

## **EXHIBIT Q**

### **Certification of the EIR, CEQA Findings, and Statement of Overriding Considerations for the Approval of the Oak Knoll Mixed Use Community Plan Project**

#### **I. INTRODUCTION**

1. These findings are made pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland City Council in connection with the Supplemental Environmental Impact Report (SEIR) prepared for the Oak Knoll Mixed Use Community Project (“the Project”), SCH # 1995103035.

2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution, and ordinance associated with approval of the Project. Exhibit R contains conditions of approval, which includes the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”), attached as Exhibit P. All Exhibits are incorporated by reference into each other and into the ordinance or resolution to which the exhibit is attached.

3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

#### **II. PROJECT DESCRIPTION**

4. The Project, which is the subject of the SEIR, is located on approximately 191 acres, largely comprised of the former, decommissioned Naval Medical Center Oakland (NMCO) property. The Project is located approximately 9 miles southeast of downtown Oakland, in the South Hills area of the City, and is bounded by Mountain Boulevard and Interstate 580 (I-580) to the west, Keller Avenue to the north and east, and Sequoyah Road to the south. The Project is a mixed-use development that, among other elements, includes up to 935 units of varied housing types; restoration and enhancement of Rifle Range, Powerhouse and Hospital Creeks; active and passive recreational facilities; a community-wide trail system; parks and open spaces; and a mixed use commercial core, referred to as the “Village Center,” with up to approximately 72,000 square feet of commercial space. The Project also proposes to relocate Club Knoll, a locally-designated historic resource, from its current location and rehabilitate the approximately 14,000 square-foot building for reuse as a new community clubhouse and commercial space in the central portion of the site.

The Project includes a General Plan Amendment, Rezoning, Planned Unit Development Permit, Final Development Permits, Vesting Tentative Map, and Development Agreement. The current General Plan designations for project site are Hillside Residential, Community Commercial, Institutional, Resource Conservation and Urban Park and Open Space. The proposed General Plan designations for the project site will be Hillside

Residential, Detached Unit Residential, Mixed Housing Type Residential, Neighborhood Center, Community Commercial, Resource Conservation and Urban Park and Open Space. The General Plan designations for the Seneca Center and Sea West Federal Credit Union parcels will not be altered. The General Plan designations for the Project site would remain the same, but the locations where those designations apply and boundaries between the designations would be clarified based on the proposed Project.

In addition, the Project site is zoned RH-4, Hillside Residential Zone – 4 and RH-3, Hillside Residential Zone – 3. The proposed zoning for this area will be a new zoning district, Oak Knoll District Zone (D-OK), which includes the following seven sub-zones:

- D-OK-1 Oak Knoll District Residential Zone – 1
- D-OK-2 Oak Knoll District Residential Zone – 2
- D-OK-3 Oak Knoll District Residential Zone – 3
- D-OK-4 Oak Knoll District Commercial Zone – 4
- D-OK-5 Oak Knoll District Amenity Community Commercial Zone – 5
- D-OK-6 Oak Knoll District Active Open Space Zone – 6
- D-OK-7 Oak Knoll District Passive Open Space Zone - 7

The zoning for the Seneca Center and Sea West Federal Credit Union parcels will not be altered.

5. The Project also includes a number of other permit/approvals from the City including but not limited to: a Planned Unit Development Permit and accompanying Preliminary Development Plan, a Final Development Plan for Master-Developer Installed Improvements, a Final Development Plan for Relocation and Rehabilitation of the Historic Club Knoll Building, a Creek Protection Permit, Tree Removal Permit, and Vesting Tentative Tract Map

