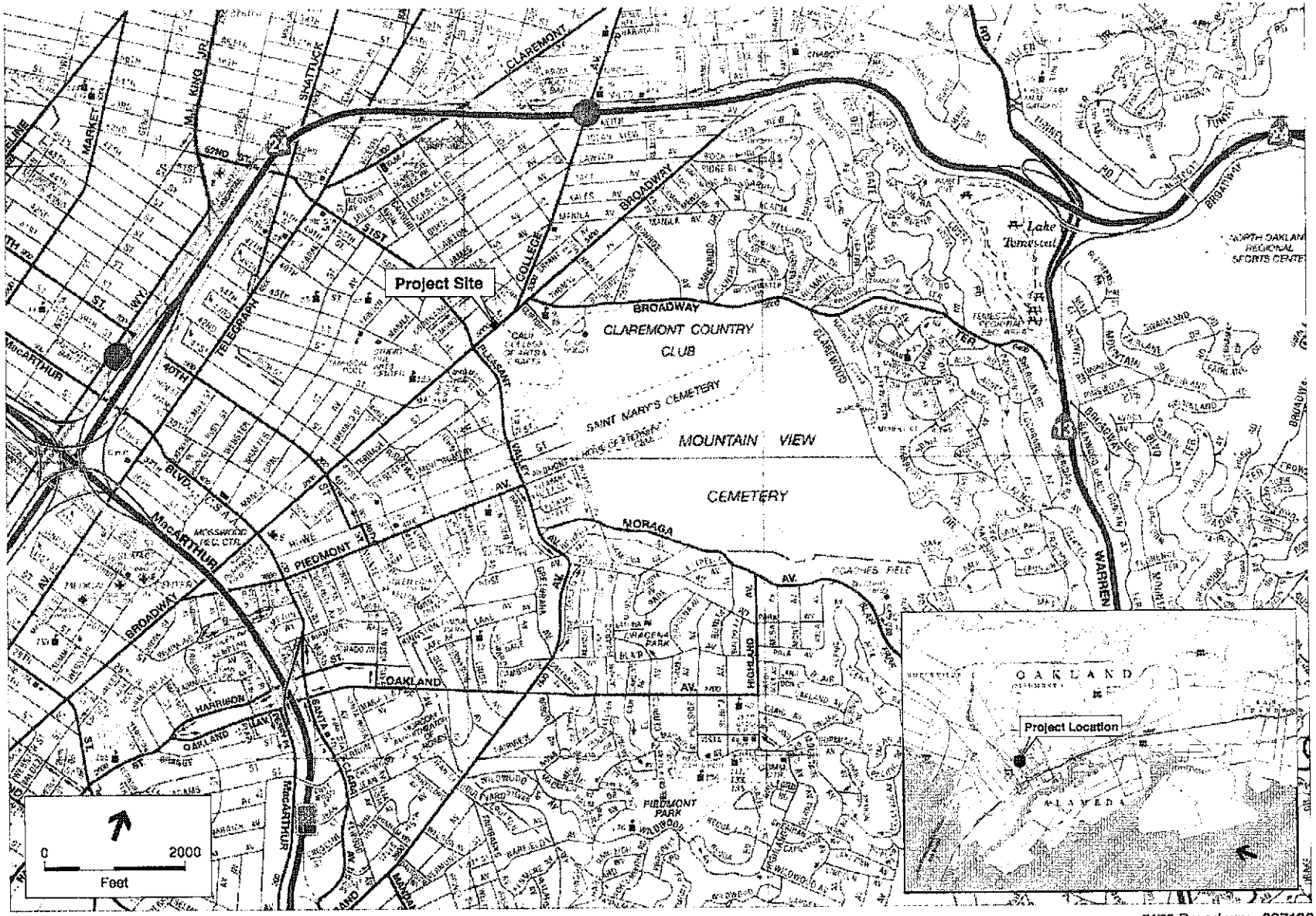
Development Summary

The project building would contain approximately 38,320 total square feet. The majority of space (approx. 35,325 sq.ft.) would be residential and related ancillary uses (parking, circulation, service) with retail space (2,995 sq.ft.) on the ground floor. An additional approximately 2,400 square feet would be developed as shared and private open spaces.

The project proposes up to 28 dwelling units would result in a residential density of approximately 37 units per gross acre or one unit per 458 square feet of lot area. Comparatively, the maximum allowable residential density for the site is 125 units per gross acre or 38 units pursuant to the Community Commercial General Plan land use classification, and one unit per 450 square feet of lot area or 29 dwelling units pursuant to the C-30 Zone Regulations in Section 17.46.130 of the Oakland Planning Code.

The project proposes a floor area ratio (FAR) of 2.7[2], and the maximum allowable FAR for the site is 5.0, pursuant to the Community Commercial General Plan land use classification. (The C-30 Zone allows a maximum FAR of 3.0 for projects that contain both residential and non-residential uses, pursuant to Section 17.106.030 of the Oakland Planning Code.

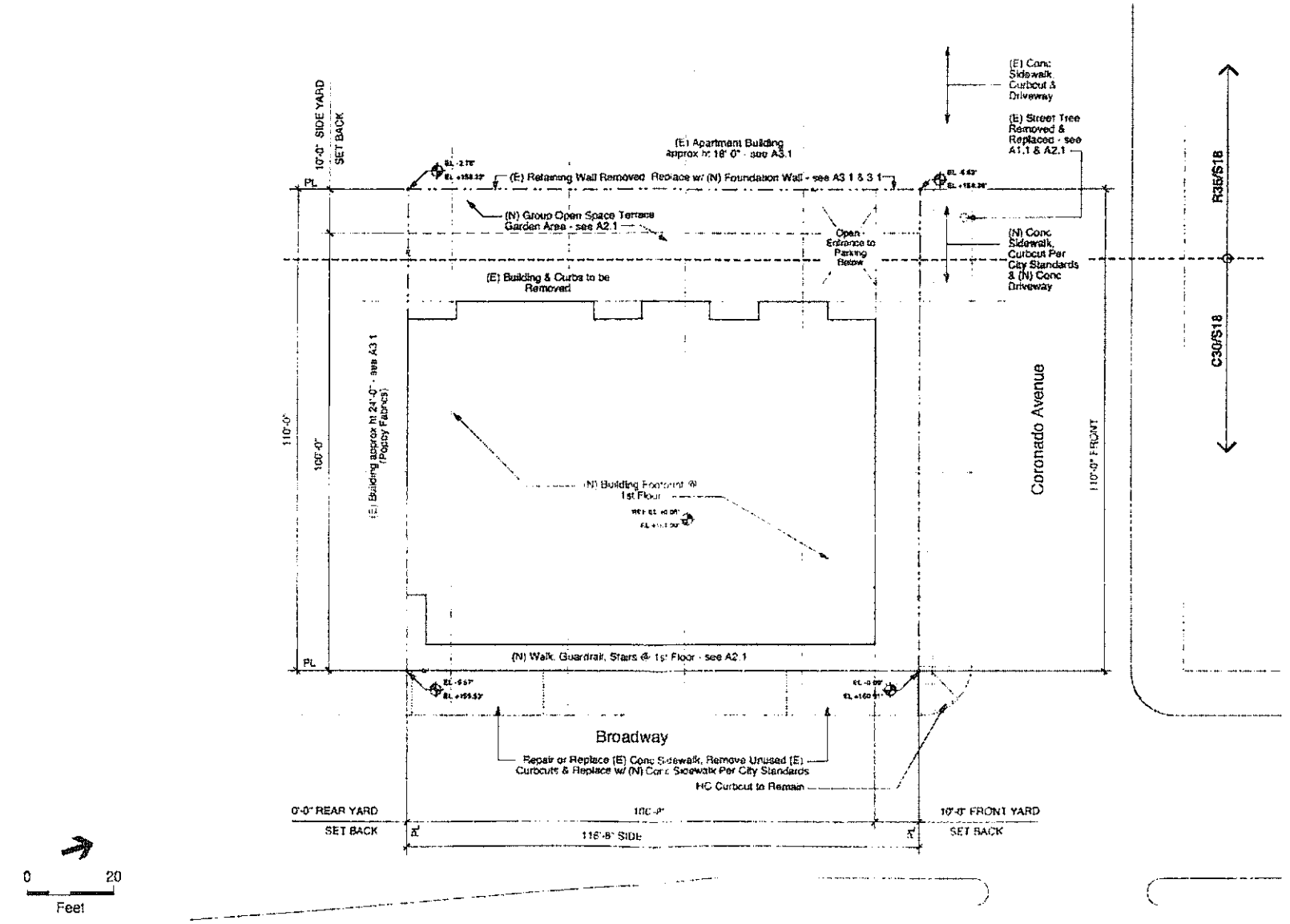
[2] Floor area ratio (FAR) is the total floor area divided by the total lot area (excluding parking). In this case, 34,255 (square feet) divided by 12,833 (square feet), for a total of 2.7.



5175 Broadway . 207130

SOURCE: ESA; California State Automobile Association

Figure 1
Site Location Map



SOURCE: Rempel Architects, 2006

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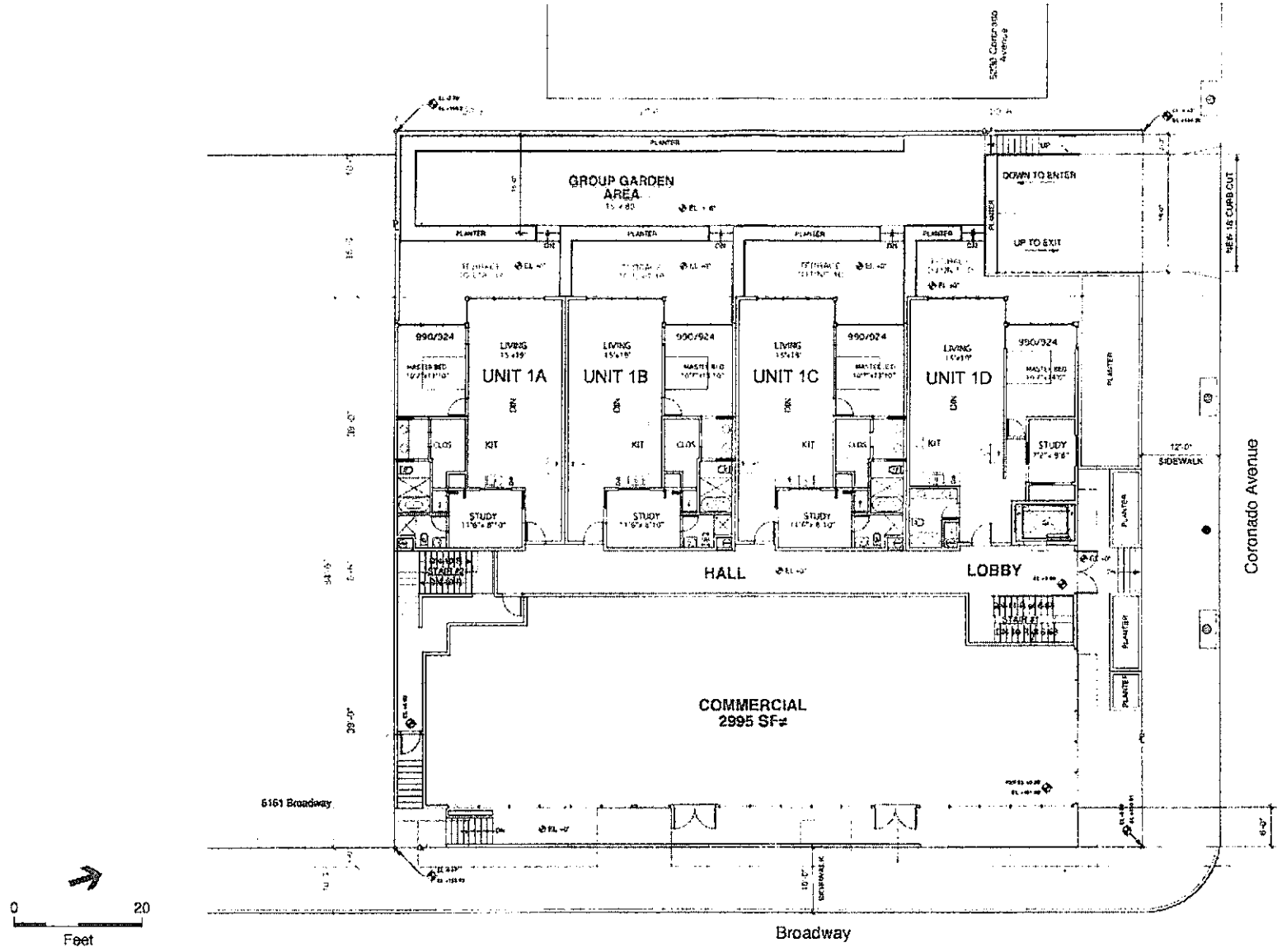
Figure 2
Proposed Site Plan



SOURCE: Rempel Architects, 2006

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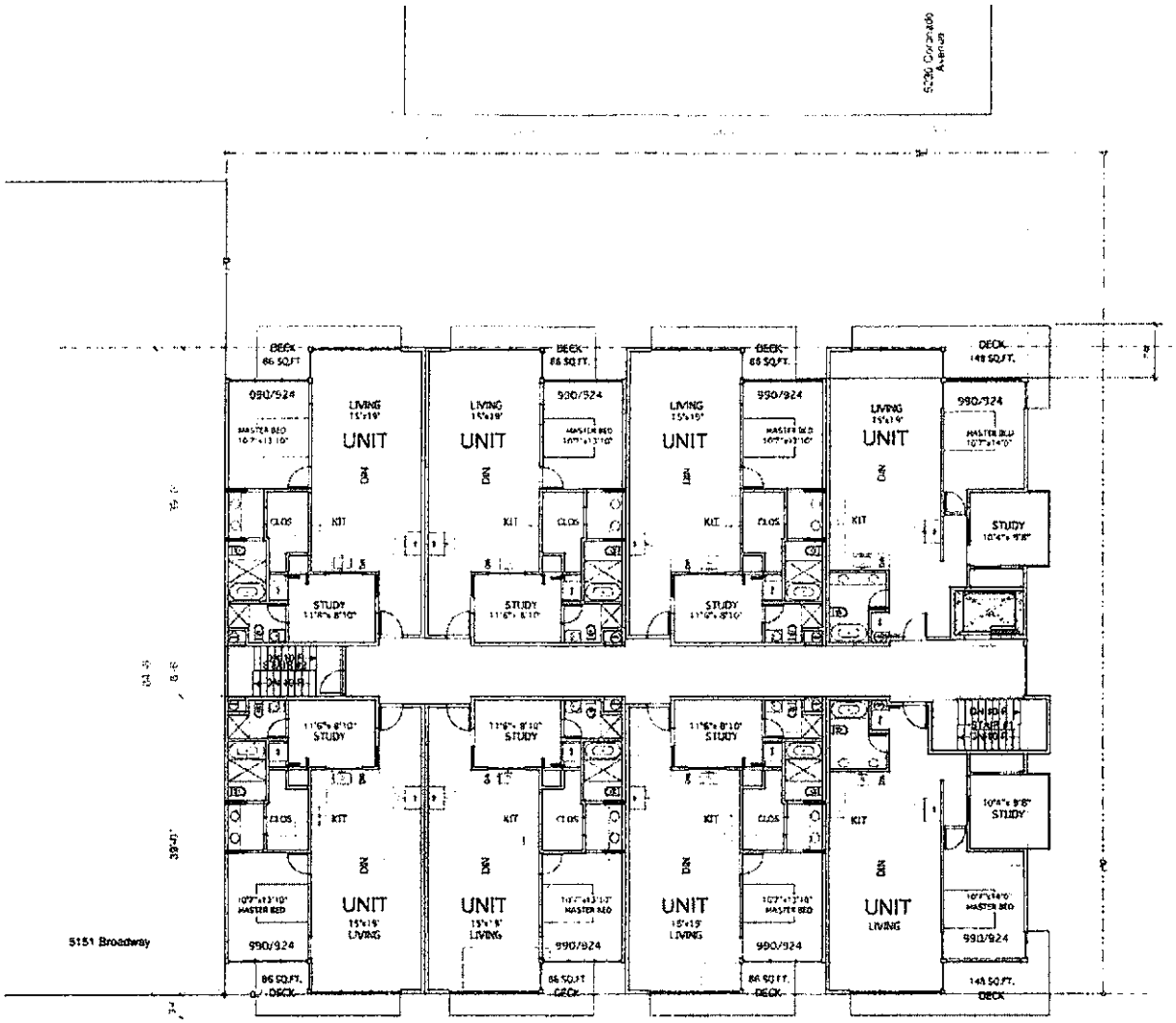
Figure 3
First Floor Plan



SOURCE: Rempel Architects, 2006

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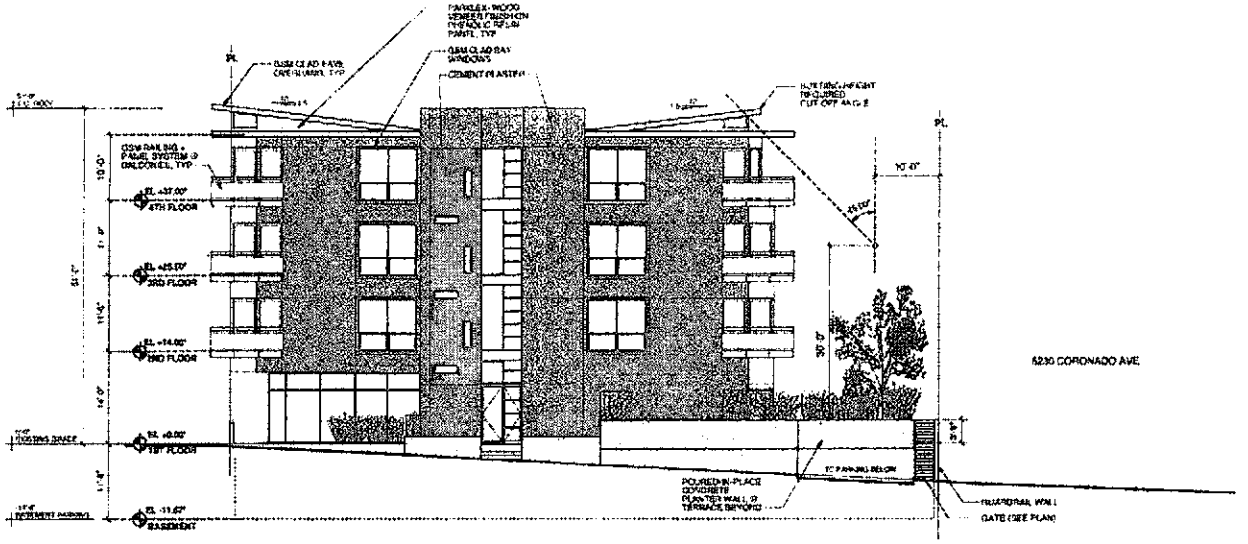
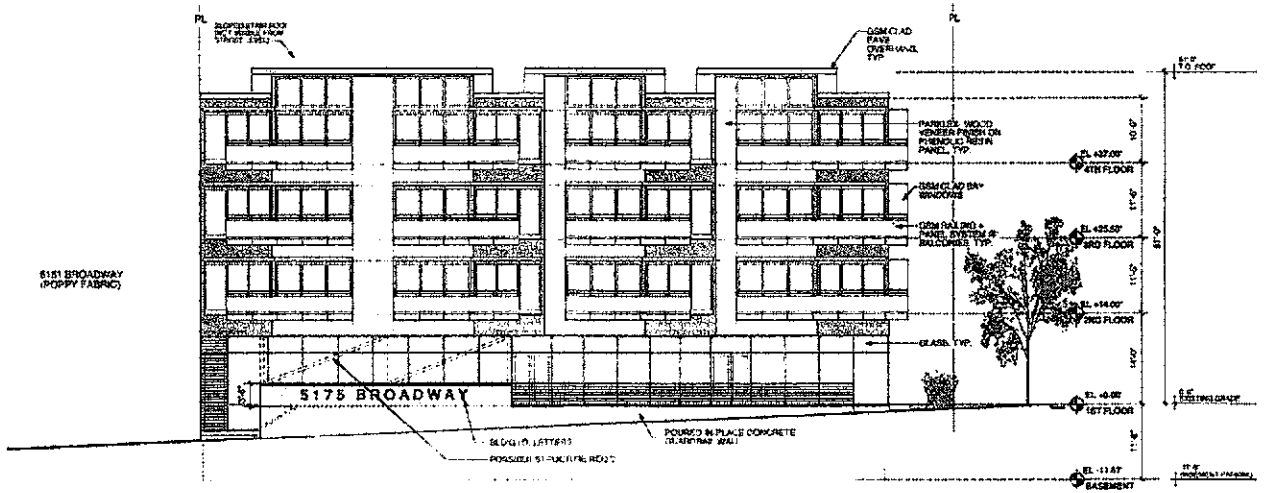
Figure 4

