

Attachment C

Infill Performance Standards, Per CEQA Guidelines Section 15183.3 (Appendix M)

California Environmental Quality Act (CEQA) Guidelines Section 15183.3(b) and CEQA Guidelines Appendix M establish eligibility requirements for projects to qualify as infill projects. The following Table C-1 demonstrates that the 316 12th Street Project satisfies each of the applicable requirements as a qualified urban infill project.

Table C-1: Project Infill Eligibility	
CEQA Eligibility Criteria	Eligible/Notes for Proposed Project
<p>1. Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter. For the purpose of this subdivision, “adjoin” means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])</p>	<p>The project site has been previously developed with commercial uses and adjoins existing urban uses, as described in the Project Description.</p>
<p>2. Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:</p> <p><i>2a. Performance Standards Related to Project Design.</i> All projects must implement all of the following:</p> <p>Renewable Energy. <i>Non-Residential Projects.</i> All nonresidential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible. <i>Residential Projects.</i> Residential projects are also encouraged to include such onsite renewable power generation.</p> <p>Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.</p>	<p>Not Applicable. According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this section that apply to the predominant use shall govern the entire project.” Because the proposed use is residential, the Project is not required to include onsite renewable power generation.</p> <p>The Project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. However, there is the potential for an exposure pathway from off-site contaminants to indoor air within the Project, where VOCs volatilizing from groundwater have the potential to migrate beneath off-site structures and into indoor air within the Project’s building via vapor intrusion. To proactively address this concern, the Project applicants have already installed an under-slab vapor barrier during construction of the new concrete slab under the existing building.</p> <p>The Project applicants also filed a Service Request Application for Preliminary Site Review with Alameda County Department of Environmental Health (ACDEH) in April 2021), and ACDEH is now providing regulatory oversight for further investigation of VOCs in soil vapor. Pursuant to a Workplan accepted by ACDEH in July, additional data is to be obtained to help inform</p>

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<p>Residential Units Near High-Volume Roadways and Stationary Sources.</p> <p>If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</p> <p>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>decisions regarding potential additional remediation and/or mitigation at the site. Based on preliminary review of the data, mitigation requirements for the Project may include, but are not limited to installation of vapor intrusion engineering controls, a de-pressurization system, making the existing vapor system active, adding a retro-coat epoxy topical coating to the existing slab, and installing SVE wells for long-term monitoring.</p> <p>ACDEH is targeting a date of mid-August for approval of a Corrective Action Plan (CAP), at which time ACDEH anticipates issuance of a conditional approval letter (similar to other letters issued for redevelopment projects that ACDEH and the City of Oakland are coordinating on) to facilitate entitlement and redevelopment of the Project.</p> <p>The LMSAP EIR identifies a cancer risk buffer along the I-880 freeway (which varies in width from 400 feet to the south and 750 feet to the north), PM2.5 buffers along heavily traveled roadways including Harrison Street near the Project site, and five different stationary sources of TAC emissions within a distance of 1,000 from the Project site. These stationary sources include emergency diesel generators and gasoline dispensing facilities, and two of these stationary source within 1,000 feet of the Project site were identified as emitting TAC at levels that exceed risk thresholds. The Project site’s immediate adjacency to the Harrison Street roadway buffer for PM2.5 emissions, combined with additional TAC emissions from stationary sources, indicates a high likelihood that ambient air quality at the Project site may exceed certain health risk thresholds.</p> <p>Pursuant to the City SCAs, project applicants may choose to prepare a project-specific health risk analysis to determine relative health risks to future residents and mitigate accordingly, or may choose to install MERV-13 air filters or passive electrostatic filtering systems as part of the Project’s HVAC system, as well as other potentially applicable design measures to reduce the impact on indoor air quality within the Project. The Project applicant has chosen to install the MERV-13 air filters and other measures as may apply to comply with this SCA. Installation of these air filters will remove TAC emissions from indoor air to a level such that health risks would be reduced to less than significant levels.</p>
<p>2b. <i>Additional Performance Standards by Project Type.</i> In addition to implementing all the features described in criterion 2a above, the project must meet eligibility requirements provided below by project type. ^a</p> <p>Residential. A residential project must meet one of the following:</p> <p>A. <i>Projects achieving below average regional per capita vehicle miles traveled.</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p>	<p>According to maps prepared by MTC, the Project site is located in TAZ #968, which has an average VMT rate of 2.87 VMT per capita. The VMT threshold (at least 15 percent below the regional year 2030 average of 14.4 VMT per capita) is 12.24 VMT per capita. At 2.87 VMT per capita, the Project meets the map-based screening criteria for low VMT, and VMT impacts of the Project are presumed to be less than significant.</p>