### **III. ENVIRONMENTAL REVIEW OF THE PROJECT**

6. In 1998, following community planning efforts, the U.S. Department of the Navy and the City of Oakland prepared a joint environmental impact statement (EIS) and environmental impact report (EIR) for a master redevelopment plan for the former NMCO (the “1998 EIS/EIR”). The City certified the 1998 EIS/EIR in July 1998. The 1998 EIS/EIR examined the potential for environmental impacts of various development plans rather than a single, detailed development proposal. The currently proposed Project is the specific, project-level development plan proposal for the reuse of the NMCO property. Oak Knoll Venture Acquisitions LLC, the master developer for the Project, has designed the proposed Project to not exceed the impacts that would have resulted from the Maximum Capacity Alternative analyzed in the 1998 EIS/EIR. The 1998 EIS/EIR prepared for the NMCO property provides the environmental analysis upon which the currently proposed Project may rely. Further

environmental review for the proposed Project is required only as specified in Public Resources Code section 21166, as further clarified by CEQA Guidelines sections 15168(c) and 15162.

7. Pursuant to CEQA and the CEQA Guidelines, the City determined that a SEIR would be prepared for the Project. On March 20, 2015, the City published a Notice of Preparation (NOP) to prepare an SEIR for the Project, which was circulated to responsible agencies and interested groups and individuals for review and comment. A copy of the NOP and the comments thereon are included in Appendix A of the Draft SEIR. To obtain comments on the scope of the Draft SEIR, the Landmarks Preservation Advisory Board held a hearing on April 13, 2015, and the Planning Commission held a hearing on April 15, 2015.

8. As a result of an evaluation of the potential environmental impacts of the Project, review of 1998 EIS/EIR, the consultation with City staff and other agencies, and review of the comments received as part of the scoping process, the following environmental topics are addressed in detail as separate sections of the Draft SEIR: Aesthetics, Air Quality, Biological Resources, Cultural and Paleontological Resources, Geology and Soils, Greenhouse Gas Emissions and Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise and Vibration, Population and Housing, Public Services and Recreation, Transportation and Circulation, Utilities and Service Systems, and Energy. Other Factors including Agricultural and Forestry Resources, and Mineral Resources are also covered in the Chapter X (Effects Found Not To Be Significant) of the SEIR.

9. The City prepared a Draft SEIR to analyze the Project's potential to have a significant impact on the environment. The Draft SEIR was circulated for a 45-day public review period (from August 29, 2016 to October 12, 2016), which met the legally required 45-day comment period. The City held several duly noticed public hearings. The Landmarks Preservation Advisory Committee held a hearing to obtain comments on the Draft SEIR on September 12, 2016. The Bicyclist and Pedestrian Advisory Commission held a hearing to obtain comments on the Draft SEIR on September 15, 2016. The Planning Commission held a hearing to obtain comments on the Draft SEIR on October 5, 2016.

10. The City held numerous additional hearings to obtain input on the Project. The hearings held were by the following decision-making bodies: the Landmarks Preservation Advisory Board held a hearing to obtain input on the Project on May 9, 2016; the Design Review Committee held three hearings to obtain input on the Project on July 27, 2016, October 26, 2016 and December 14, 2016; the Planning Commission held a hearing regarding the status of the Project on September 7, 2016; and the Zoning Update Committee held a hearing to obtain comments on the draft zoning for the Project on November 16, 2016.

11. The City received written and oral comments on the Draft SEIR. The City prepared responses to comments and, where necessary, made minor clarifications to the Draft SEIR. The responses to comments, changes to the Draft SEIR, and additional information were published in a Response to Comments/Final SEIR ("Final SEIR") on April 27, 2017. The Draft SEIR, Final SEIR, and all appendices thereto constitute the "SEIR" referenced in these findings. The Final SEIR was made available on April 27, 2017, 11 days before the duly noticed May 8, 2017 Landmarks Preservation Advisory Board public hearing and 41 days prior to the duly noticed June 7, 2017 Planning Commission public hearing. The Notice of Availability and

Release of the Final SEIR was distributed to those state and local agencies who commented on the NOP and Draft SEIR, posted at the Project site, mailed to property owners within 300 feet of the Project site, and mailed/emailed to individuals who have requested to specifically be notified of official City actions on the Project. Copies of the Draft EIR and Final SEIR were also made available or distributed to those state and local agencies who commented on the Draft SEIR, City officials including the Landmarks Preservation Advisory Board, Planning Commission and made available for public review at the City offices and City's website. Pursuant to CEQA Guidelines, responses to public agency comments on the Draft SEIR have been published and made available to all commenting agencies at least 10 days prior to the public hearing to consider certification of the SEIR. The City Council has had the opportunity to review all comments and responses thereto prior to consideration and certification of the SEIR and prior to taking any action on the project.