Second through Fourth Floor Plan



North Elevation (to Coronado Avenue)



East Elevation (to Broadway)

0 20
Feet

SOURCE: Rempel Architects, 2006

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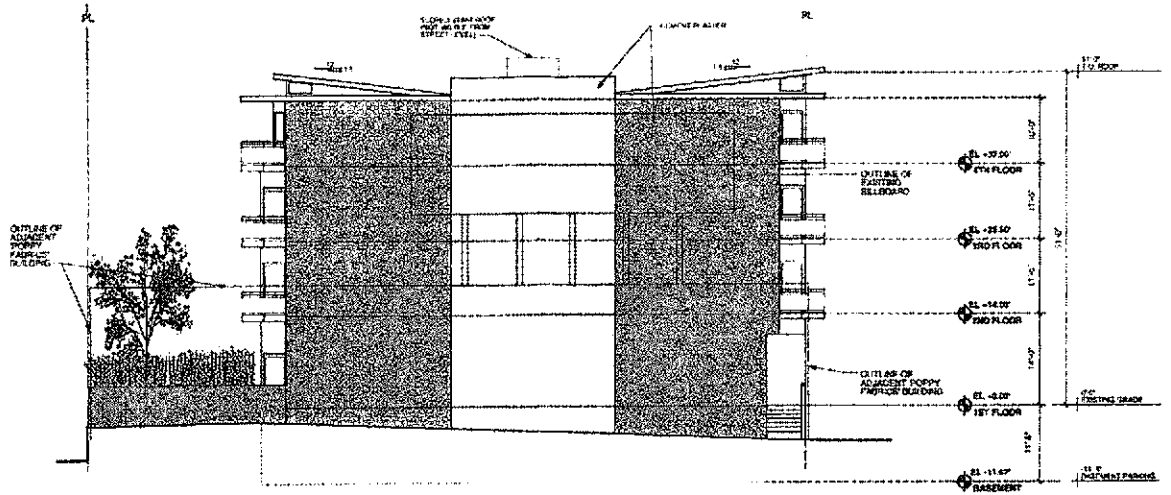
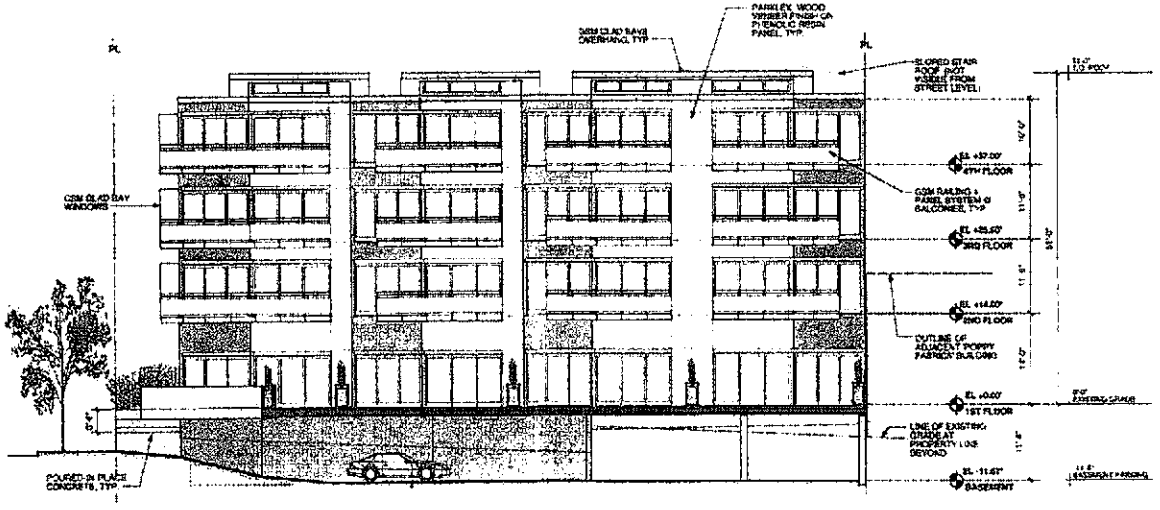
Figure 5
Elevations



South Elevation



West Elevation

0 20
Feet

SOURCE: Rempel Architects, 2006

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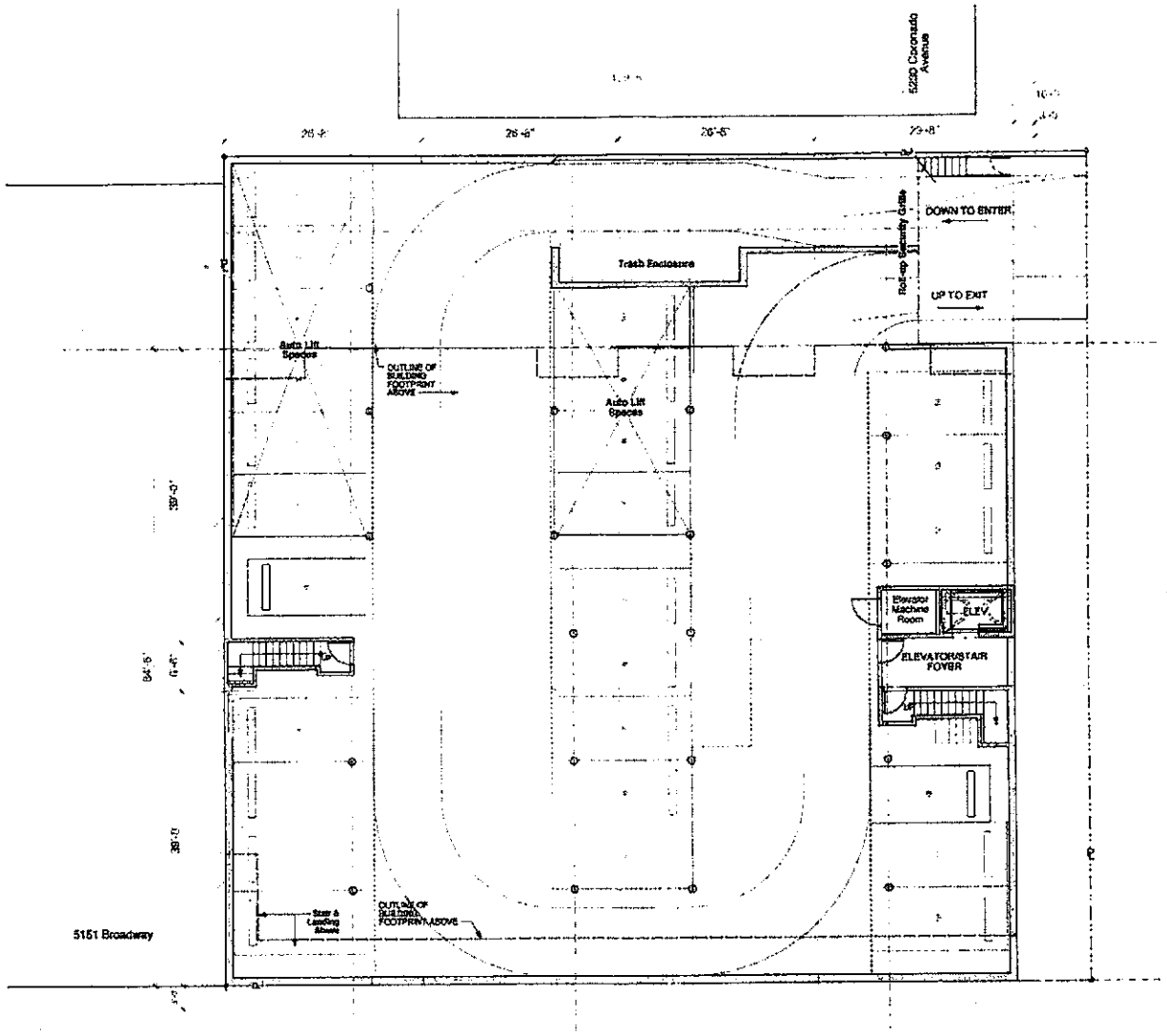
Figure 6
Elevations



SOURCE: Rempel Architects, 2006

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Figure 7

Basement/ Garage Floor Plan

Purpose and Organization of this Initial Study

The purpose of this Initial Study and Environmental Review Checklist (referred to throughout this document as "Initial Study") is t to evaluate whether the 5175 Broadway Project (referred to throughout this document as "proposed project") would have a significant effect on the environment. The City of Oakland has considered the analysis herein prior to making its decision to prepare a Negative Declaration for the project, pursuant to Sections 15163 and 15164 of the California Environmental Quality Act (CEQA).

This Initial Study is consistent with the environmental checklist presented in Appendix G of the CEQA Guidelines and the City's CEQA Thresholds/Criteria of Significance Guidelines. The environmental topics are presented in alphabetical order (e.g., Aesthetics, Agricultural Resources, Air Quality...Utilities).

Evaluation of Environmental Impacts

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

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

A "Less than Significant with Mitigation" answer applies where incorporation of a mitigation measure has reduced an effect from a "Potentially Significant Impact to a "Less than Significant Impact" The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

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

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

whether there are feasible mitigation measures to reduce the impact to less than significant levels in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

A "Less than Significant Impact" answer applies where the project creates no substantial or potentially substantial adverse effect on the environment.

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

Standard Conditions

Standard Conditions are identified throughout the Initial Study to reduce the effects of significant environmental impacts and: 1) will be included as part of the design, construction, and operations of the proposed project; and 2) will be made conditions of approval for the project.

Environmental Factors Potentially Affected

The project would not result in a "Potentially Significant Impact" for any of the environmental factors listed below with adoption of standard conditions of approval:

☐ Aesthetics, Shadow, & Wind	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards/Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Mandatory Findings of Significance	

Determination

On the basis of this initial evaluation:

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

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

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required for selected environmental factors. No other environmental factors will be further studied. ☐

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

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

Signature

12-9-07

Date

Gary Patton
Deputy Director of Planning and Zoning

For Claudia Cappio
Development Director

Environmental Checklist

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
I. AESTHETICS, SHADOW and WIND-- Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	☐	☐	☒	☐	☐

Discussion of questions (a) and (b):

The proposed project would construct a four-story approximately 50-foot-tall building. The building would occur on a site that is primarily ground area (with a remnant, one-story service station building set to the rear of the site, off Broadway) and would be built to the sidewalk edge, consistent with most of the commercial development along Broadway. The proposed four-story building would also be comparable in height to other multi-story buildings in the area – in particular the recently-constructed apartment building located south of 51st Street / Pleasant Valley Avenue, and the condominium complex east of Broadway and fronting 51st Street / Pleasant Valley Avenue.

The project site is located near the northern end of Broadway, which slopes upward from downtown to the south. Scenic vistas and resources in the project vicinity include long-range unobstructed views along the length of the Broadway corridor of the Oakland hills to the north and the Oakland skyline to the south. The project would not disrupt these scenic vistas and would not be a prominent, or in most cases visible, due to the varying topography and intervening development in the vicinity. Distant views of the highest elevations of the Oakland hills likely exist from few publicly-accessible vantage points from neighborhoods to the south and west of the project site, however, these views are also limited by intervening development, including prominent commercial signage along Broadway.

Direct views of Lake Merritt or the Oakland Estuary or San Francisco Bay to the south and west are not visible from the project site. Views across the site to these resources are limited from publicly-accessible areas given the surrounding topography and intervening development. Views across the site, from the north or west, are limited either because these areas are at lower elevations than the project site (along College Avenue, for example) or because of intervening development visible from higher elevations (e.g., from Broadway Terrace, Mountain View Cemetery at the north end of Piedmont Avenue to the west, or points along Pleasant Valley Avenue). No other major visual resources are located nearby that would be visible from or across the site.

The designated California Scenic Highway segment in Oakland near the project site is Interstate 580 (from Oakland's east city limit line to State Route 24) located within two miles of the project site. However, the project site is not visible from I-580 and therefore the highway would not be impacted by the proposed project.

In summary, the project would not adversely affect long-range views, nor would the project result in a substantial adverse effect on a scenic vista or substantially damage a scenic resource. Therefore, the project would result in a less than significant impact on scenic vistas and resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less than Significant w/Standard Conditions of Approval
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐

Discussion of question (c):

The project site consists of an abandoned gasoline service station facility along a major transportation corridor and adjacent to residential neighborhoods. Structures on the project site include a one-story building, and the windows of the building are boarded up and its general condition is visibly blighted. The majority of the site is paved with concrete or permeable gravel with patches of vegetation due to lack of maintenance. Other structures onsite include an inoperable overhead service lighting fixture and approximately thirty 65-gallon storage drums (used for soil cuttings associated with environmental testing of the site) situated next to the building. An approximately six-foot-tall chain-link fence exists along the site's perimeter, along Broadway and Coronado Streets.

The existing visual character of the project area is formed by the two major transportation corridors (Broadway and 51st Street / Pleasant Valley Avenue) and the variety of commercial and residential uses that exist along these corridors. Character-forming uses include a major grocery store and shopping center with expansive surface parking, a multi-story financial institution (bank) various fast-food and sit-down restaurants, cafés and coffee shops, and numerous other retail stores and services (automotive parts, veterinary hospital, professional offices, Laundromat, hair salon, corner convenience market, fabric sales, and apartments and single-family residences, etc.), which continue along College Avenue (which intersects with Broadway one block north of the project site. A college campus (California College of Arts and Crafts) and Oakland Technical High School along Broadway also contribute to the character of the area. North of Broadway Terrace (which intersects with Broadway approximately two blocks north of the project site) and along much of 51st Street / Pleasant Valley Avenue, the visual character is formed by a mix of single-family residences, with some two- to four-unit dwellings. Additionally, residential neighborhoods of distinct and high visual character and quality exist beyond, but are not visible from, the commercial corridors of Broadway and College Avenue.

While considerably more subjective than visual character, the existing visual quality of the overall area is considered relatively high based primarily on the physical condition of development, property and infrastructure in the area. The proposed project building would be designed in a manner appropriate for its location and its context. As proposed, the building would be concrete and combine contemporary and traditional elements and materials, such as cement plaster and wood veneer exterior finishes, bay windows, and angled roof portions (as viewed from the north elevation, from Coronado Avenue). The project would substantially alter the visual character of the site by replacing the dilapidated and abandoned service station facility with a new apartment building with ground-floor retail use. The project would be consistent with the character of existing development along Broadway in terms of setback and retail character at the ground floor, and comparable to the contemporary four-story apartment building constructed recently nearby on Broadway (south of 51st Street / Pleasant Valley Avenue). Overall, the project would be compatible with the existing character given the surrounding urban context of varying development (e.g., major shopping center with expansive surface parking, traditional one- to two-story commercial buildings with ground-floor retail, stand-alone fast-food restaurant, multi-story apartment buildings and complex, etc.) and buildings of various height, mass, and scale. The project also would not adversely affect the residential character of the primarily single-family neighborhood along Coronado Avenue, which includes a two-story, four-unit apartment building immediately west of the project site, and a fast-food restaurant with drive-through immediately north of the site.

The project would be developed consistent with the design goals established in the Oakland General Plan, and the requirements set forth in the Oakland Planning Code. The Oakland Planning Code contains standards and regulations pertaining to land use and site development in the C-30 District Thoroughfare Commercial Zone in which the project is located. In addition, the project would be subject to architectural and landscaping review and approval by the City. During its review of the project's adherence to applicable General Plan goals and policies, Planning Code requirements, and design review criteria, the City will ensure the project would be appropriate to the character of the surrounding area.

In summary, the proposed project would be comparable to adjacent existing development and would have a beneficial aesthetics effect by replacing the dilapidated and abandoned gasoline service station facility currently on the site. The project would not substantially degrade the visual character of the site and its surroundings. The project's impact would be beneficial and less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less than Significant w/Standard Conditions of Approval
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐	☒

Discussion of question (d):

The project site is located within a built-out urban environment that includes existing sources of light and glare associated with nearby land uses. Street lighting along Broadway and lights from vehicle traffic are the primary sources of light on the project site and to the surrounding area. Other major nearby sources of light include spillover light emitted from signage, buildings, and parking lots associated with the fast-food restaurant at Broadway and Coronado Avenue and the shopping center on the east side of Broadway, opposite the project site. Street lighting along Coronado Avenue also casts existing lighting in the project area.

The proposed project would generate nighttime interior and exterior lighting typical of a residential apartment building with ground-floor commercial retail uses and that would be visible from, and potentially cast light to, the immediately surrounding area. The existing facilities on the project site are vacant and do not emit light or have structures that cast glare, thus the proposed project would incrementally increase the level of light generated from the site by establishing a new source of light on the site. Occasional up-lighting and potential lighting on building number sign, for instance, may be used to locally highlight select landscaping or building features of the proposed project. Up-lighting, if used, would be located near the pedestrian and vehicle entrances to the building. In all cases, the proposed exterior lighting would be designed downward-pointing lights, side shields, and visors and situated to prevent substantial levels of light being cast onto light-sensitive residential uses nearby and resulting in an adverse effect. In addition, the project would be subject to the City's Design Review process, during which the proposed exterior building materials and window glazing would be reviewed to ensure surfaces that would not cause adverse glare conditions during daytime or nighttime periods.

While the project would generate an incremental increase in light and glare from the site compared to existing conditions, it is not anticipated to create a substantial source of light or glare that would adversely affect nearby uses or result in a significant impact. The project would be required with implement and comply with the following standard condition of approval, which would ensure the project's effects on day or nighttime views in the area would be less than significant:

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less than Significant w/Standard Conditions of Approval
e) Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	☐	☐	☒	☐	☐
f) 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?	☐	☐	☒	☐	☐

Discussion of questions (e) and (f):

The project proposes landscaping along the western and northern edges of the project site. Along the building's west edge, an approximately 1,200-square-foot group (shared) garden area would be constructed on the building podium, approximately 10 feet above grade. Along the north, along Coronado Avenue, landscape planters would be located along the building frontage. The project plans indicate that the proposed garden area and ground-level planters would allow the planting of low-lying vegetation or small trees on the site which would not cast substantial shadows on any existing solar collectors. No solar collectors or buildings designed for passive solar heating or equipped with photovoltaic or solar hot water collectors were observed in the project area. Therefore, while the proposed four-story building would cast new shadow compared to existing conditions (as discussed under question [i] below), the project would not affect such facilities. The impact pertaining to landscape- or building-induced shadow effects on existing solar collectors or buildings using passive solar heat would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less than Significant w/Standard Conditions of Approval
g) Cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	☐	☐	☐	☒	☐

Discussion of question (g):

The project site is located in a developed urban area. There are no public or quasi-public parks, lawns, gardens, or open spaces in the immediate project vicinity that would be impacted by new shadow generated by the proposed project. Therefore, the project would not impact the beneficial use of such spaces.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less than Significant w/Standard Conditions of Approval
h) Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's historical significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local Register of Historical Resources or a historical resource survey form (DPR Form 523) with a rating of 1-5?	☐	☐	☐	☒	☐

Discussion of question (h):

As noted in Section V, *Cultural Resources,* there are no historical resources, as defined for purposes of this CEQA analysis, in the project vicinity. Therefore, new shadow generated by the proposed project would not materially impair any resource's historic significance and would result in no impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less than Significant w/Standard Conditions of Approval
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses?	☐	☐	☒	☐	☐

Discussion of question (i):

The project site has not requested an exception or variance, such as a variance to the maximum permitted building height or setbacks from a property line, which would affect the provision of adequate light. The project would be required to comply with all applicable codes and requirements as well as related General Plan policies, and the City will consider the project's compliance during its discretionary review of the project. Specific to the General Plan, the project would comply with the Land Use and Transportation Element (LUTE) Neighborhood Policy N3.9 which addresses orienting development to ensure the provision of adequate sunlight light onsite and to adjacent buildings. A two-story, four-unit apartment building abuts the west property line of the project site, but appears as one story given the change in grade that allows the ground level of the structure (a carport) to lower than and not visible from the project site. The proposed project would be set back approximately 30 feet from the adjacent building, with an additional nearly five feet of set-back at the proposed roof edge along the west elevation (as depicted in **Figure 6** in this Initial Study). The project would also be constructed within the allowable building height limits and similar to other multifamily buildings in the area. Because the project would be consistent with relevant policies and regulations regarding the provision of light, the project would not result in a significant impact. The impact would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less than Significant w/Standard Conditions of Approval
j) Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feed 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?	☐	☐	☐	☒ (Criterion [j] does not apply to the proposed project.)	☐

Discussion of question (j):

The proposed project is not located adjacent to a substantial water body or in downtown Oakland and therefore is not subject to question (j).