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<p>B. Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor. A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; or</p> <p>C. Low – Income Housing. A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>The Project has access to the 12th Street BART Station within 1/4 mile of the site, and to the Lake Merritt BART Station and the 19th Street BART Station within ½ mile. A BUS Rapid Transit (high quality transit corridor) bus stop was recently installed directly in front of the building.</p>
<p>Commercial/Retail. A commercial/retail project must meet one of the following:</p> <p>A. Regional Location. A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a “low vehicle travel area”; or</p> <p>B. Proximity to Households. A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.</p>	<p>Not Applicable. According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this Section that apply to the predominant use shall govern the entire project.” Because the Project’s proposed use is residential, the requirements for commercial/ retail projects do not apply.</p>
<p>Office Building. An office building project must meeting one of the following:</p> <p>A. Regional Location. Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; or</p> <p>B. Proximity to a Major Transit Stop. Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	<p>Not Applicable</p>
<p>Schools.</p> <p>Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.</p> <p>Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	<p>Not Applicable</p>

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<p>Transit. Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	Not Applicable
<p>Small Walkable Community Projects. Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible.</p>	Not Applicable
<p>3. Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; or</p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines §15183.3(f)(5). (CEQA Guidelines Section 15183.3[b][3])</p>	<p>Pursuant to SB 375, the California ARB established GHG reduction targets for each region covered by one of the state's 18 metropolitan planning organizations (MPOs). Each of California's MPOs must then prepare a "Sustainable Communities Strategy (SCS)" that demonstrates how the region will meet its greenhouse gas reduction target through integrated land use, housing and transportation planning. SB 375 also identified new CEQA exemptions and streamlining for projects that are consistent with the SCS and qualify as Transportation Priority Projects (TPP). TPPs must meet three requirements: (1) contain at least 50 percent residential use; commercial use must have floor area ratio (FAR) of not less than 0.75; (2) have a minimum net density of 20 units per acre; and (3) be located within one half-mile of a major transit stop or high quality transit corridor included in the regional transportation plan. The more current statewide goal pursuant to SB 32 is to reduce California's GHG emissions to 40 percent below 1990 levels by 2030.</p> <p>Pursuant to the City's 2030 Equity and Climate Action Plan (ECAP) Oakland's adopted its own 2030 reductions target of 56% below Oakland's 2005 GHG emission, which reaches beyond that of the State's 40% target, thereby qualifying as an “alternative planning strategy”. In December 2020, the City Planning Commission adopted an ECAP Checklist that every project applicant must complete, demonstrating consistency with the 2030 ECAP.</p> <p>As shown in the CEQA Checklist, the Project fully complies with the ECAP Checklist, which addresses issues of GHG reduction through lowering energy consumption, lowering vehicle miles travelled, increasing access to transit, creating a more dense urban form, and minimizing displacement of existing residences and businesses. By satisfying all of the ECAP Checklist criteria, the Project is fully consistent with the City of Oakland 2030 ECAP, and consistent with an alternative sustainable communities strategy.</p>

^a Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this section that apply to the predominant use shall govern the entire project.