#### **IV. THE ADMINISTRATIVE RECORD**

12. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The SEIR and all documents referenced in or relied upon by the SEIR.
- b. All information (including written evidence and testimony) provided by City staff to the Landmarks Preservation Advisory Board, Oakland Planning Commission, and/or City Council relating to the SEIR, the approvals, and the Project.
- c. All information (including written evidence and testimony) presented to the Landmarks Preservation Advisory Board, Oakland Planning Commission, and/or City Council by the environmental consultant and sub-consultants who prepared the SEIR or incorporated into reports presented to the City Council.
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project and the SEIR.
- e. All final applications, letters, testimony and presentations presented by the Project sponsor and its consultants to the City in connection with the Project.
- f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the SEIR.
- g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- h. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program (SCAMMRP) for the Project.
- i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

13. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Deputy Director of the Bureau of Planning, Community and Economic Development Agency, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California, 94612.

## **V. CERTIFICATION OF THE EIR**

14. The City Council, after receiving a recommendation from the Planning Commission, certifies that the SEIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the SEIR prior to certifying the SEIR and approving the Project. By these findings, the City Council confirms, ratifies, and adopts the findings and conclusions of the SEIR as supplemented and modified by these findings. The SEIR and these findings represent the independent judgment and analysis of the City and the City Council.

15. The City Council recognizes that the SEIR may contain clerical errors. The City Council reviewed the entirety of the SEIR and bases its determination on the substance of the information it contains.

16. The City Council certifies that the SEIR is adequate to support all actions in connection with the approval of the Project, the Development Agreement, the rezoning of the Project site from RH-3 and RH-4 to site-specific Oak Knoll District (D-OK) Zones, the establishment of a Planned Unit Development (PUD) Permit, including the final development plans (FDPs) for the relocation and rehabilitation of Club Knoll and the master developer-installed backbone infrastructure for the Project site, and taking all other actions and recommendations as described in the staff report to which these CEQA findings are attached. The City Council certifies that the SEIR is adequate to support approval of the Project described in the SEIR, each component and phase of the Project described in the SEIR, any variant of the Project described in the SEIR, any minor modifications to the Project or variants described in the SEIR and the components of the Project.

## **VI. ABSENCE OF SIGNIFICANT NEW INFORMATION**

17. The City Council finds that the changes and modifications made to the SEIR after the Draft SEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.

18. The City Council recognizes that the Final SEIR incorporates information obtained and produced after the Draft SEIR was completed, and that the Final SEIR contains additions, clarifications, and modifications to the Draft SEIR. The City Council has reviewed and considered the Final SEIR and all of this information. The new information added to the SEIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No

information indicates that the Draft SEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft SEIR or the Project. Thus, recirculation of the Draft SEIR is not required.

## **VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM**

19. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure implementation of the mitigation measures and revisions to the Project identified in the SEIR. The Mitigation Monitoring and Reporting Program (“SCAMMRP”) is attached and incorporated by reference into the [DATE] staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the City Council. The SCAMMRP satisfies the requirements of CEQA.

20. The standard conditions of approval (“SCA”) set forth in the SCAMMRP are specific and enforceable and capable of being fully implemented by the efforts of the City of Oakland, the applicant, and /or other identified public agencies of responsibility. As appropriate, some standard conditions of approval define performance standards to ensure that no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility to ensure that the Project complies with the adopted standard conditions of approval.

21. Mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, non-compliance sanctions, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures.

22. The City Council will adopt and impose the feasible conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted standard conditions of approval or mitigation measures to substantially lessen or eliminate all of the Project’s significant environmental effects where feasible.

23. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the SEIR. In the event a standard condition of approval or mitigation measure recommended in the SEIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that mitigation measure is adopted and incorporated from the SEIR into the SCAMMRP by reference and adopted as a condition of approval.

## **VIII. FINDINGS REGARDING IMPACTS**

24. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City Council adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the SEIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the SEIR. The City Council ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the SEIR. The City Council adopts the reasoning of the SEIR, staff reports, and presentations provided by the staff and the Project sponsor as may be modified by these findings.

25. The City Council recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The City Council acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The City Council has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the City Council to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the SEIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

### **POTENTIALLY SIGNIFICANT BUT MITIGATABLE IMPACTS**

26. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the SEIR, the SCAMMRP, and the City's Standard Conditions of Approval (SCA or SCAs), the City Council finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of SCAs (which are incorporated into and an integral part of the SCAMMRP):

a. Impact AES-1 finds that the Project could have a significant impact on the existing scenic vista or substantially damage scenic resources within a state or locally designated scenic highway. This impact will be mitigated by SCA AES-2 and Replacement Mitigation Measure AES-1. SCA AES-2 requires the project applicant to submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. Replacement Mitigation Measure AES-1 requires certain new single family homes on the Eastern Ridge to be use specific design guidelines to minimize the adverse aesthetic effect. Replacement Mitigation Measure AES-1 would reduce the Project's impact to scenic vistas to less than significant.

b. Impact BIO-1 finds that the Oak Knoll Project may have the potential to result in a significant impact to special-status bird and bat species, plant species and the San Francisco dusky-footed woodrat, specifically associated with vegetation removal, tree

removal, relocation or demolition of the Club Knoll Garage and general construction activities. This impact will be mitigated to less than significant through the implementation of Mitigation Measures BIO 1.1 and 1.2, SCA BIO-1, SCA BIO-1.2, and SCA BIO-2. Mitigation Measure BIO-1.1 requires a qualified biologist to conduct a preconstruction habitat assessment for special status bats in advance of tree removal and building demolition and requires the Project sponsor to implement avoidance and minimization measures if this assessment results in identification of bat habitats. Mitigation Measure BIO-1.2 requires a qualified biologist to conduct a preconstruction habitat assessment for the San Francisco dusky-footed woodrat. SCA BIO-1 requires the Project applicant to avoid removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15, and establishes protocol for removal in the event that removal is necessary. To further implement SCA BIO-1 during construction, SCA Implementation Measure BIO-1.1 requires, to the extent feasible, grading and building or structure relocation or demolition (i.e., Club Knoll Garage) shall not occur during the bird breeding season of February 1 to August 15. If such activities must occur during the bird breeding season, areas where ground disturbance or building relocation or demolition will occur shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. To further implement SCA BIO-1, SCA Implementation Measure BIO-1.2 requires a Project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist and attended by all Project construction personnel prior to beginning work onsite. SCA BIO-2 requires the Project applicant to submit and implement a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Project sponsor has also agreed to implement Recommendation BIO-1, which the Project applicant has agreed to implement, addresses localized impacts to the Oakland star tulip by engaging a qualified biologist to survey, preserve, and monitor the flower population.

c. Impact BIO-2 finds that the Project could have a significant impact on riparian habitat and sensitive natural communities. This impact will be mitigated to less than significant through implementation of New Mitigation Measure BIO-2, SCA BIO-3 (Creek Protection Plan), SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction), and SCA HYD-2 (State Construction General Permit). New Mitigation Measure BIO-2 requires the Project sponsor to restore or preserve/enhance the riparian habitat or oak woodland at a ratio of 2:1 (restored/preserved area: impacted areas) through a number of options including the planting of replacement trees and establishing restrictive covenants or similar instruments to protect existing riparian woodland habitat. SCA BIO-3 requires the project applicant to submit a Creek Protection Plan to be implemented during and after construction for review and approval by the City, which must incorporate all applicable erosion, sedimentation, debris, and pollution control Best Management Practices (“BMPs”) to protect the creek during and after construction. SCA BIO-3 also requires the project applicant to include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City prior to approval of a construction-related permit. To further implement SCA-BIO-3, SCA Implementation Measure BIO-3.1 requires that buildings adjacent to Powerhouse Creek must be constructed at least 15 feet from the parcel line that is adjacent to the creek, or at least 20 feet from the established top of creek bank. SCA HYD-1 requires the Project applicant to submit an Erosion and Sedimentation Control Plan to the City for review and approval, and implement the Erosion and Sedimentation Control Plan during construction. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater



runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. SCA HYD-2 requires the project applicant to comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (“SWRCB”).