Sources:

City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.
Project Plans, 2006.
ESA, Site Visit, March 22, 2007.
California Department of Transportation, *The California Scenic Highway System*, http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm, accessed March 7, 2007.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
II. AGRICULTURAL RESOURCES -- Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒	☐

Discussion of questions (a) through (c):

The proposed project would be located in a built-out urban area, and there are no agricultural or farmland uses within or adjacent to the project site. Therefore, the proposed project would not affect any agricultural resources.

Sources:

City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.
ESA, Site Visit, March 22, 2007.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
III. AIR QUALITY -- Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan? (Construction Period)	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations? (Construction Period)	☐	☐	☐	☐	☒

Construction Period Impacts

Discussion of questions (a) and (d):

During construction, the project would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. Project-related construction activities would include demolition, site preparation, earthmoving and general construction activities. Emissions generated from these activities include dust (including PM-10 and PM-2.5)[3] primarily from "fugitive" sources, such as soil disturbance; combustion emissions of criteria air pollutants (reactive organic gases [ROG], nitrogen oxides [NOx], carbon monoxide [CO], sulfur oxides [SOx], and PM-10) primarily from operation of construction equipment and from worker vehicles; and evaporative emissions (ROG) from asphalt paving and architectural coating applications.

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

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. In the absence of controls, construction activities may result in significant quantities of dust, and as a result, local visibility and PM-10 and PM-2.5 concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM-10, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts. The BAAQMD's approach to analyses of fugitive dust emissions from construction is to emphasize implementation of effective and comprehensive dust control measures rather than detailed quantification of emissions. The District considers any project's construction related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. In the case of this project, residential land uses are located immediately adjacent to the boundaries of the project site. The proposed project would be subject to the measures recommended by the BAAQMD (listed below), which are

[3] Particles that are 10 microns or less in diameter and 2.5 microns or less in diameter, respectively

uniformly applied by the City as standard conditions of approval, and which would reduce the impact of fugitive dust emissions to less than significant.

STANDARD CONDITION AQ-1 (Dust Control): During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for sites larger than four acres. These include:

a) **Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.**

b) **Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).**

c) **Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.**

d) **Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.**

e) **Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.**

f) **Limit the amount of the disturbed area at any one time, where feasible.**

g) **Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.**

h) **Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.**

i) **Replant vegetation in disturbed areas as quickly as feasible.**

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

k) **Limit traffic speeds on unpaved roads to 15 miles per hour.**

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

STANDARD CONDITION AQ-2 (Construction Emissions): To minimize construction equipment emissions during construction, the project sponsor shall require the construction contractor to:

a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.

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

Demolition may also result in airborne entrainment of asbestos, a toxic air contaminant, particularly where structures built prior to 1980—like the existing building on the project site—are being demolished. As required for all development projects involving demolition of existing buildings, the project applicant would be required to implement and comply with the following uniformly-applied standard condition of approval, which would help reduce the potential for public health hazards associated with airborne asbestos fibers or lead dust to a less than significant level:

STANDARD CONDITION AQ-3: If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolished or disposed of, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and BAAQMD, Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing), as may be amended.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
a) Conflict with or obstruct implementation of the applicable air quality plan? (Operational Impacts)	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Operational Impacts)	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations? (Operational Impacts)	☐	☐	☒	☐	☐

f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour. Pursuant to

BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which (1) vehicle emissions of CO would exceed 550 lb/day; (2) intersections or roadway links would decline to LOS E or F; (3) intersections operating at LOS E or F will have reduced LOS; or (4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour? (Operational Impacts)	☐	☐	☒	☐	☐
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater? The Port of Oakland maintains PM10 and PM2.5 monitoring stations in West Oakland and data from these stations should be obtained and used? (Operational Impacts)	☐	☐	☒	☐	☐

Operational Impacts

Discussion of questions (a), (b), (d), (f) and (g):

After the project is constructed and occupied, it would generate emissions of criteria air pollutants primarily as a result of increased motor vehicle traffic associated with the new residences and commercial uses. However, the analysis of the proposed project using the URBEMIS air quality model estimates project vehicle traffic would generate criteria pollutant levels far below the significance criterion (g) (specifically, 80 lbs./day), which are the thresholds identified by the BAAQMD. Maximum emissions of reactive organic gases (ROG), nitrogen oxides (NOx), and fine particulate (PM-10) would be approximately 3 pounds per day, 3.4 pounds per day, and 3.6 pounds per day, respectively, even without accounting for a reduction in auto travel that could likely result due to the project's direct access to major AC Transit bus lines that connect to BART and major activity centers. Therefore, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Increased vehicle traffic from the project would also affect localized carbon monoxide (CO) concentrations at nearby intersections. However, CO levels have been declining for a number of years and are expected to continue to do so in the future, and the relatively few vehicle trips that the project would generate (less than 35 vehicle trips in the p.m. peak hour) would not likely exceed the state CO standard at any local intersections.

As a result, the project would not expose sensitive receptors to substantial pollutant concentrations. The impact would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
k) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project results in any individually significant impact?	☐	☐	☒	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
l) Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan? When the general plan fundamentally conflicts with the regional air quality plan, then if the contribution of the proposed project is cumulatively considerable when analyzed the impact to air quality should be considered significant.	☐	☐	☒	☐	☐

Discussion of questions (c), (k), and (l) (Cumulative Impacts):

The Bay Area is currently in non-attainment for state standards for PM-10 and PM-2.5, and for state and federal ozone standards.[4] For any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impact is based on an evaluation of the consistency of the project with the local general plan and of the general plan with the regional air quality plan. The proposed project would not require a General Plan Amendment, therefore it would be considered to be consistent with the General Plan of the City of Oakland. The Oakland General Plan, which envisions future residential and commercial use and growth in the project area (pursuant to the General Plan Land Use Classification Map), is consistent with the recently adopted *2005 Bay Area Ozone Strategy*. Therefore, the project's effects are not considered cumulatively considerable but rather less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) Frequently create substantial objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

Discussion of question (e):

As a primarily residential development, the project is not expected to cause significant odor impacts. While the project sponsor has not indicated a tenant for the 2,995 square-foot commercial space, a restaurant use could potentially emit objectionable odors to substantial numbers of people (i.e., residents and visitors and employees of area commercial uses). However, like the restaurant uses directly across Broadway as well as Coronado Avenue from the project site, any future food service tenant would be subject to the existing requirements of BAAQMD Regulation 7 – *Odorous Substances*, which specifies standards for the discharge of odorous substance (e.g., dilution rates, method of sample collection and analysis). As a result, the project impact regarding objectionable odors would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
h) Result in a potential to expose persons to substantial levels of Toxic Air Contaminants (TAC) such that the probability of					

[4] Ozone is not emitted directly into the atmosphere, but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving ROG and NOx. ROG and NOx are known as ozone precursors.

contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	☐	☐	☒	☐	☐
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	☐	☐	☒	☐	☐
j) Result in a substantial increase in diesel emissions?	☐	☐	☒	☐	☐

Discussion of questions (h), (i) and (j):

As a primarily residential development with less than 3,000 square feet of commercial space (retail or restaurant), the project would generate a limited number of truck trips, and would not be expected to result in a substantial increase in emissions of diesel particulate, identified by the California Air Resources Board as a toxic air contaminant. No other substantial emissions of air contaminants would result from the proposed project uses. In light of the above, project operation impacts regarding toxic air contaminants and diesel emissions on air quality would be less than significant.

Sources:

Bay Area Air Quality Management District, Regulation 7 – *Odorous Substances*, March 1982. Available at: http://www.baaqmd.gov/dst/regulations/rg0700.pdf

City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.

Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plan*, December 1999.

Bay Area Air Quality Management District, *Air Quality Standards and Attainment*, July 2005. Available at: http://www.baaqmd.gov/pln/air_quality/ambient_air_quality.asp

Project Plans, 2006.

Bay Area Air Quality Management District, *Bay Area 2005 Ozone Strategy*, January 4, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
IV. BIOLOGICAL RESOURCES - - Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or					

state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
e) Fundamentally conflict with t any habitat conservation plan or natural community plan?	☐	☐	☐	☒	☐

Discussion of questions (a) through (d) and (e):

The proposed project site is located in a fully developed area where 150 years of urban development has replaced any former natural biotic habitats and natural vegetation. The project site is currently occupied by an abandoned automobile service station; there is no vegetation on the site other than that resulting from lack of maintenance and street trees and landscaping within the right-of-way (along the sidewalk) along the streets the property. While common species may exist and traverse the project area, it is highly unlikely that the area is part of an established native resident or migratory wildlife corridor or that development of the project site would impede any native resident or wildlife species movement through or use of such corridors. The site is not near any body of water (including creeks) or substantial open space area that could provide habitat for any candidate, sensitive, or special status species pursuant to federal, state or local listings and is not located within a designated habitat area. Similarly, the project site is not subject to any conservation plan. Therefore, the project would have no impact on wildlife species or habitats.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
f) Fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36)by removal of protected trees under certain circumstances? Factors to be considered in determining significance include: The number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees.	☐	☐	☐	☐	☒

Discussion of question (f):

There are no trees on the project site, however there are three City street trees along the Coronado Avenue frontage of the project site. In accordance with standard city practices, any removal of "protected" trees as a result of the proposed project would be subject to the Oakland Tree Preservation Ordinance and standard city tree protection/removal permit procedures. A "protected" tree includes "on any property, *Quercus agrifolia* (California or Coast Live Oak) measuring four inches diameter at breast height or larger, and any other tree measuring nine inches diameter at breast height or larger, except Eucalyptus and *Pinus radiata* (Monterey Pine)."

The project would require removal of one of the existing City street trees located near the northwest corner of the property to accommodate the proposed driveway to the on-site parking garage. The tree is not Eucalyptus or Monterey Pine, and has a breast-height diameter of approximately 12 inches. The tree is

therefore a "protected" tree subject to the Oakland Tree Preservation Ordinance. The proposed project proposes to replace (or relocate as feasible) the existing tree along Coronado Avenue. While not intended, the project may inadvertently impact one or more of the other two existing City street trees that also meet the City's "protected tree" criteria.

Any replacement tree(s) be selected and installed in accordance with the allowances prescribed by the Oakland Parks and Recreation Department, Tree Section. Acquisition of a Tree Removal Permit and adherence to its terms and conditions, as well as consultation with the City on any street tree planting would ensure that the project would not conflict with any local ordinances, plans or policies. Specifically, the project would be required to implement and comply with the following uniformly-applied standard condition of approval regarding tree protection, removal and replacement, which would reduce any potential impact to less than significant:

> **STANDARD CONDITION BIO-1 (Tree Removal Permit):** ***Prior to issuance of a demolition, grading, or building permit.*** **Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.**
>
> **STANDARD CONDITION BIO-2 (Tree Replacement Plantings):** ***Prior to issuance of a final inspection of the building permit.*** **Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:**
>
> **a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.**
>
> **b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.**
>
> **c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.**
>
> **d) Minimum planting areas must be available on site as follows:**
>
> - **For Sequoia sempervirens, three hundred fifteen square feet per tree;**
> - **For all other species listed in #2 above, seven hundred (700) square feet per tree.**
>
> **e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.**
>
> **f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and**

the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

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

Discussion of question (g):

The proposed development would not conflict with the City of Oakland Creek Protection Ordinance as a creek is not present on the site or in the project vicinity. The project would have no impact.

Sources:

Oakland Municipal Code Title 12, Chapter 12.36 (Oakland Tree Ordinance).
City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
ESA, Site Visit, March 22, 2007.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
V. CULTURAL RESOURCES -- Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in 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 Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	☐	☐	☒	☐	☐

Discussion of question (a):

There is a single existing building on the project site, which is a remnant of the former gasoline service station use that operated on the property. The single-story building is built in a contemporary style. The building is not identified as a historical resource according to the Historic Preservation Element of the Oakland General Plan nor is it listed as an historical resource in the State Office of Historic Preservation's Directory of Properties (an inventory of properties listed on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest). Prior uses on the project site included a single-family dwelling, later replaced by a two-unit apartment building (as address 5236 Coronado Avenue), and a gas station (as address 5181 Broadway). These previous uses were replaced by the existing building on the project site as part of a subsequent gasoline service station that dates to the 1960s. This use was abandoned in 1979, and the site has remained vacant since then. The single-story commercial building immediately to the south of the project site (5151 Broadway – Poppy Fabrics) was built in 1948, with additions and/or modifications in 1959, 1964, and 1983, according to City of Oakland building permit information. Absent extraordinary circumstances, buildings less than 50 years old (such as the on-site building that would be demolished for the proposed project), are normally presumed not to be historical resources. The building does not have any unique design features or other known characteristics that would warrant its consideration as a historical resource under CEQA. Further, the building is not within a historic district. Therefore, demolition of the building would not result in a significant impact. The impact would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☐	☒

Discussion of question (b):

The project site is located within a developed area that has been previously disturbed through construction. The installation of underground storage tanks associated with previous gasoline service station uses have previously removed a significant volume of native soils at the site. However, there remains the potential for unidentified, buried archaeological remains to be present at the site. Buried archaeological remains such as prehistoric midden deposits, flaked and ground stone artifacts, bone, shell, building foundations and walls, and other buried cultural resource materials could be damaged during excavation and other construction related activities. Therefore, the potential exists for disturbance of archaeological resources (as identified in CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g)), which could cause substantial adverse change to the significance of such resources, thereby resulting in a significant impact. Accordingly, the project would be required to implement and comply with the following uniformly-applied standard condition of approval, and implementation of this standard condition would reduce the impact from potential discovery of subsurface cultural resources to less than significant.

> **STANDARD CONDITION CUL-1: Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project sponsor and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project sponsor and/or lead agency and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the Community and Economic Development Agency (CEDA) Director and/or the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.**
>
> **In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project sponsor shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.**
>
> **Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate**

Initial Study and Environmental Review Checklist

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
VI. GEOLOGY AND SOILS -- Would the project:					
a) Expose people or structures to potential substantial risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42 and 117 and PRC Section 2690.)?	☐	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	☐	☐	☐	☐	☒

Discussion of questions (a.i, a.ii, and a,iii):

The project site is not located within a Fault-Rupture Hazard Zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act of 1972, and no known active faults have been mapped on or in the immediate vicinity.[5] The closest active fault is the Hayward fault, located approximately 2 miles northeast. Other notable active faults include the San Andreas fault (16 miles southwest), the Calaveras fault (17 miles southeast), and the Rodgers Creek fault (25 miles north). As the site is not located on an active or potentially active fault, potential for surface fault rupture is low and the impact is considered less than significant.

The San Francisco Bay Area is considered a seismically-active region. The project site is located in an area subject to very strong to violent groundshaking (Modified Mercalli Intensity VIII to IX) from a characteristic earthquake along the Hayward Fault, according to the Association of Bay Area Governments (ABAG).6 Groundshaking can result in significant structural damage or structural failure in the absence of appropriate seismic design. Seismic shaking can also trigger ground-failures caused by liquefaction.

The California Seismic Hazards Mapping Act was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction,7 landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. The proposed project site is not located within a Seismic Hazard Zone as designated by the California Division of Geological. However, the shallow groundwater combined with the presence of sandy soils at the site could indicate the potential for liquefiable layers at the project site. In accordance with standard City

5 California Geological Survey (CGS). formerly the California State Department of Conservation, Division of Mines and Geology (CDMG) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*. [http://www.consrv.ca.gov]. November 16, 1998. and CDMG. *Fault Rupture Hazard Zones in California* Alquist Priolo Earthquake Zoning Act. Special Publication 42, Revised 1997

6 Available on ABAG website (viewed March 21. 2007) at: http://www.abag.ca.gov/bayarea/eqmaps/mapsba.html.

7 Liquefaction is the process by which saturated, loose. fine-grained. granular. soil, like sand. behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

practices, the proposed project will be required to perform a geotechnical investigation which will specifically address the potential for liquefaction and provide measures to mitigate potential damage to the proposed project. Although the potential for injury and damage from seismic ground shaking cannot be eliminated, adherence to the recommendations in a geotechnical investigation, the CBC and other applicable local construction codes would reduce the potential impact to less than significant.

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

STANDARD CONDITION GEO-1: A site-specific, design level Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:

a) Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.

b) The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots and sidewalks).

c) The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, and geotechnical engineer, as approved by the City will be included in the final design.

d) The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.

e) Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the project.

f) Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.

g) A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the project sponsor of further geologic and engineering studies to more adequately define active fault traces.

h) Tentative Tract or Parcel Map approvals shall require, but not be limited to approval of the Geotechnical Report.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
iv) Landslides?	☐	☐	☒	☐	☐

Discussion of question (a.iv):

The project site is relatively level and is not located on or adjacent to a hillside. In addition, the proposed project site is not located within an area designated by the California Division of Mines and Geology (CDMG) Seismic Hazards Mapping Act as a "Seismic Hazard Zone" for earthquake-induced landslides.

Landsliding, liquefaction ground failures including lateral spreading (a.i through a.iii), soil subsidence, and soil collapse have been determined to be less than significant because the project design would incorporate foundation recommendations of a project geotechnical evaluation, comply with applicable City regulations and standard conditions of approval, be constructed to applicable CBC standards, and would incorporate the proposed measures to address potential liquefaction hazards. Thus, the potential impacts associated with landslides associated with the project would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	☐	☐	☐	☐	☒

Discussion of question (b):

The majority of the project site is paved, and the proposed project would develop the entire project site. Some earthwork activities associated with construction or with remediation activities would disturb subsurface soils. To minimize wind or water erosion on the site during construction or remediation activities that involve earthwork, the applicant shall be required, in accordance with standard City practices, to submit a construction period erosion control plan to the Building Services Division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	☐	☐	☐	☐	☒

Discussion of questions (c):

According to the U.S.D.A. Natural Resource Conservation Service soils classification, the soils in the project area are characterized as Urban Land-Baywood complex, which have few limitations for urban development. Depth to groundwater is between about 10 feet and 15 feet, according to a Phase II environmental site assessment work that Pangea Environmental Services has completed for the project (Pangea, 2006). Subsurface soils at the project site generally consist of sandy clays and clayey sands with trace gravels.

As noted above under criteria (a.i) through (a.iii), a geotechnical investigation, as required by the City, would evaluate the subsurface soils and determine the appropriate foundation system to mitigate unstable soils as is standard practice for the industry. In accordance with standard City practices, and in conformance with current codes and regulations, the project sponsor shall be required to submit detailed engineering drawings and materials to the Building Services Division prior to excavation, grading, or construction on the site. This measure would ensure that the building is designed and built in conformance with the requirements of the City of Oakland Building Code and the applicable provisions of the CBC. Therefore, the proposed project would not result in substantial risks to life or property due to unstable or expansive soil, and application of Standard Condition GEO-1 presented above, will reduce the potential impacts associated with these conditions to less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	☐	☐	☐	☒	☐
e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risk to life or property?	☐	☐	☐	☒	☐

(Criterion [c] and[f] do not apply to the proposed project.)

Discussion of questions (d) and (e):

The project site is not located on a site subject to the conditions identified in (e) or (f), nor is it located on a current or former known landfill. (As discussed below under Section VII., *Hazards and Hazardous Materials*, underground storage tanks associated with previous uses on the site were removed in January 1990.)

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐

Discussion of question (f):

The proposed project would be able to connect to the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project would not require septic tanks or alternative wastewater disposal systems and the project would have no impact such conditions.

Sources:

City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
State of California Seismic Hazard Zones Map, Oakland West Quadrangle, February 14, 2003.
Project Plans, 2006.
Golden Gate Tank Removal, *Preliminary Results of Site Characterization: Proposed Additional Activities-Former Exxon Station, 5175 Broadway, Oakland CA.*, May 8, 2006.
Pangea Environmental Services, *Addendum to Preliminary Results of Site Characterization,* November 8, 2006.
ESA, Site Visit. March 22, 2007.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐

Discussion of question (a):

The project, as a residential development with retail or restaurant use, would not involve the routine transport, use, storage, or disposal of hazardous materials, other than routine use of minor quantities of household cleaning products, commercial products used in cleaning and maintenance of the building and, potentially, pesticides and fertilizers for care of on-site landscaping. Also, the project would not produce emissions other than from natural gas for space and water heating. These materials and emissions would not pose a significant hazard, due to routine activities, to the public, including students or personnel at the Oakland Technical High School located approximately one-quarter mile (four blocks) south of the project site. Therefore, the project would result in a less than significant impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒

Discussion of questions (b), (c), and (d):

The project site previously operated as gasoline service station with underground fuel storage tanks (USTs). The service station was vacated in 1979 and has remained vacant ever since. The USTs were removed in January 1990 and found to have leaked gasoline into shallow soils which caused the site to be considered a hazardous materials site pursuant to Government Code 65962.5 (Cortese List) by the Alameda County Department of Environmental Health (ACDEH). In February 1990, additional soils were removed from the area surrounding the former UST pit and stockpiled onsite for treatment. With approval from the ACDEH, the treated soils were subsequently placed back into the excavation pit. Following the replacement of soil, or "backfilling," four groundwater monitoring wells were installed at the site to monitor groundwater levels and the presence of petroleum hydrocarbons in the groundwater. Two additional groundwater monitoring wells were installed in 1991, which were monitored until 1994. No data was collected between 1994 and 1996 at the site because it was not authorized by the responsible party for unknown reasons. Quarterly groundwater monitoring resumed in 1996 and was conducted until 2002.

Additional site characterization of subsurface soils and groundwater was performed in 2006 when quarterly groundwater monitoring also resumed, and the results showed that the groundwater beneath the site remained impacted by gasoline in concentrations that exceed regulatory screening levels. The primary chemical of concern (COC) at the site is benzene, which is a component of gasoline. Benzene concentrations have been recorded as high as 5,100 ug/L (micrograms per liter or parts per billion) and the last reported sampling in 2002 was as high as 590 ug/L. The environmental screening level (ESL) for benzene set by the Regional Water Quality Control Board (RWQCB) is 1.0 ug/L. Secondary COCs are total petroleum hydrocarbons as gasoline, toluene, ethylbenzene, xylenes, and 1.2 dichloroethane, which have all been detected at levels above regulatory limits for residential/commercial. Total petroleum hydrocarbon levels in the groundwater have been recorded as high as 72,000 ug/L and the October 2002 sampling had TPH-G concentrations as high as 13,000 ug/L where the ESL is 100 ug/L. Measures, including removing the upper 10 feet of soils onsite for the construction of the basement garage, could potentially remove a large majority of the source of these COCs in the groundwater.

In 2007, an additional site investigation was performed by a different environmental consultant in order to further delineate c The results of the investigation improved the knowledge of the limits of the horizontal and vertical extent of soil and groundwater contamination at the project site. Petroleum hydrocarbons appear to have impacted groundwater in deeper zones at the site within thin bedrock fractures or other permeable zones within the relatively impermeable site bedrock. The area of significant contamination in the deeper

groundwater lies at the southeastern portion of the site. Further delineation of the shallow groundwater zone is still being recommended for the site. However, there was enough data collected at the site to complete a feasibility test and develop an interim remedial action plan for the project site. Due to the relatively low permeable materials at the site, the remediation technology identified and proposed as most suitable and effective for the project has been determined to be excavation of contaminated soils followed by techniques to enhance natural biodegradation of the deeper contaminants.

The proposed project includes constructing a below-grade parking level which would require the excavation and disposal of subsurface soils to a depth from approximately the upper 10 feet of subsurface soils. This excavation will likely remove a majority of the source material that is contributing to the groundwater contamination. However, even following soil removal from the site, there may still be the potential for intrusion of harmful petroleum vapors, particularly benzene into the project.

Given the existence of remaining impacted soils and groundwater beneath the project site, as well as potential impacted groundwater in areas offsite, the project would be required to implement and comply with the following uniformly-applied standard condition of approvals and implementing recommendations (which are consistent with and include elements from the City's uniformly-applied standard conditions) that would reduce the potential adverse impacts of exposing the environment or the public, including Oakland Technical High School located within one-quarter mile (approximately four blocks) of the site, to less than significant:

STANDARD CONDITION HAZ-1 (Phase I and/or Phase II Reports) - Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. These reports include the following recommendations and shall be implemented:

a) **Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland. Impacted soils shall be handled in accordance with best management practices required by Standard Condition HAZ-3.**

b) **Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland , the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to "d" below).**

c) **Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the City**

of Oakland Hazardous Material Assessment and Reporting Program, pursuant to City Ordinance No. 12323.

d) Project construction design plans shall include a vapor barrier beneath the proposed structure to prevent the migration of harmful soil vapors into the structure. The vapor barrier design shall be approved of by the ACDEH and/or the RWQCB. Project construction design plans shall also allow for any required measures imposed by oversight agencies for ongoing soils and groundwater remediation, both on and offsite, following construction of the proposed structure, in accordance with requirements of the ACDEH and/or the RWQCB.

STANDARD CONDITION HAZ-2 (Environmental Site Assessment Reports Remediation) - Prior to issuance of a demolition, grading, or building permit, If the environmental site assessment reports recommend remedial action, the project applicant shall:

a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.

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

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

STANDARD CONDITION HAZ-3 (Hazards Best Management Practices) - Prior to commencement of demolition, grading, or construction, the project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;

b) Avoid overtopping construction equipment fuel gas tanks;

c) During routine maintenance of construction equipment, properly contain and remove grease and oils;

d) Properly dispose of discarded containers of fuels and other chemicals.

e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's,

elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

f) **If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval 50 and 52, 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.**

(Asbestos-containing Materials and Lead-based Paint) Given the age of the existing former service station building on the site, there is a potential that it may contain asbestos-containing building materials (ACMs) and lead-based paint. Both of these materials could be harmful to construction workers and the public if treated improperly during demolition of the existing building. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Because of the likelihood that asbestos and lead-based paint are present in the existing building, the project applicant would be required to implement and comply with the following uniformly-applied standard conditions of approval (as modified slightly for clarity), which would help reduce the impact from potential exposure of construction workers and the public to asbestos and lead-based paint to a less-than-significant level:

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

STANDARD CONDITION HAZ-5 – (Lead-based Paint Remediation) - Prior to issuance of any demolition, grading or building permit, if lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

STANDARD CONDITION HAZ-6 - (Other Materials Classified as Hazardous Waste) - Prior to issuance of any demolition, grading or building permit, if other materials classified as

hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

STANDARD CONDITION HAZ-7 – (Health and Safety Plan per Assessment) - Prior to issuance of any demolition, grading or building permit, if the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

STANDARD CONDITION HAZ-8 – (Hazardous Materials Business Plan) - Prior to issuance of a business license, the project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

a) **The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.**

b) **The location of such hazardous materials.**

c) **An emergency response plan including employee training information**

d) **A plan that describes the manner in which these materials are handled, transported and disposed.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
f) Be located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐

Discussion of questions (e) and (f):

The project is not located within two miles of a public airport, and there are no private airstrips in the vicinity. The closest public airport is the Oakland International Airport located approximately eight miles

southeast of the project site. Therefore, the project would not result in any significant safety hazards for people residing or working in the project area.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒		☐

Discussion of question (g):

The proposed project would not significantly interfere with emergency response plans or evacuation plans, based on the City of Oakland's *Multi-Hazard Functional Plan*, ("City Emergency Plan"). The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. During construction, standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any city streets. Specifically, the job site supervisor is required to call the Fire Department's dispatch center any day construction vehicles would partially or completely block a city street during the construction process. Additionally, any proposed changes to existing vehicular accesses to city streets, such as the proposal to revert a portion of Coronado Avenue from one-way to two way, would involve review and approval by the Fire Department to ensure adequate emergency access. Therefore, given required compliance with the City's notification requirements, the project would not interfere with the implementation of emergency response plans or evacuation plans, nor adversely affect the City's response and operational procedures in the event of a large scale disaster or emergency. The impact would be less than significant

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐

Discussion of question (h):

The project site is located in a developed urban area and not located adjacent to open areas where wildland fires would occur. Any new structures built on the site would be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Sources:

City of Oakland, *Draft Multi-Hazard Functional Plan*, 1993.
City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.
Project Plans, 2006.

Golden Gate Tank Removal, *Preliminary Results of Site Characterization: Proposed Additional Activities-Former Exxon Station, 5175 Broadway, Oakland CA.*, May 8, 2006.
Pangea Environmental Services, *Addendum to Preliminary Results of Site Characterization,* November 8, 2006.
Pangea Environmental Services, *Site Investigation Report,* July 17, 2007.
Pangea Environmental Services, *Feasibility Test Report and Interim Remedial Action Plan,* July 20, 2007.
Pangea Environmental Services, *Summary of Proposed Remedial Action Plan,* July 20, 2007.
ESA, Site Visit, March 22, 2007.
Bob Clark-Riddell, Pangea Environmental Services, *Personal Communication,* March 22, 2007.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐

Discussion of questions (a) and (b):

Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. Storage and use of hazardous materials at the project site during construction activities would comply with best management practices (BMPs) as required to comply with the City of Oakland and Alameda County stormwater quality protection requirements, which would reduce potential impacts to groundwater quality associated with spills or leaks of hazardous materials used routinely during construction activities to less than significant.

Following the completion of construction activities, the application of pesticides and herbicides related to landscape maintenance are potential sources of polluted stormwater runoff. However, on-site landscaping would be minimal, and the proposed project would not require a significant use of pesticides or herbicides. The proposed project would be required to comply with the City of Oakland and Alameda County stormwater quality protection requirements. Potential groundwater quality impacts associated with the proposed project during operation are therefore considered less than significant.

As noted in Section VI, *Geology and Soils*, the depth to groundwater is between about 10 to 15 feet, according to the environmental site assessment work that has been completed for the project. Therefore, the proposed project design may require temporary dewatering for the construction of the basement parking level and intermittent pumping during high groundwater periods. The water generated would likely contain petroleum contaminants, as discussed in Section VII, *Hazards and Hazardous Materials*. The discharge water may be discharged into the City of Oakland sanitary sewer system, treated onsite, or be temporarily stored and then transported to an appropriate disposal facility, consistent with Standard Conditions HAZ-1d and HAZ-3. Further, Standard Condition HAZ-3 requires that the project applicant demonstrate that it has

conducted the appropriate treatment of contaminated groundwater prior to discharge. Considering required adherence to the permitting requirements for treatment and discharge of groundwater generated during temporary or ongoing dewatering, the project would not violate any water quality or waste discharge standards.

The shallow groundwater in the project area is not considered potable and is not used as a public drinking water supply. Temporary dewatering, as discussed above, may result in short-term lowering of the groundwater table. However, once pumping ceases, the water table would be expected to recover to pre-pumping levels.

In accordance with standard City practices, the project sponsor shall be required to comply with all applicable regulatory standards and regulations pertaining to potential contaminants and to project-related grading and excavation prior to issuance of grading and building permits, (see Section VI. *Geology and Soils*). Therefore, the project would not result in significant impacts on water quality or on groundwater supplies.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	☐	☐	☐	☐	☒
d) Result in substantial flooding on- or off-site?	☐	☐	☐	☐	☒
e) Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	☐	☐	☒
f) Create or contribute substantial runoff which would be addition source of polluted runoff?	☐	☐	☐	☐	☒
g) Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒

Discussion of questions (c) through (g):

The proposed project would not significantly increase the amount of impervious surface since approximately 75 percent of the site is covered by the existing structure and paving; approximately 25 percent is covered with gravel. The project site is approximately 12,833 square feet (or nearly 0.3 acres) in size. Because the site is currently developed primarily with impervious surfaces, the proposed project would not significantly alter the volume of surface runoff, compared to existing conditions. As depicted in **Figure 3**, First Floor Plan, presented in this Initial Study, the site would include above-grade unpaved areas – an approximately 1,200 square-foot garden area on the podium level over the underground garage, and landscape planters along the north façade of the building. The proposed project would be connected to the City of Oakland's storm drain system, but the project would not substantially alter the existing drainage pattern on the site. Also, stormwater discharges from the site are not expected to significantly increase or result in substantial erosion or flooding onsite or offsite since the project would not significantly increase the amount of impervious surface onsite.

There are no known streams or rivers on the project site or in the vicinity, thus the project would not alter alteration of a stream or river course.

In accordance with standard City practices, and in order to minimize any short-term (construction-related) or long-term impacts on surface water quantity or quality, the applicant shall be required to comply with

applicable City standards and regulations designed to maintain water quality. The project would be required to implement the following uniformly-applied standard conditions of approval which the City would apply to the project and that would reduce impacts regarding water quality and quantity to less than significant:

STANDARD CONDITION HYD-1: (Post-Construction Stormwater Pollution Management Plan http://www.cleanwaterprogram.com) Prior to issuance of a building permit (or other construction-related permit), the applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

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

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

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

- **i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and**
- **ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures.**

c) All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

d) Prior to final permit inspection, the applicant shall implement the approved stormwater pollution management plan.

STANDARD CONDITION HYD-2: (Maintenance Agreement for Stormwater Treatment Measures) Prior to final zoning inspection, for projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater

Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

a) **The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and**
b) **Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.**

STANDARD CONDITION HYD-3: (Erosion and Sedimentation Control Plan) –

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

b) **Throughout grading and construction activities, the project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.**

In summary, with implementation of the above standard conditions, the proposed project would not result in adverse significant impacts with respect to erosion, flooding, stormwater drainage system capacity, or surface water quality and quantity. The impact would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
h) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows?	☐	☐	☐	☒	☐
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	☐
j) Expose people or structures to a substantial risk of loss, injury or death involving flooding?	☐	☐	☐	☒	☐

Discussion of questions (h) through (j):

The proposed project site is located in Zone C, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map. This zone is located in neither a 100-year nor in a 500-year flood boundary and is therefore considered a zone at minimal risk for flooding hazards. Additionally, the project site is located outside the inundation area for the Temescal Reservoir/Dam. Therefore, the project would not result in significant impacts by exposing people or structures to risk of flooding.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
k) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐

Discussion of question (k):

The project site is located approximately 4 miles from the San Francisco Bay and at significantly higher elevations than this body of water. Therefore, the site is not located near any body of water to be at risk of inundation from seiche or tsunami waves. The potential for mudslides to occur in the area of the site is low due to the developed urbanized nature of the surrounding area and the lack of exposed slopes. The project sponsor would be required to comply with applicable City regulations and standards to address potential geologic and seismic impacts, consistent with standard City practices (also see Section VI. *Geology and Soils*). Therefore, the project would not result in impacts with respect to seismic-related flood hazards or unstable soils that result in mudflows.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
l) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river or stream in a manner that would result in a substantial erosion, siltation, or flooding, both on- or off-site?	☐	☐	☐	☒	☐

m) Fundamentally conflict with the elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety.	☐	☐	☐	☒	☐

Discussion of question (l) and (m):

The project is not located near a creek or waterway that is subject to the Oakland Creek Protection Ordinance, and requirements discussed in items (a) through (f) above, the project would not adversely impact creeks or other hydrological resources protected by the Ordinance.

Sources:

Flood Insurance Rate Map, *065048 0015B*, Federal Emergency Management Administration, September 30, 1982.
City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.
Golden Gate Tank Removal, *Preliminary Results of Site Characterization: Proposed Additional Activities-Former Exxon Station, 5175 Broadway, Oakland CA.*, May 8, 2006.
Pangea Environmental Services, *Addendum to Preliminary Results of Site Characterization,* November 8, 2006.
Project Plans, 2006.
Association of Bay Area Governments, Dam Failure Inundation Maps, http://www.abag.ca.gov/bayarea/eqmaps/damfailure/damfail.html, accessed March 2007.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
IX. LAND USE AND PLANNING -- Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	☐
b) Result in a fundamental conflict between adjacent or nearby land uses?	☐	☐	☒	☐	☐

Discussion of questions (a) and (b):

The project site is located within an urban area in the City of Oakland. As discussed in the *Project Description* and in Section A, *Aesthetics*, of this Initial Study, land uses in the project vicinity consist of a mix of visitor-serving uses (e.g. shopping center, gas stations, restaurants, etc.), commercial uses (banks, retail, office space, etc.) and a range of residential (both single-family and a range of multifamily developments).

- Immediately west of the project site is a two-story, four-unit apartment building fronting Coronado Avenue. Single-family dwellings line both sides of Coronado Avenue, which is part of the residential neighborhood comprised primarily of detached single-family homes that extends to west to Telegraph Avenue.

- Immediately north of the project site, along the same side of Broadway, is a fast-food drive-through restaurant and parking lot, with restaurant and office and retail commercial uses with residential and office above along College Avenue to the northwest. Across Broadway to the northeast of the project site is a California College of the Arts (CCA) campus.

- Immediately east of the project site is a large retail commercial center containing a grocery store, banks, restaurants, personal services, and various retail stores. A bank, realtor office, and a mixed residential neighborhood of single-family and multifamily residences exist to the southeast, along Pleasant Valley Avenue and east of Broadway.

- Immediately south of the project site are two commercial retail buildings to 51st Street, with several commercial service and retail uses and a high school fronting Broadway, beyond. A mixed residential neighborhood exists to the southwest, beyond 51st Street and west of Broadway.

The proposed project would be located on an underutilized site that is not compatible with development in the vicinity. The proposed project would change and increase in land use development at the site compared to existing or previous uses, and would improve the surrounding urban environment by demolishing the existing abandoned service station facility and constructing residential and commercial uses on the site. The proposed residential use would complement the existing mix of uses in the area. Developed on a currently underdeveloped lot fronting the Broadway, the project would not physically divide an established community Further, the proposed project would be consistent with various land uses in the vicinity. Therefore, the project would not conflict with adjacent or nearby land uses, and would result in a less than significant impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Fundamentally conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment?	☐	☐	☒	☐	☐

Discussion of questions (c):

The City of Oakland and the Oakland General Plan ("General Plan") establishes comprehensive, long-term land use policy for the City. The Land Use and Transportation Element (LUTE) of the General Plan include several policies relevant to the project and are discussed below. The 2004 Housing Element of the General Plan also includes policies relevant to development of the project, and is also discussed below. Policies in the Open Space, Conservation and Recreation Element (OSCAR) of the General Plan are addressed briefly in Section XIV, *Recreation*, below.

Land Use and Transportation Element (LUTE)

As discussed throughout the analyses in the Initial Study, the proposed project would be consistent with the following LUTE policies, many of which are relevant to the potential environmental effects of the project:

- Policy N1.5 – *Designing Commercial Development.* Commercial development should be designed in a manner that is sensitive to surrounding residential uses;
- 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;
- Policy N3.1 – *Facilitating Housing Construction.* Facilitating the construction of housing units should be considered a high priority for the City of Oakland;
- Policy N3.2 - *Encouraging Infill Development.* In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland:
- Policy N3.5 – *Encouraging Housing Development.* The City should actively encourage development of housing in designated mixed housing type and urban housing areas, through regulatory and fiscal incentives, assistance in identifying parcels that are appropriate for new development, and other measures;
- Policy N3.9 – *Orienting Residential Development.* Residential developments should be encouraged to face the street and orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure;
- Policy N3.10 *Guiding the Development of Parking.* Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized;
- Policy N5.2 *Buffering Residential Areas.* The City should support and encourage residents desiring to live and work at the same location where neither the residential use nor the work occupation adversely affects nearby properties and the character of the surrounding area;

Key strategies identified in the LUTE for the North Oakland Planning Area include "preservation of character," "maintaining residential densities while realizing the potential for higher density housing types along corridors", "commercial revitalization", and specific to the upper Broadway/College Avenue area, "development of vacant and underutilized properties". The project would support these strategies for the project area

The project site is located within the Community Commercial General Plan land use classification, as designated in the General Plan Land Use Diagram. The Community Commercial classification permits housing and compatible mixed use developments and is intended to "identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations". The LUTE permits a floor area ratio (FAR) of 5.0 and a maximum residential density of 125 units per gross acre in a mixed-use project. As discussed in the *Project Description* in this Initial Study, the proposed project would be consistent with the General Plan allowances.

The 2004 Housing Element Update

The 2004 Housing Element Update includes the following goals and policies relevant to the proposed project, and would support each:

- Goal 1: *Provide Adequate Sites Suitable for Housing for All Income Groups;*
- Goal 7: *Promote Sustainable Development and Smart Growth;*

- Policy 7.3 – *Infill Development.* Continue to direct development toward existing communities and encourage infill development at densities consistent with the surrounding communities.
- Policy 7.5 *Mixed Use Development.* Encourage a mix of land uses in the same zoning district or on the same site in certain zoning districts.

Oakland Sustainable Development Initiative

Adopted by the City Council in 1998, Oakland's Sustainable Community Development seeks to enhance the environmental sustainability of City operations and private development within the City. A number of the major objectives of the Initiative are relevant to the proposed project: economic development, in-fill housing, mixed use development, and sustainable ("green") building The following activities listed as part of the Initiative also relate to the proposed project:

- Promote mixed use development;
- Promote of economic development;
- Promote development along transit corridors; and
- Construct in-fill housing.

Based on the above, the proposed project would support the Oakland Sustainable Development Initiative.

Zoning Regulations

As discussed in the *Project Description* of this Initial Study, the project site is located within the C-30 District Thoroughfare Commercial Zone. The proposed development would exceed the maximum allowable one unit per 450 square feet of lot area permitted by the C-30 Zone (pursuant to Oakland Planning Code Section 17.46.130). As a result, the project is seeking approval of an Interim Conditional Use Permit pursuant to the City's *Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations* for proposals that exceed the Zoning Regulations, but conform to the General Plan Classification.

In summary, the proposed project would not fundamentally conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, as supported by the analyses provided in this Initial Study. The project's impact would be less then significant.

d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐

Discussion of questions (d):

The proposed project site is located in an area that is not governed by any habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan affecting the area.

Source:

City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.
City of Oakland, Oakland General Plan, *Housing Element Update*, June 2004.
Project Plans, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
X. MINERAL RESOURCES -- Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delincated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	☐

Discussion of questions (a) and (b):

The proposed project would be located in an urban area on a site that has been previously developed and involved subsurface disturbance. The project site has no known existing mineral resources. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resource. Therefore, the project would not impact any mineral resources.

Source:
City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
Project Plans, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XI. NOISE -- Would the project result in:					
a) Expose persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g., OSHA)?	☐	☐	☐	☐	☒
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	☐	☐	☐	☐	☒
f) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24)?	☐	☐	☐	☐	☒
g) Result in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐

h) Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2003)?	☐	☐	☒	☐	☐

Discussion of questions (a), (b) and (f) through (h):

Existing noise levels in the project vicinity are primarily the result of motor vehicle traffic on surrounding streets, particularly Broadway, which is a key corridor. Given the exterior noise levels in the vicinity of the project site, the interior noise levels within the project's residential units could exceed DNL 45 dBA, the interior noise standard for dwelling units according to the City of Oakland General Plan Noise Element.[8] In order to meet the interior noise standard of 45 DNL dBA, building construction would need to reduce exterior noise levels from the external facades of the building. Therefore, the project shall implement and comply with the following uniformly-applied standard condition of approval:

> **STANDARD CONDITION NOISE-1 (Interior Noise): If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level of less than 45 dBA, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.**

Implementation of Standard Condition NOISE-1 would reduce interior noise levels to an acceptable level, and would render interior noise impacts to less than significant.

In terms of project-generated noise, building operations would not be expected to result in unusual or noticeably loud noises. Potential project-generated noise would therefore be limited to traffic noise. Generally, traffic must double in volume to produce a noticeable permanent increase in noise levels. As described in Section XV, *Transportation and Traffic*, the project would generate fewer than 35 vehicle trips in the p.m. peak hour, which is not likely to result in a doubling of traffic volumes on any streets as a result of the project. Therefore, resulting total noise levels generated by project or total traffic would not be substantial. Therefore, traffic noise impacts would not be significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.130.050) regarding construction noise, except if an acoustical analysis is performed and all					

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

noise- related Standard Conditions of Approval imposed: During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?	☐	☐	☐	☐	☒
d) Violate the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	☐	☐	☐	☐	☒

Discussion of questions (c) and (d)

Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. During the construction period, a wide variety of construction and demolition equipment would be used, and material would be transported to and from the site by truck. These activities would intermittently and temporarily increase ambient noise levels in the project vicinity over the duration of construction. Construction-related noise levels at and near locations on the project site would fluctuate depending on the particular type, number, and duration of use of various pieces of construction equipment. The effect of construction noise would depend upon the level of construction activity on a given day and the related noise generated by that activity, the distance between construction activities and the nearest noise-sensitive uses, and the existing noise levels at those uses. As would be required for all construction projects in Oakland, the project shall implement and comply with the following uniformly-applied standard conditions throughout the duration of construction activity:

STANDARD CONDITION NOISE-2 (Days/Hours of Construction Operation): The project applicant shall require construction contractors to limit standard construction activities as follows:

a) **Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.**

b) **Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.**

c) **Construction activity shall not occur on Saturdays, with the following possible exceptions:**

   i. **Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.**

ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.

d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.

e) No construction activity shall take place on Sundays or Federal holidays.

f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

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

STANDARD CONDITIOn NOISE-3 (Noise Control): Ongoing and throughout demolition, grading, and/or construction - To reduce noise impacts due to construction, the project sponsor shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).

b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

STANDARD CONDITION NOISE-4 (Pile Driving and Other Extreme Noise Generators): Ongoing throughout demolition, grading, and/or construction - To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. A

special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as feasible:

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

b) **Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;**

c) **Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site**

d) **Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example; and**

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

STANDARD CONDITION NOISE-5 (Noise Complaint Procedures –Ongoing throughout demolition, grading, and/or construction): Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

a) **A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department (during regular construction hours and off-hours);**

b) **A sign posted on-site with permitted construction days and hours and complaint procedures and who to notify in the event of a problem;**

c) **The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);**

d) **The designation of an on-site construction complaint and enforcement manager for the project;**

e) **Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of pile-driving or other extreme noise generating activities about the estimated duration of the activity; and**

f) **A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.**

Based on the significance criteria used by the City of Oakland, compliance with the Oakland Noise Ordinance is achieved if the above measures are implemented.

Implementation of Standard Conditions Noise-2 through Noise-5 would reduce construction noise levels from the project to the extent feasible, and thus project construction impacts would be considered less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	☐	☐	☒	☐	☐

Discussion of question (e):

Project construction activities could result in temporary vibration typical of activities and equipment used for site preparation and construction of a four-story structure on a parcel of approximately 13,000 square feet. The project would not involve activities that would involve severe vibration, such as pile driving In terms of operational impacts, the proposed project uses in the (residential and commercial retail or restaurant use) would not result in substantial vibration perceptible at nearby locations. In conclusion, the project impact regarding vibration would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐
j) Be located within the vicinity of a private airstrip, would, and would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

Discussion of questions (i) and (j):

The proposed project site is not located within two miles of a public airport, or in the vicinity of a private airstrip. The closest public airport is the Oakland International Airport located approximately eight miles southeast of the project site. Therefore, the project would not expose persons residing at the project site to excessive noise levels as a result of proximity to an airport or land strip.

Sources:
Oakland General Plan, Noise Element, June 2005.
Project Plans, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XII. POPULATION AND HOUSING -- Would the project:					
a) Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?	☐	☐	☒	☐	☐
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?	☐	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	☐	☐	☐	☒	☐

Discussion of questions (a) through (c):

The proposed project would provide 28 residential units (one- and two-bedroom mix) and approximately 2,995 square feet of commercial floor area (retail or restaurant use). As a result, the project would result in additional residents and workers to the area. Such development is anticipated by the General Plan given the Community Commercial land use classification which supports residential and mixed use development. Further, the General Plan encourages additional in-fill urban housing opportunities in an effort to provide new housing opportunities in close proximity to the downtown and alternative transportation options.

There are no residential units on the project site, and therefore no housing units or people would be displaced by the proposed project.

According to the Association of Bay Area Governments (ABAG), the City of Oakland's population in 2005 was approximately 416,000. Based on the City projections, population in Oakland is anticipated to increase by approximately 8 percent, to about 450,000, by the Year 2025. The population increase generated by the project's proposed 28 units is anticipated to be 46 persons (approximately 1.67 persons per unit). The project could generate approximately six new retail employees (approx. two employees per 1,000 square feet of floor area) or 12 new restaurant employees (approx. four employees per 1,000 square feet of floor area). The total population increase from the project would be an incremental portion of the anticipated new growth in persons and housing and would not be a substantial contribution to this anticipated population growth citywide. Therefore, the project would not result in any significant impacts related to population and housing.

Sources:

City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.
City of Oakland, Oakland General Plan, *Land Use and Transportation Element, Final Addendum to Draft EIR*, February 1998.
U.S. Census Bureau, homepage web site, www.census.gov/; American FactFinder web site, http://factfinder.census.gov/home/saff/main.html?_lang=en; accessed April 2007.
Association of Bay Area of Bay Area Government (ABAG), *Projections 2005*.
Project Plans, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XIII. PUBLIC SERVICES - - Would the project 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:					
a.i) Fire protection?	☐	☐	☒	☐	☐

Discussion of question (a.i):

The project site is located in a developed urban area already served by public services. Fire protection and emergency medical response services would be provided by the Oakland Fire Department. The two nearest fire stations to the project site are Station 8 located at 463 51st Street, (approximately one-half mile west of the project site), and Station 19 at 5766 Miles Avenue (approximately 1.2 miles north of the project site). The response time to the project site is normally less than the 90-percent response goal of seven minutes established by the City of Oakland.

In accordance with standard City practices, the proposed project would be designed in compliance with Oakland's Building Code, and the Fire Department would review the project plans at the time of building permit issuance to ensure that adequate fire and life safety measures are designed into the project and in compliance with all applicable state and city fire safety requirements. In particular, as a residential structure, the project would be required to be of fire-resistive construction and fully installed with sprinklers.

The increased population attributable to this proposed development would be expected to result in an incremental increase in the number of emergency medical calls at the project site (see Section XII, *Population and Housing*). However, this increase would not be substantial given the relatively small percentage of total growth within the context of the surrounding vicinity. In summary, the project would not result in the need for new or physically-altered fire facilities to ensure the provision of adequate fire or emergency services. The impact would be less than significant.

a.ii) Police protection?	☐	☐	☒	☐	☐

Discussion of question (a.ii):

Police protection services would be provided to the project site by the Oakland Police Department, headquartered in downtown Oakland at 455 Seventh Street, about six blocks from the project site. As previously discussed, the proposed project could incrementally increase the demand for police services at, but the increased demand generated by 28 residential units and approximately 2,995 square feet of commercial space, compared to existing or previous conditions, would not be substantial, and therefore, the project would not substantially require new police facilities to maintain target response times.

The Police Department recommends that preventative design measures, such as landscaping, lighting, and security alarms and door locks, be incorporated into final project designs for new development projects. As part of standard development practices, project plans would be reviewed by the Police Department, and the project applicant would be required to incorporate the Department's recommendations into the final project design. In summary, the project would not result in the need for new or physically-altered police facilities to ensure the provision of adequate police service. The impact would be less than significant.

a.iii) Schools? ☐ ☐ ☒ ☐ ☐

Discussion of question (a.iii):

The Oakland Unified School District (OUSD) operates public schools within the vicinity of the project site. The project site lies within the boundaries serviced by Emerson Elementary School, located at 4803 Lawton Avenue, approximately one half mile from the project site. The project site also lies within the boundaries of North Oakland Charter School (which serves middle school students), located at 410 Alcatraz Avenue, approximately 1.3 miles north of the project site, and Oakland Technical High School, located at 4351 Broadway, approximately one quarter mile south of the project site. Based on the student generation rate employed by the Oakland Unified School District, which uses student generation estimates provided by the California State Department of Education, the proposed project could be expected to generate approximately 20 students. However, because only one-bedroom units are proposed, there would likely be a relatively smaller number of families with school-age children than would be the case for larger (more bedrooms) units and particularly, detached units. The project would be required to comply with requirements of Senate Bill 50. Prior to issuance of building permits, the project sponsor would be required to pay school impact fees of $2.14 per square foot for residential space and $0.34 per square foot for commercial space to offset any impacts to school facilities from the proposed project. As a result, the project impact to schools would be less than significant.

a.iv) Other public facilities? ☐ ☐ ☒ ☐ ☐

Discussion of question (a.iv):

The project site is located in the North Oakland Planning Area, as identified by the OSCAR Element of the Oakland General Plan. As stated in the OSCAR, the North Oakland Planning Area is underserved by public parks and has a per capita park acreage of 1.18 acres per 1,000 residents (just over one-fourth the citywide standard of 4 acres per 1,000 residents. The closest parks to the project site include Hardy Park, located at 491 Hardy Street, approximately one mile northwest of the project site, and Glen Echo Park, located near the intersection of Panama Court and Monte Vista Avenue, approximately one mile southeast of the project site. Additional open areas near the project site are provided by the nearby public schools, including the Oakland Technical High School and Emerson Elementary School. Lake Temescal Regional Park is also located approximately 1.4 miles to the northeast. The additional resident population that would be generated by the proposed project (approximately 46 persons) would incrementally increase the use of area parks facilities, however, this it is not anticipated that this increase would warrant the construction of new park facilities. Further, the project would substantially affect the park service ratio for the North Oakland Planning Area. The project impact would be less than significant.

Source:

City of Oakland, Oakland Community Services Analysis, Technical Report #5, October 1995.
City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
City of Oakland, Oakland General Plan, *Land Use and Transportation (LUTE) Element*, June 1998, as amended.
City of Oakland, Oakland General Plan, *Land Use and Transportation Element, Final Addendum to Draft EIR*, February 1998.
Oakland Unified School District, http://webportal.ousd.k12.ca.us/Schools.aspx, accessed April 2007.
Project Plans. 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XIV. RECREATION - - Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

Discussion of questions (a) and (b):

As discussed in Section XIII, *Public Service*, the project would result in approximately 46 new residents that could utilize existing parks as well as other recreational facilities. The increased use of existing facilities, primarily Hardy Park, Glen Echo Park, Lake Temescal Regional Park, in addition to recreational facilities at nearby schools, and Temescal Pool and Studio One Recreation Center located approximately five blocks from the project site. The additional resident population that would be generated by the proposed project would not result in new or accelerated physical deterioration of existing facilities. The project does not involve or require the construction or expansion of recreational facilities. Therefore, the proposed project is not anticipated to result in significant impacts to recreational facilities. (See also comments provided above in Section XIII, *Public Services, Parks.*)

Source:
City of Oakland, Oakland General Plan, *Open Space, Conservation and Recreation Element*, June 1996.
Project Plans, 2006.

XV. TRANSPORTATION/TRAFFIC

Environmental Setting

Street Network

Broadway serves as a major north-south arterial in the City of Oakland and runs between SR-24 and Water Street. Within the study area, Broadway has four to six lanes, six lanes (three lanes in each direction) from College Avenue to MacArthur Boulevard and four lanes (two lanes in each direction) from Keith Avenue to College Avenue. Broadway forms the eastern boundary of the project frontage.

51st Street/Pleasant Valley Avenue is an east-west arterial starting at the City of Piedmont border where its name is changed from Grand Avenue and ending at Shattuck Avenue in the City of Oakland. It is a four-lane roadway (two lanes in each direction) and crosses the study area at the intersection with Broadway where it changes from Pleasant Valley (to the east) to 51st Street (to the west).

College Avenue is an arterial running in the north-south direction extending from Broadway in Oakland to Bancroft Way in Berkeley terminating at the UC Berkeley campus. Broadway is the southern terminus of College Avenue and intersects at an angle to Broadway; College Avenue has two lanes at this intersection.

Coronado Road is an east-west one-way local roadway. It is two-lanes in the eastbound direction. It forms the northern boundary of the project site. As part of the project the eastern segment between the proposed project driveway on Coronado Road and Broadway would be reconfigured for two-way traffic.

Public Transit

The Alameda Contra Costa Transit District (AC Transit) provides transit service in the project vicinity, and connects to regional transit including the BART system. The closest transit stops to the site are located at Broadway at 51st Street / Pleasant Valley Avenue.

Route 51 Broadway operates between the University of California Berkeley campus and downtown Oakland along College Avenue and Broadway. Weekday and weekend service is provided from 5:15 a.m. to 11:55 p.m. with 10 to 15 minute headways.

Route 59 Piedmont Avenue operates between the Rockridge BART Station and the Lake Merritt BART Station and connects the communities of Montclair and Piedmont along Mountain Boulevard, Broadway Terrace, Piedmont Avenue, Broadway and Jackson Street. Weekday service is provided from 6:00 a.m. to 7:00 p.m. with one hour headways. Weekend service is provided from 8:00 a.m. to 6:00 p.m. with one hour headways.

Route 851 Broadway All Nighter connects Berkeley BART Station with 12th Street/Oakland City Center BART Station and Alameda during the late night and early morning hours. Within the study corridor, it operates along the same alignment as the 51 above. Weekday and weekend service is provided from 12:15 a.m. and 5:15 a.m. with 60 minute headways.

Pedestrian and Bicycle Facilities

Pedestrian facilities are comprised of sidewalks, pedestrian paths, crosswalks, pedestrian signals and other pedestrian amenities. Sidewalks are generally provided on all roadways within a quarter mile of the project.

Bicycle facilities are comprised of bike paths (Class I facilities), bike lanes (Class II facilities), and bike routes (Class III facilities). Bike paths are paved trails that are separated from the roadways. Bike lanes are lanes on roadways designated for bicycle use by striping, pavement legends, and signs. Bike routes are roadways that are designated for bicycle use with signs. There are bike existing facilities on Broadway from the I-580 overpass to the Webster Street/25th Street intersection. Bicycle lanes are proposed as a future project on Broadway (WSA, 2006).

Existing Levels of Service

Three study intersections (all signalized) that would be most affected by project traffic were selected for analysis:

1. Broadway at College Avenue
2. Broadway at Coronado Avenue
3. Broadway at 51st Street / Pleasant Valley Avenue

The geographic location of the study intersections is presented in **Figure 8**.

The study intersections were analyzed during weekday a.m. and p.m. peak-hour traffic conditions. Weekday peak conditions typically occur during the morning and evening commute periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). Manual turning movement counts were conducted at the study intersections during the two-hour peak periods in March 2007. Intersection operations were evaluated for the one hour during each peak period when the highest traffic volumes were measured. The existing lane configurations and peak-hour traffic volumes at the study intersections are shown on **Figures 9 and 10** in this section, respectively.

The operations of roadway facilities are described with the term *level of service*. Level of service is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, the best operating conditions, to LOS F, the worst operating conditions. LOS E represents "at-capacity" operations. When volumes exceed capacity, stop-and-go conditions result, and operations are designated as LOS F.

Signalized Intersections

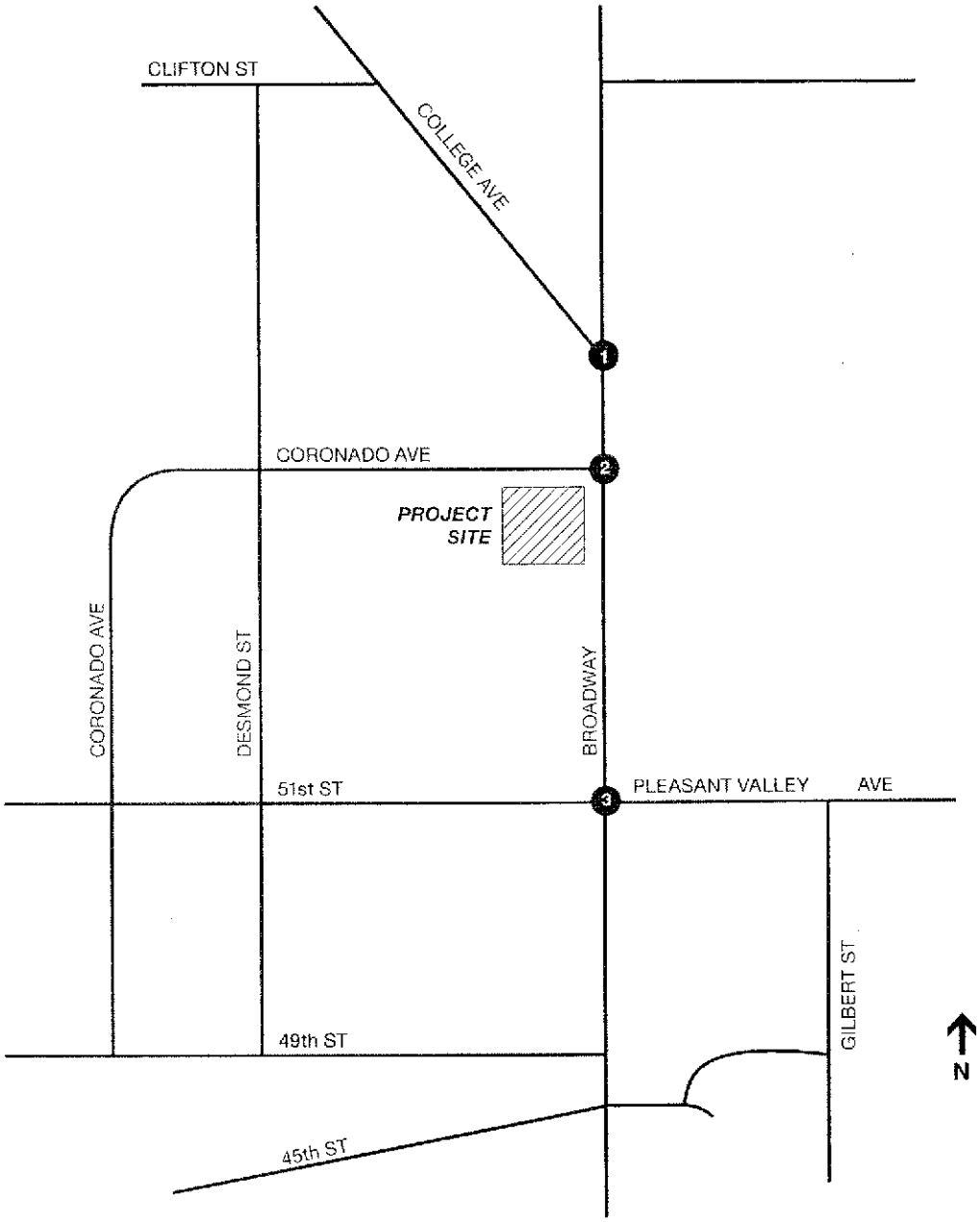
At the signalized study intersections, traffic conditions were evaluated using the 2000 *Highway Capacity Manual* operations methodology (TRB, 2000). The operation analysis uses various intersection characteristics (e.g., traffic volumes, lane geometry, and signal phasing/timing) to estimate the average control delay experienced by motorists traveling through an intersection.[9] **Table 1** summarizes the relationship between control delay and LOS.

Unsignalized Intersections

For the unsignalized (all-way stop-controlled and side-street stop-controlled) study intersections, traffic conditions were evaluated using the 2000 Highway Capacity Manual (HCM) operations methodology. With this methodology, the LOS is related to the total delay per vehicle for the intersection as a whole (for all-way stop-controlled intersections), and for each stop-controlled movement or approach only (for side-street stop-controlled intersections). Total delay is defined as the total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. This time includes the time required for a vehicle to travel from the last-in-queue position to the first-in-queue position. Table 1 summarizes the relationship between delay and LOS.

Current traffic conditions at the three study intersections within the vicinity of the project site were determined using existing peak-hour traffic counts collected during the a.m. and p.m. peak hour (see **Table 2**). The intersection of Broadway at College Avenue currently operates at acceptable levels of service. The intersection of Broadway at 51st Street / Pleasant Valley Avenue is operating at an unacceptable LOS E during the p.m. peak hour. The intersection of Broadway at Coronado Avenue, an unsignalized intersection, is operating unacceptably during both peak hours on the eastbound approach due to long delays for vehicles making a left-hand turn. The traffic count data and level of service calculations for this analysis are presented in the Traffic Analysis Technical Data Appendix separate from this document and available at the City of Oakland Planning Division (see "Lead Agency" on p.1).

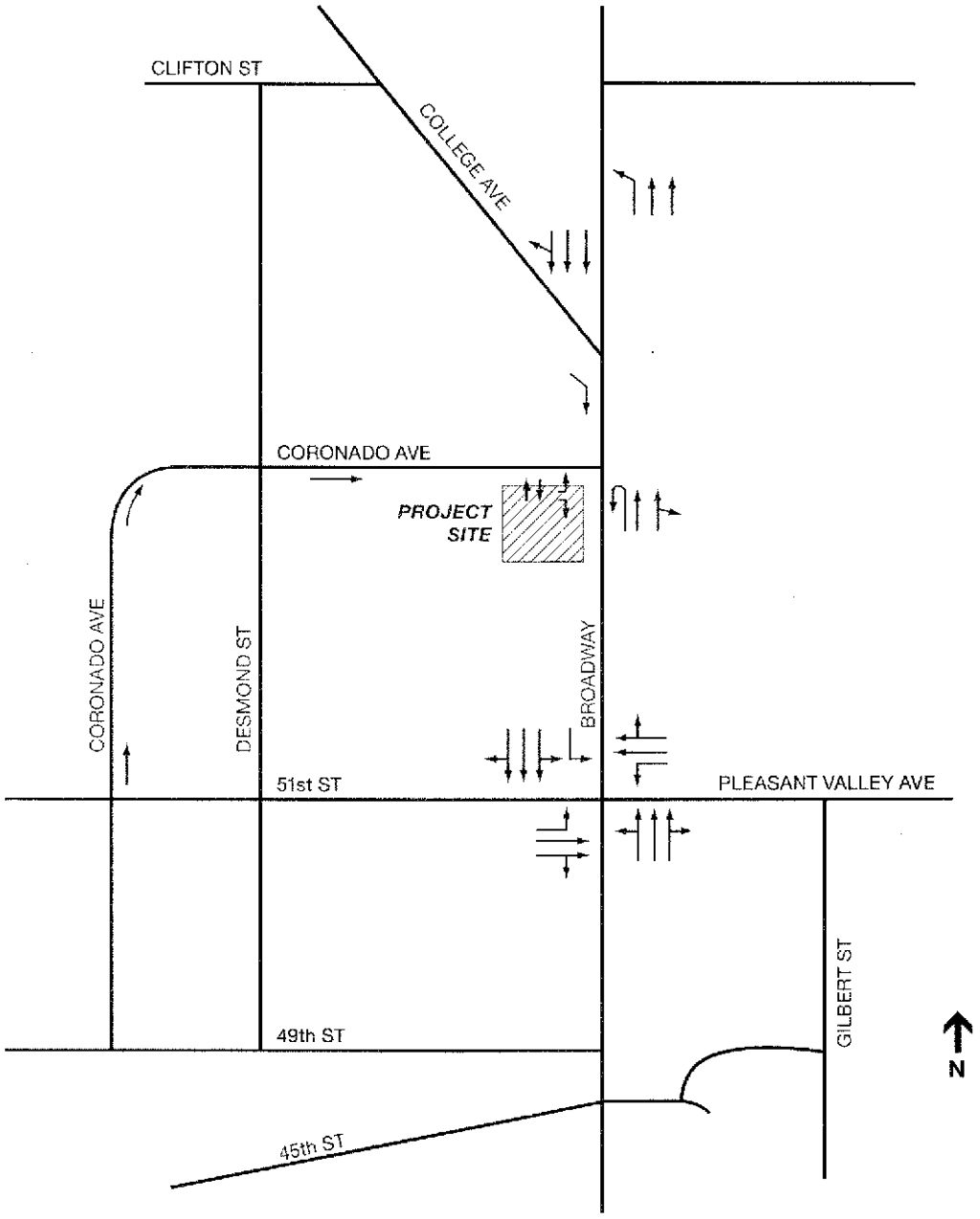
[9] Control delay, which is the portion of total delay attributed to traffic signal operation for signalized intersections, includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The use of control delay as the basis for defining LOS differs from earlier versions of the *Highway Capacity Manual* methodology, which used "stopped delay" (i.e., a portion of the total control delay) to define LOS.



SOURCE: ESA

5175 Broadway . 207130

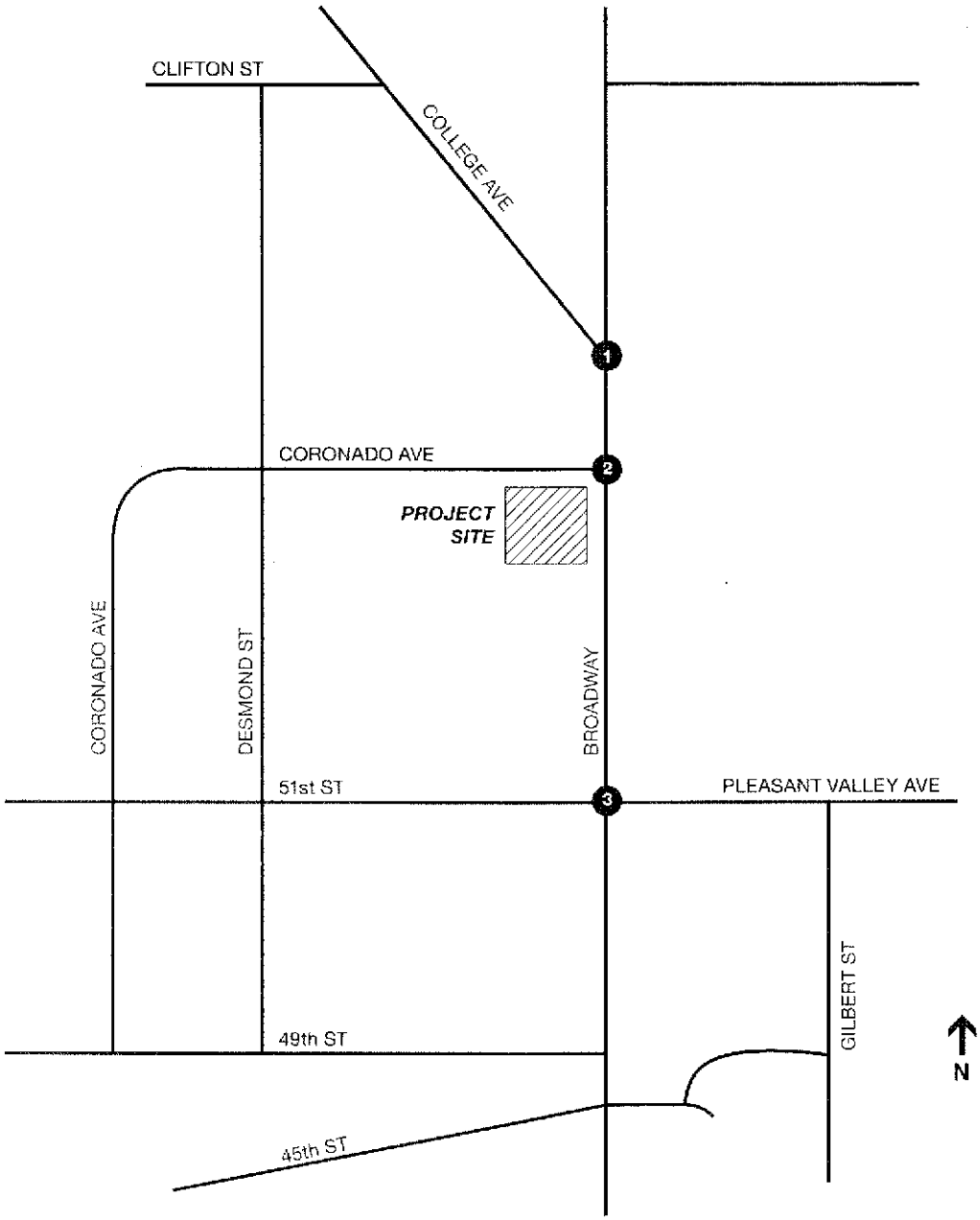
Figure 8
Study Intersections

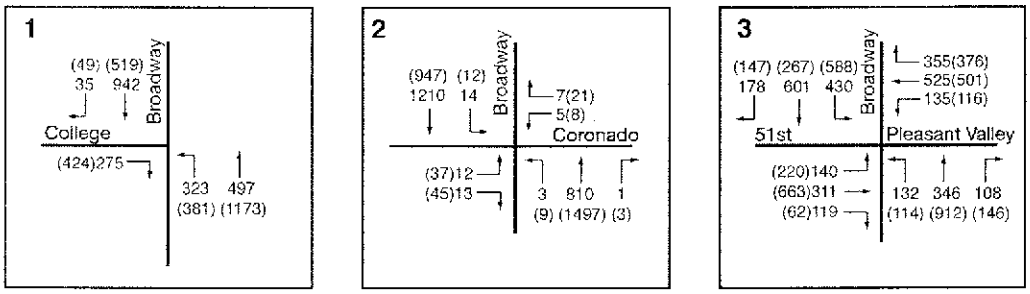


SOURCE: ESA

5175 Broadway . 207130

Figure 9
Lane Configurations





XX(XX) = AM(PM)

SOURCE: ESA

5175 Broadway . 207130

Figure 10
Existing Turning Movement Volumes

TABLE 1

DEFINITIONS FOR INTERSECTION LEVEL OF SERVICE (LOS)

Unsignalized Intersections		Level of Service Grade	Signalized Intersections	
Description	Average Total Vehicle Delay (Seconds)		Average Control Vehicle Delay (Seconds)	Description
No delay for stop-controlled approaches.	≤10.0	A	≤10.0	Free Flow or Insignificant Delays: Operations with very low delay, when signal progression is extremely favorable and most vehicles arrive during the green light phase. Most vehicles do not stop at all.
Operations with minor delay.	>10.0 and ≤15.0	B	>10.0 and ≤20.0	Stable Operation or Minimal Delays: Generally occurs with good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average delay. An occasional approach phase is fully utilized.
Operations with moderate delays.	>15.0 and ≤25.0	C	>20.0 and ≤35.0	Stable Operation or Acceptable Delays: Higher delays resulting from fair signal progression and/or longer cycle lengths. Drivers begin having to wait through more than one red light. Most drivers feel somewhat restricted.
Operations with increasingly unacceptable delays.	>25.0 and ≤35.0	D	>35.0 and ≤55.0	Approaching Unstable or Tolerable Delays: Influence of congestion becomes more noticeable. Longer delays result from unfavorable signal progression, long cycle lengths, or high volume to capacity ratios. Many vehicles stop. Drivers may have to wait through more than one red light. Queues may develop, but dissipate rapidly, without excessive delays.
Operations with high delays, and long queues.	>35.0 and ≤50.0	E	>55.0 and ≤80.0	Unstable Operation or Significant Delays: Considered to be the limit of acceptable delay. High delays indicate poor signal progression, long cycle lengths and high volume to capacity ratios. Individual cycle failures are frequent occurrences. Vehicles may wait through several signal cycles. Long queues form upstream from intersection.
Operations with extreme congestion, and with very high delays and long queues unacceptable to most drivers.	>50.0	F	>80.0	Forced Flow or Excessive Delays: Occurs with oversaturation when flows exceed the intersection capacity. Represents jammed conditions. Many cycle failures. Queues may block upstream intersections.

SOURCE: Transportation Research Board, Special Report 209, *Highway Capacity Manual*, updated 2000.

TABLE 2
EXISTING INTERSECTION LEVELS OF SERVICE (LOS) [a]

Intersection	Control Type	A.M. Peak		P.M. Peak	
		Delay	LOS	Delay	LOS
Broadway at College Avenue	Signalized	8.4	A	7.4	A
Broadway at Coronado Avenue	TWSC	88.1	F	>120	F
Broadway at 51st Street/Pleasant Valley Avenue	Signalized	37.7	D	58.9	E

[a] LOS calculations performed using TRAFFIX and the *2000 Highway Capacity Manual* operations analysis methodology.

SOURCE: ESA (2007).

Impacts Discussion

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) or change the condition of an existing street (i.e., street closures, changing direction of travel) in a manner that would substantially impact access or traffic load and capacity of the street system? Specifically:					
i) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?	☐	☐	☒	☐	☐
ii) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	☐	☐	☐	☒	☐
iii) At a study, signalized intersection which is located outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	☐	☐	☐	☒	☐
iv) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause the average					

delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e., F)?	☐	☐	☐	☒	☐
v) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity (V/C) ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately?	☐	☐	☐	☒	☐
vi) At a study, unsignalized intersection, the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?	☐	☐	☐	☐	☒
b) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project contributes five (5) percent or more of the cumulative traffic increase as measured by the difference between "Existing" conditions and the year 2010/2015 (or Year 2025/2030) with "Project" conditions and results in a substantial increase in traffic. More specifically, the project must contribute five (5) percent or more of the incremental growth and exceed at least one of the intersection-related thresholds listed in threshold (i) through (vi) above?	☐	☐	☒	☐	☐
c) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase in V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project?	☐	☐	☒	☐	☐

Discussion of questions (a) through (c):

The traffic generated by the proposed development was estimated by standard rates presented in the ITE *Trip Generation Manual*, Seventh Edition (2003). The proposed development would generate approximately 297 daily trips, 35 weekday a.m. peak-hour trips (13 inbound and 22 outbound) and 30 weekday p.m. peak-hour trips (18 inbound and 12 outbound). The estimated trip generation associated with the project is presented in **Table 3**. The trip generation worksheet for this project is presented in the Traffic Analysis Technical Data Appendix separate from this document and available at the City of Oakland Planning Division (see "Lead Agency" on p.1).

TABLE 3
PROJECT TRIP GENERATION

	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
Project	**Total**	**Total**	**In**	**Out**	**Total**	**In**	**Out**
Retail	133	20	10	11	15	8	7
Residential	164	14	3	11	15	10	5
Total	297	35	13	22	30	18	12

SOURCE: ITE (2003).

The vehicle trip distribution pattern for the project was estimated based in part on the expected travel patterns of regional and local truck traffic to the site, and locations of complementary land uses, primarily residential land uses for employees. The major directions of approach and departure for the project are illustrated in **Figure 11**.

Existing Plus Project Intersection Operations

The trips generated by the project were assigned to the roadway system based on the directions of approach and departure discussed under trip distribution. **Figure 12** illustrates the trip assignments at the study intersections and **Figure 13** presents traffic volumes at the study intersections under project conditions. The traffic count data and level of service calculations for this analysis are presented in the Traffic Analysis Technical Data Appendix separate from this document and available at the City of Oakland Planning Division (see "Lead Agency" on p.1).

The results of the LOS analysis for the project are summarized in **Table 4**. With the addition of project-generated traffic, average delay would increase somewhat, as follows:

The intersection of Broadway at College Avenue would continue to operate at acceptable levels of service.

The intersection of Broadway at 51st Street / Pleasant Valley Avenue would continue to operate at an unacceptable LOS E during the p.m. peak hour, and project traffic would increase the delay minimally (i.e., less than one second).

The unsignalized project access intersection of Broadway at Coronado Avenue would continue to operate unacceptably during both peak hours on the eastbound approach due to long delays for vehicles making a left-hand turn from Coronado onto Broadway northbound. Although the project would increase the operation delay *overall* at this intersection (see Table 4, footnote b), it would not cause a significant impact since it does not add ten or more vehicles to the failing approach and it would not satisfy the Caltrans peak-hour volume warrant for a signalized intersection (significance criterion "a.vi" on p.72).

Therefore, the project's impact is less than significant.

TABLE 4
PROJECT LEVELS OF SERVICE (LOS) CONDITIONS [a]

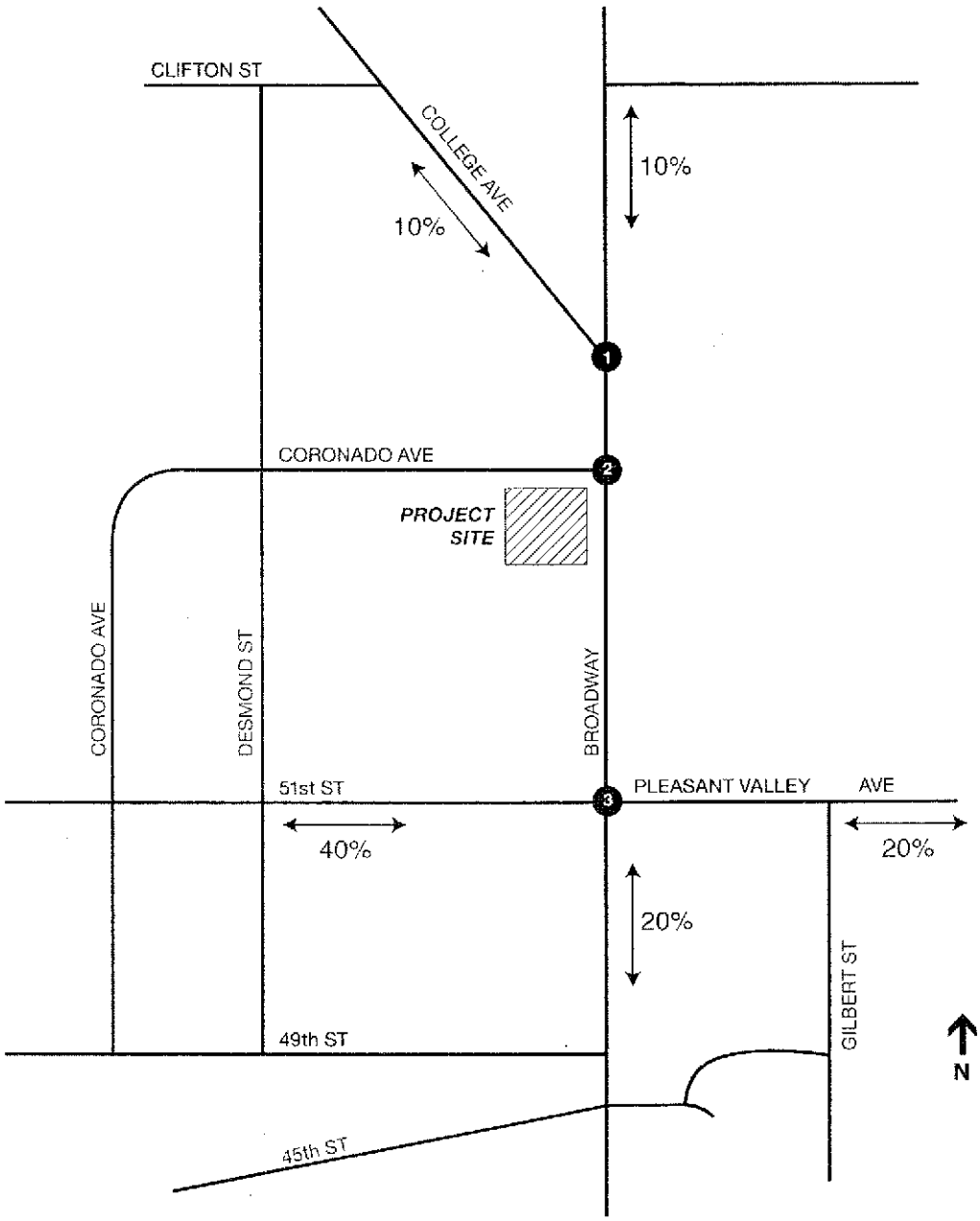
	Existing		Existing Plus Project		2025 Cumulative No Project		2025 Cumulative Plus Project	
Intersection	**Delay**	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**
A.M. Peak Hour								
Broadway at College Avenue	8.4	A	8.4	A	13.8	B	13.9	B
Broadway at Coronado Avenue[b]	48.2	E	40.5	E	>120	F	>120	F
Broadway at 51st /Pleasant Valley	37.7	D	37.9	D	>120	F	>120	F
P.M. Peak Hour								
Broadway at College Avenue	8.1	A	8.2	A	10.2	B	10.3	B
Broadway at Coronado Avenue	115.6	F	115.7	F	>120	F	>120	F
Broadway at 51st/Pleasant Valley	58.9	E	59.5	E	>120	F	>120	F

NOTES: SB= Southbound and NB= Northbound The level of service calculation sheets are on file at the City

a LOS calculations performed using TRAFFIX and the *2000 Highway Capacity Manual* operations analysis methodology.

b The existing A.M. peak hour delay on the eastbound Coronado Avenue approach to Broadway reflects the existing left-turn trips that must wait for gaps in the northbound and southbound Broadway traffic. The delay on this approach decreases with the project because 1) the majority of project trips would make a right-turn onto Broadway and not have to wait for gaps in the northbound Broadway traffic (which causes the substantial delay from this approach), and 2) a "weighted" delay is reported for unsignalized intersections and the higher volume (i.e., more heavily weighted) right-turning project trips (compared to the existing left-turn trips that would continue) brings the overall approach delay down from 48.2 to 40.5.

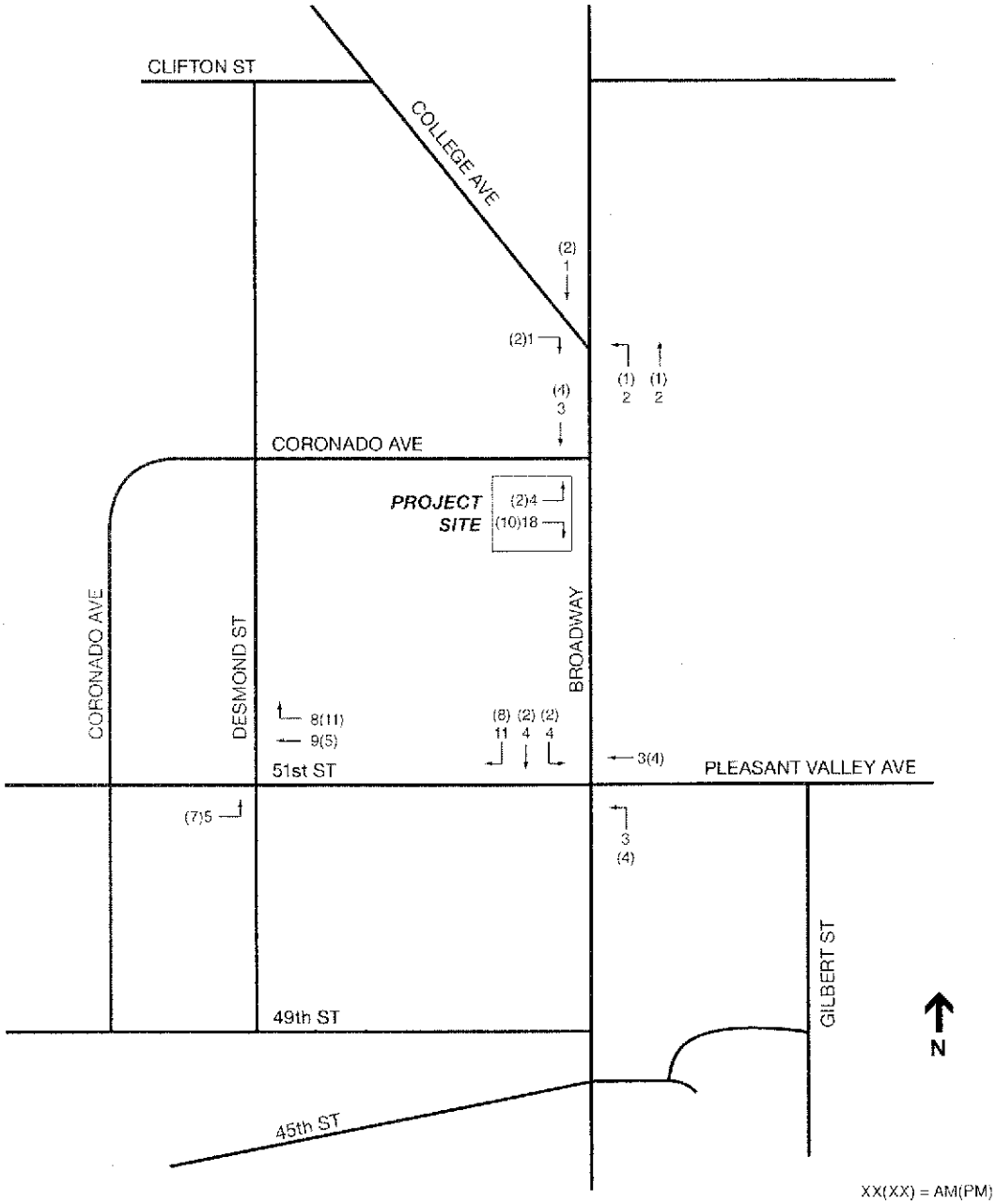
SOURCE: ESA (2007)



SOURCE: ESA

5175 Broadway . 207130

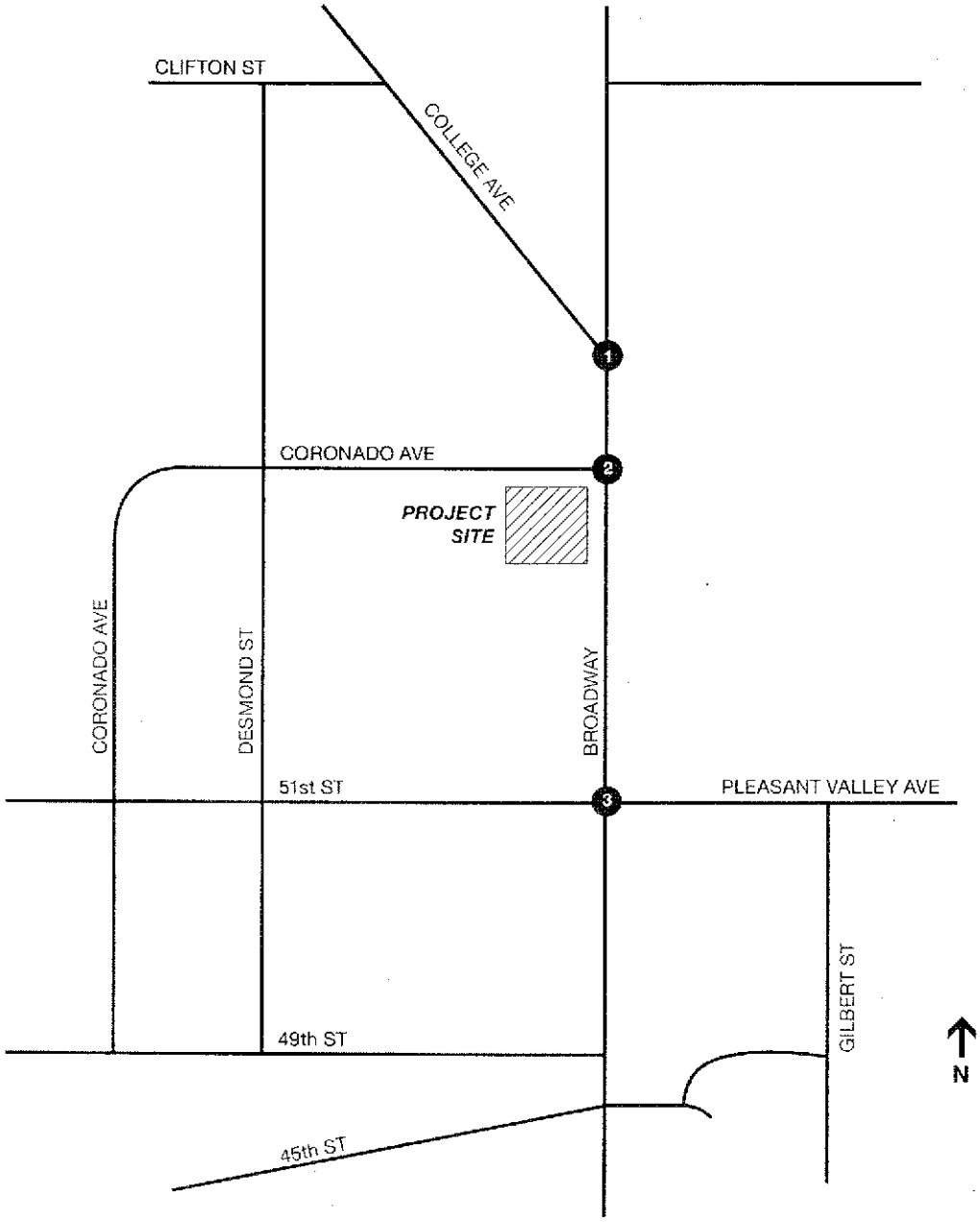
Figure 11
Trip Distribution



SOURCE: ESA

5175 Broadway . 207130

Figure 12
Trip Assignment



XX(XX) = AM(PM)

SOURCE: ESA

5175 Broadway . 207130

Figure 13
Existing Plus Project
Turning Movement Volumes

Cumulative Conditions at Study Intersections (Year 2025)

The 2025 traffic volume forecasts were obtained for the signalized intersections from the *Broadway Corridor Bikeway Feasibility Study* (WSA, 2006).[10] The WSA study defined cumulative conditions based on existing condition volumes increased by growth rates from 2006 through 2025 provided by the City of Oakland.[11] The 2025 volumes for the intersection of Broadway at Coronado Avenue were generated by developing a growth rate from the signalized intersections (see the Traffic Analysis Technical Data Appendix available at the City of Oakland Planning Division). The turning movement volumes are illustrated in **Figure 14** presented in this section.

Peak-hour levels of service at the study intersections for cumulative conditions are summarized in **Table 4**. Under cumulative without project conditions, the intersection of Broadway at College Avenue would operate at acceptable levels of service with minimal delay increases. Two of the study intersections would operate at an unacceptable levels of service. The intersection of Broadway at 51st Street / Pleasant Valley Avenue would operate LOS F during the both peak hours under cumulative conditions. The intersection of Broadway at Coronado Avenue, would continue to operate at LOS F, however volumes would be such that it would not meet Caltrans peak hour volume warrant for an urban area in addition to adding ten (10) or more vehicles to the intersection (significance criterion "a.vi"on p.72). The level of service calculations for this project are presented in the Traffic Analysis Technical Data Appendix available at the City of Oakland Planning Division.

Cumulative plus Project Conditions at Study Intersections (Year 2025)

The trips generated by the project were assigned to the roadway system based on the directions of approach and departure discussed under trip distribution. **Figure 15** presented in this section illustrates the traffic volumes at the study intersections under cumulative plus the project. The following results of the LOS analysis for the project are summarized in **Table 4**:

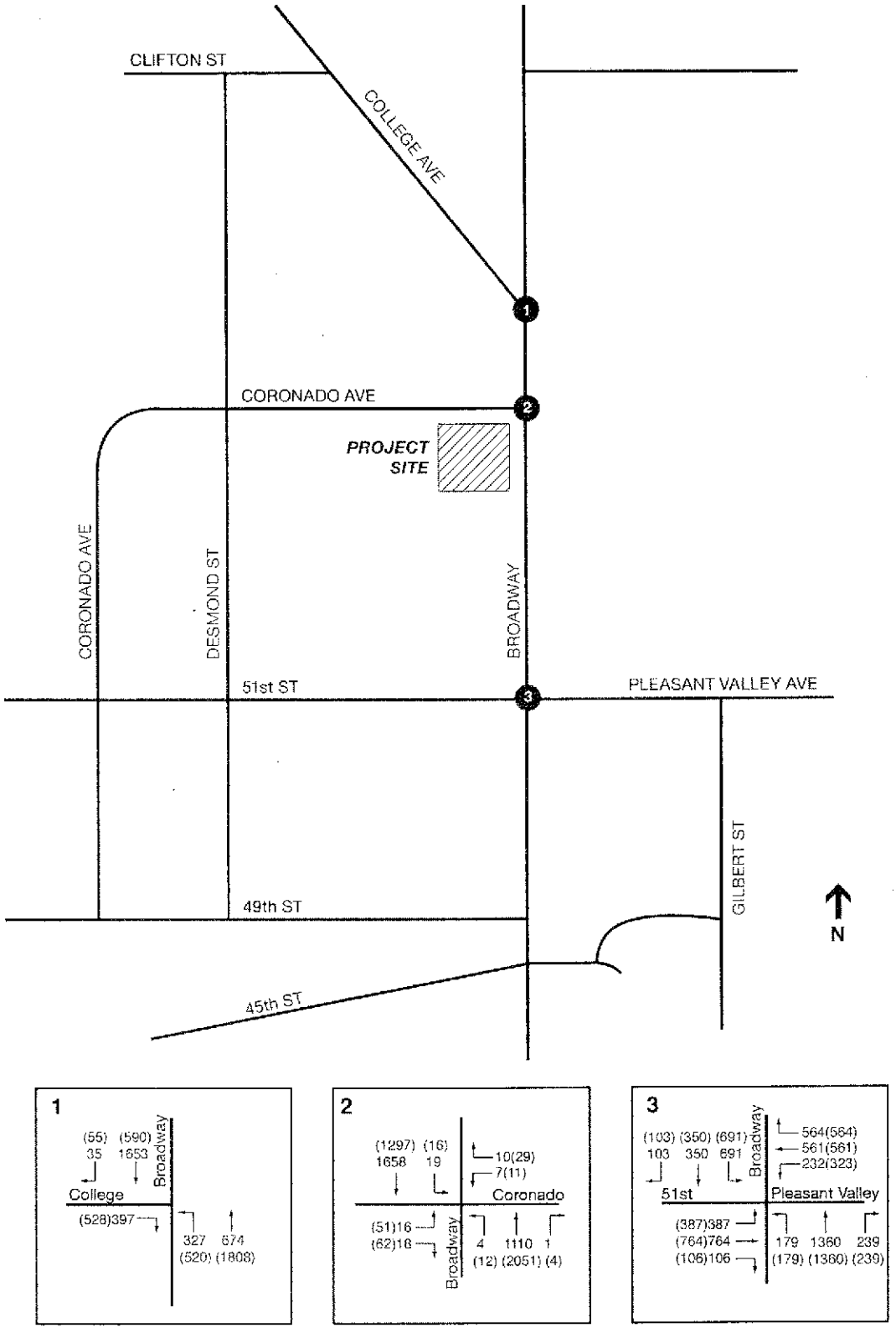
With the addition of project-generated traffic, the intersection of Broadway at College Avenue would operate at acceptable levels of service with minimal delay increases.

The intersection of Broadway at 51st Street / Pleasant Valley Avenue would continue to operate at an unacceptable LOS F during both peak hours, however project traffic would increase the delay minimally (i.e., less than one second compared to the four-second threshold, significant criterion "v" on p.72).

The unsignalized intersection of Broadway at Coronado Avenue would continue to operate at LOS F, however volumes would not be such that the operations would meet Caltrans signal warrants for an urban area in addition to adding ten (10) or more vehicles to the intersection (significance criterion "a.vi" on p.72). In addition, although the project would increase the operation delay at this intersection it would not cause a significant impact because its contribution to cumulative growth at the intersection is not considerable (less than 0.02 percent during both peak hours compared to 0.05 percent, per significance criterion "b" on p.72).

[10] Year 2025 was used as the cumulative buildout year for this project, as the analysis was commenced prior to the completion of the 2030 Traffic Model.

[11] The applied growth rates in the WSA report assumed growth associated with a number of recently approved projects in the vicinity of the project site. Based on the projected traffic volumes and the location of these nearby projects (such as the Civiq, Centrada, and Kingfish projects along and near Telegraph / Claremont and Shattuck Avenues) relative to the proposed project and regional roadway access (Highway 24 / I-580 at 51st and Shattuck), none share any study intersections with the proposed project or contribute significant trips through the project's study intersections as they distribute vehicles westward toward regional roadway access. (DKS, January, June, October 2007)

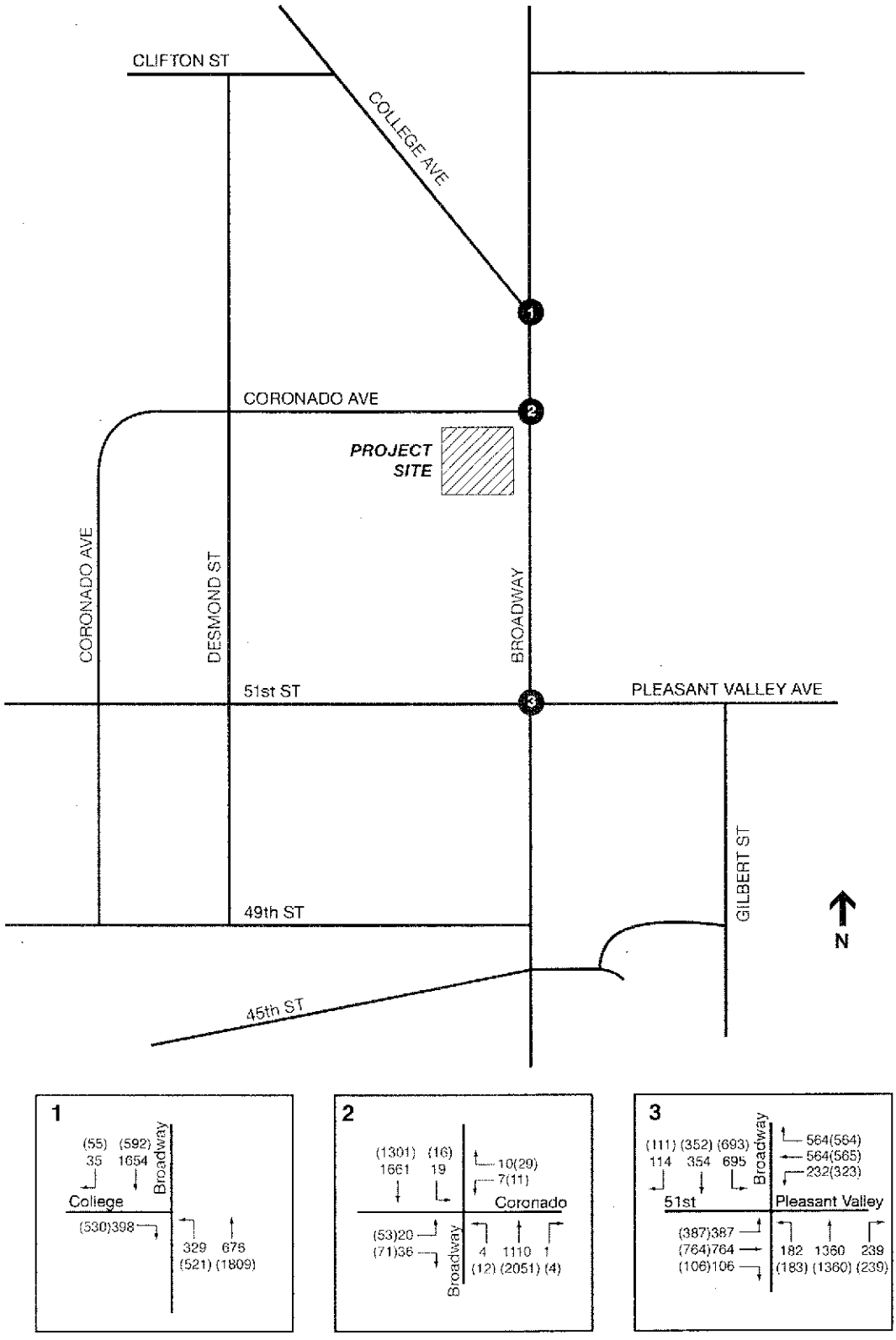


XX(XX) = AM(PM)

SOURCE: ESA

5175 Broadway . 207130

Figure 14
Cumulative 2025
Turning Movement Volumes
(No Project)



XX(XX) = AM(PM)

SOURCE: ESA

5175 Broadway . 207130

Figure 15
Cumulative 2025 Plus Project
Turning Movement Volumes

Therefore, the project's cumulative impact is less than significant; therefore, no mitigation is required.[12]

Construction Conditions

Construction activities that would generate off-site traffic would include the initial delivery of construction vehicles and equipment to the project site, the daily arrival and departure of construction workers, the delivery of materials throughout the construction period, and the removal of construction debris. Deliveries would include shipments of concrete, lumber, and other building materials for on-site structures, utilities (e.g., irrigation and plumbing equipment, electrical supplies) and paving and landscaping materials.

Construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on any project roadways. The impact of construction-related traffic would be a temporary and intermittent lessening of the capacities of project area streets because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. However, given the location of the project site on a major arterial (Broadway), construction trucks would have relatively easy and direct routes. Most construction traffic would be dispersed throughout the day. Thus, the temporary increase would not significantly disrupt daily traffic flow on any of the study area roadways.

Although it would be temporary construction truck traffic could have some adverse effect on traffic flow in the study area. It is therefore recommended that the transport of construction materials and equipment should be limited to off-peak traffic periods. The following standard condition of approval would reduce this potential impact to a less than significant level.

> **STANDARD CONDITION TR-1 (Construction Traffic and Parking): Prior to the issuance of a demolition, grading or building permit the project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:**
>
> **a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.**
>
> **b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.**
>
> **c) Location of construction staging areas for materials, equipment, and vehicles at an approved location).**
>
> **d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.**
>
> **e) Provision for accommodation of pedestrian flow.**

[12] The significance criteria for a transportation impact related to the capacity of an intersection outside of downtown Oakland says that the project would cause a significant impact if baseline level of service (LOS) degraded to worse than LOS D (i.e., LOS E or F) with the addition of project traffic or if it the project caused the total intersection average delay to increase by four or more seconds or degrade to worse than a E (i.e., LOS F) with the addition of project traffic when the baseline is LOS E.

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety?	☐	☐	☐	☒	☐

Discussion of question (d):

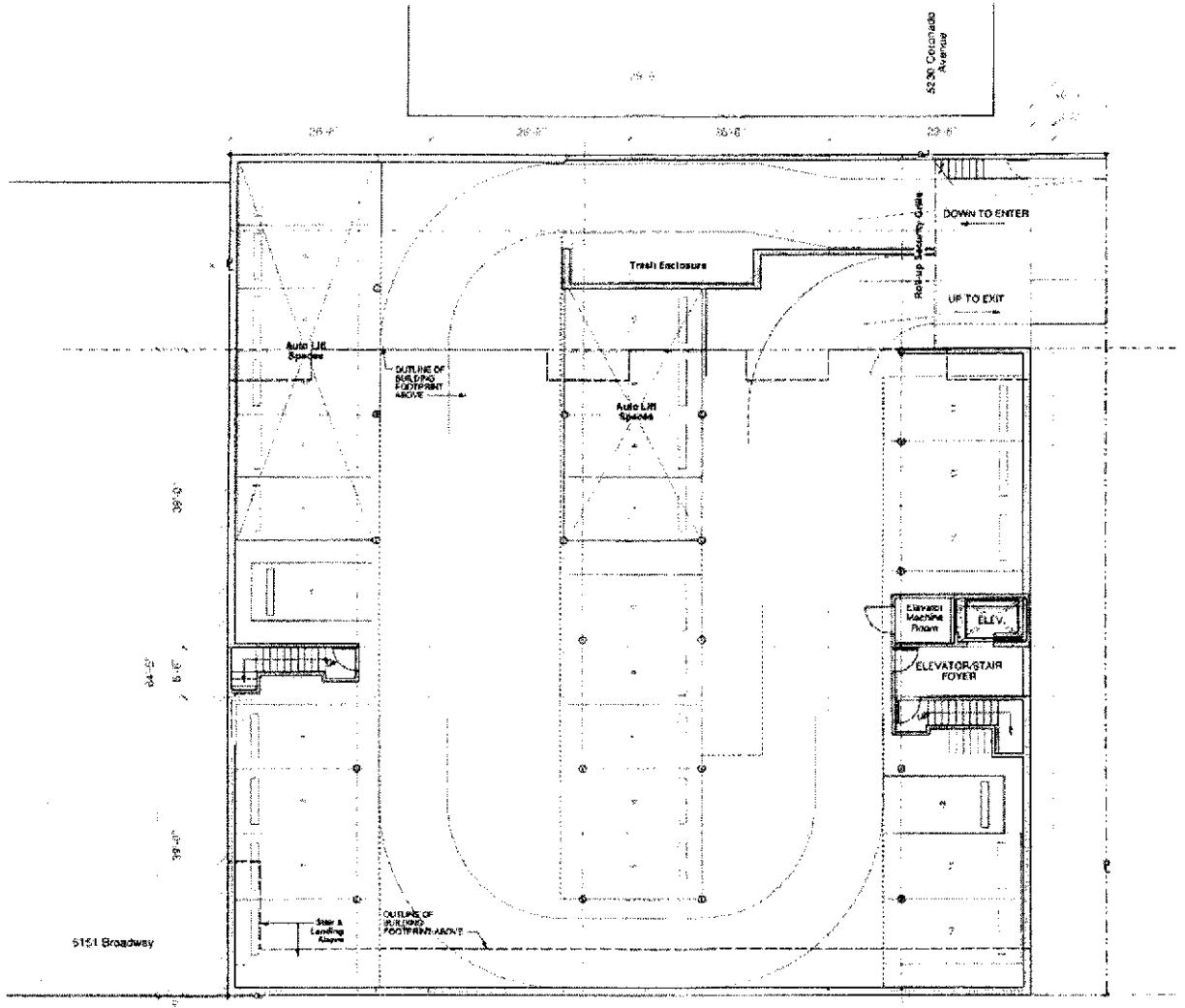
The proposed development would not change air traffic patterns, increase air traffic levels or result in a change in location that would result in substantial safety risks. The project would have no impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) Substantially increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐	☐

Discussion of question (e):

The proposed project site is bounded by sidewalks on both Broadway and Coronado Avenue, and project area streets are generally fully improved with sidewalks. Controlled intersections in the immediate area have pedestrian amenities (i.e., crosswalks, signal heads, and curb-cuts). AC Transit stops in the immediate vicinity and provides local service and makes connections to regional transit. The project proposes no features which would be unsafe to pedestrian or bicycle travel. Main project accesses located on Coronado Avenue would provide adequate sight distance, and would be less likely to interfere with pedestrian / bicycle activity at area intersections. The loading and service area would be located in the underground garage near the elevator and stairs. Service vehicles would not cause conflicts with vehicles, pedestrians, or bicyclists. Therefore, the project would not substantially increase hazards to pedestrian or bicycle activity.

The project would introduce a new driveway on Coronado Avenue (see **Figure 16**). It would not introduce a new driveway on Broadway, which is a heavily traveled roadway (particularly relative to Coronado Avenue) where additional driveways could substantially interfere with pedestrian, bicycle, and vehicular traffic. The project traffic would access the site via the one-way, eastbound Coronado Avenue. Project traffic exiting the site would also travel on eastbound Coronado Avenue to Broadway. The project would not create or substantially increase any existing traffic hazards. The impact would be less than significant.



0 20
Feet

SOURCE: Rempel Architects, 2006

5175 Broadway . 207130

Figure 16
Circulation Site Plan

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
f) Result in less than two emergency access routes for streets exceeding 600 feet in length?	☐	☐	☐	☒	☐

Discussion of question (f):

The preliminary site plan does not include any roadways of 600 feet. The project would have no impact (see **Figure 16**).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
g) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle routes)?	☐	☐	☒	☐	☐
h) Generate added transit ridership that would:					
i) Increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period?	☐	☐	☒	☐	☐
ii) Increase the average ridership on BART by three(3) percent where the passenger volume would exceed the standing capacity of BART trains?	☐	☐	☒	☐	☐
iii) Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute?	☐	☐	☒	☐	☐

Discussion of questions (g) through (h):

The project would not fundamentally conflict with adopted policies supporting alternative transportation, as the project would be infill development on a site served by existing transit (AC Transit bus service).

The project is located in an established urban area, well serviced by transit lines. The project would not be expected to generate a substantial number of transit trips as it minimal in size (i.e., 28 residential units). Transit is available on Broadway adjacent to the project site.

Sources:

City of Oakland, Oakland General Plan, *Land Use and Transportation Element, Final Addendum to Draft EIR*, February 1998.

DKS Associates, *Kingfish Mixed-use Development Project*, June 19, 2007, October 15, 2007.

DKS Associates, *4801 Shattuck Avenue Residential Development Project*, January 25, 2007.Institute of Transportation Engineers, *Parking Generation*, 3rd Edition, 2004.

Institute of Transportation Engineers, *Trip Generation*, 7th Edition, 2003.

Wilbur Smith Associates, *Broadway Corridor Bikeway Feasibility Study*. December 2006.

Project plans, 2006.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:					
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	☐	☐	☒	☐	☐
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in the construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's 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?	☐	☐	☐	☐	☒

Discussion of questions (a) through (d):

The proposed project site is located in an urban area already served by utilities and service systems. The Community Services Analysis prepared for the Land Use and Transportation Element (LUTE) of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to exceed the capacity of existing utilities and service systems.

(Water, Wastewater and Stormwater) With a proposed development of approximately 28 residential units and approximately 2,995 square feet of ground-floor commercial retail or restaurant space, the project does not exceed the threshold for requiring a water supply assessment from the East Bay Municipal Utility District (EBMUD) per State Senate Bill 610 (which requires a water supply assessment for larger projects, including a 500-unit threshold for residential projects). The increase in water consumption as a result of the project is estimated to be about 4,500 gallons per day; no demand currently exists on the site. This increase would be

negligible in the context of existing and projected future water demand in Oakland. Similarly, with regard to wastewater treatment, the increased demand would also be negligible.

Since the project site currently consists of an abandoned gas station, it does not currently generate any demand for potable water or for wastewater treatment. The proposed project would result in an incremental increase of demand for potable water, and therefore, for wastewater treatment. It is not anticipated, however, that the wastewater flows associated with the project would exceed the existing capacity of the service system, however, the project would be required to implement Standard Condition UTIL-1 presented below. If the Oakland Public Works Agency determines that project flows result in the total allocation of flows for the sub-basin, the City may determine that re-allocation or physical improvements to existing wastewater facilities may be warranted to accommodate resulting growth and increased flows. While exceedance of sub-basin allocation would not be an environmental impact, the construction of physical improvements, if warranted, would have construction impacts, typical of local utility improvements, and would not be expected to result in any significant environmental impact as defined by CEQA. To the extent that construction impacts would occur, these impacts would be reduced to less than significant with standard conditions of approval identified throughout this Initial Study. In light of the above, the proposed project would not result in significant impacts related to water supply or wastewater treatment facilities.

With regard to stormwater drainage facilities, as discussed in Section VIII. *Hydrology and Water Quality*, the project may result in an incremental increase to the impervious area on the project site. Approximately 25 percent of the project site is gravel surface. The proposed project would cover the entire project site and would include a podium-level unpaved area (group garden) and landscape planters. Stormwater will continue to run off the project site into the City's existing storm drain facilities, and the change in runoff would be negligible and would not require the construction or expansion of existing facilities.

> **STANDARD CONDITION UTIL-1 (Stormwater and Sewer) - Prior to completing the final design for the project's sewer service, confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.**

In summary, increased demand for water, wastewater and stormwater that would result from the project would not warrant new or expanded facilities associated with these services. Implementation of Standard Condition UTIL-1 would ensure the project's effects would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and					

require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒

Discussion of questions (e) through (f):

Assembly Bill 939 required that all cities divert 50 percent of their solid waste from landfills by December 31, 2000. The waste diversion rate in the City of Oakland for 2004 was 55 percent, although preliminary data for 2005 indicates that this rate has decreased to 44 percent. The project sponsor would be required to comply with the City's construction and demolition debris recycling ordinance, which would ensure that the project's short-term impact on solid waste would be less than significant. In addition, adherence to the following uniformly-applied standard conditions of approval would ensure that long-term solid waste would be less than significant:

> **STANDARD CONDITION UTIL-2 (Waste Reduction and Recycling) - The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3), and all demolition (including soft demo).The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.**
>
> **After operation of the project, ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.**

ESA

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transmittal

date December 10, 2007

_X_ attached ____ via regular mail

____ via messenger _X_ via overnight mail

to Alameda County Environmental Health
CEQA ENVIRONMENTAL DOCUMENT REVIEW
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

project 5175 Broadway (D207130)

items **Final Initial Study/Negative Declaration**
– 1 document

comments For your records and review.

sent by Crescentia Brown, ESA for
P. Vollman, City of Oakland

cc D207130

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
g) Violate applicable federal, state, and local statutes and regulations relating to energy standards?	☐	☐	☒	☐	☐
h) Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments and require or result in construction on new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.	☐	☐	☒	☐	☐

Discussion of questions (g) through (h):

The project would increase energy consumption at the project site, but not to a degree that would require construction or expansion of new facilities. The project demand would be typical for a project of this scope and nature and would meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the City of Oakland through its building permit review process. The project would have a less than significant impact regarding energy.

Sources:

City of Oakland, Oakland General Plan, *Land Use and Transportation Element, Final Addendum to Draft EIR*, February 1998.

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
XVII.MANDATORY FINDINGS OF SIGNIFICANCE					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	☐

Discussion of question (a):

As discussed throughout this Initial Study, the proposed project would not result in significant effects on natural habitat or fish or wildlife populations, threaten or otherwise restrict plant or animal communities or species. As also discussed in Cultural Resources, implementation of standard conditions would reduce potential impacts to any potential prehistoric resources to less than significant; no historic resources exists within the project area. Overall, the project would not have the potential to degrade the quality of the environment.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐	☐

Discussion of question (b):

Given the scale of the proposed development and the demand resulting from new population (47 persons) and uses on the site, the incremental effects of the project can reasonably be expected to not be cumulatively considerable. With regard to public services and utilities, the Community Services Analysis prepared for the LUTE of the General Plan stated that future infill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services and utilities. Development of the project site is consistent with that envisioned and anticipated by the General Plan (pursuant to the Community Commercial land use classification). The impact would be less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☐

Discussion of question (c):

As described in the various analyses in this Initial Study, the project would not result in any direct or indirect effects that would result in substantial adverse effect on human beings. In particular, with regard to issues that could likely have direct or indirect adverse effects on human beings - air quality, noise, water quality, and hazardous materials – the project's impacts would be less than significant.