d. Impact CUL-1 finds that the Project’s relocation and rehabilitation of Club Knoll could result in a significant impact to a historical resource by adversely affecting the character-defining features that convey its historic significance and justify its inclusion in the City’s Local Register of Historic Resources. This impact will be mitigated to less than significant through New Mitigation Measures CUL-1.1, CUL-1.2, CUL-1.3, CUL-1.4, and CUL-1.5. New Mitigation Measure CUL-1.1 requires the Project sponsor to document Club Knoll according to the Historic American Building Survey standards prior to approval of a construction-related permit for Club Knoll. New Mitigation Measure CUL-1.2 requires the Project sponsor, prior to approval of a construction-related permit for Club Knoll, to prepare a Baseline Building Conditions Study to, in part, determine what kind of stabilization might be necessary to relocate the building. New Mitigation Measure CUL-1.3 requires the Project sponsor to prepare a Relocation Travel Route Plan for review and approval by qualified staff of the City’s Bureau of Planning, prior to approval of a construction-related permit for Club Knoll. New Mitigation Measure CUL-1.4 requires the Project sponsor to prepare a Building Features Inventory and Plan for review and approval by qualified staff of the City’s Bureau of Planning, prior to approval of a construction-related permit for Club Knoll. Lastly, New Mitigation Measure CUL-1.5 further requires the Project sponsor to incorporate specific mitigation measures into a final Club Knoll relocation work plan, which it shall submit for review and approval by qualified staff of the City’s Bureau of Planning.

e. Impact CUL-6 finds that the Project, in combination with other past, present, existing, approved, pending and reasonably foreseeable future projects, would not result in a significant cumulative impact to historic or cultural resources. The proposed Project would result in a less-than-significant impact to the historic Club Knoll with implementation of Mitigation Measures CUL-1.1 through CUL-1.5 and SCAs CUL-1 through CUL-3. New Mitigation Measures CUL-1.1 through CUL-1.5 are described in Paragraph 22.d, above. SCA CUL-1 requires that in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. SCA CUL-2 requires the Project applicant, prior to approval of construction-related permit and during construction, to implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources. Provision A requires the Project applicant to retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. Provision B requires the Project applicant to prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. SCA CUL-3 requires that, in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner.

f. Impact GEO-6 finds that, while not detected by Project site investigations and existing utility identification conducted by the Project sponsor and qualified consultants, the Project could cause a significant impact to life or property if it is found to be located above a well, pit, swamp, mound, tank vault, unmarked sewer line, a landfill for which there is no approved closure and post-closure plan, or unknown fill soils. This impact would be reduced to less than significant through implementation of Mitigation Measure GEO-3. Mitigation Measure GEO-3 requires, upon encountering any of the above subsurface issues, construction to cease until resumed by the City of Oakland Fire Department Hazardous Materials Unit or other applicable oversight agency.

g. Impact GEO-7 finds that the Project would not make a cumulatively considerable contribution to cumulative impacts related to geology and soils, considering the combined effect of the Project and past, present, approved, pending, and reasonably foreseeable future projects in the area and citywide. The Project will implement the following measures to reduce impacts to less than significant: SCA GEO-1, SCA GEO-2, SCA Implementation Measure GEO-2.1 (to further implement SCA GEO-2), SCA Implementation Measure GEO-2.2 (to further implement SCA GEO-2), SCA Implementation Measure GEO-2.3 (to further implement SCA GEO-2), SCA GEO-3, SCA GEO-4, New Mitigation Measure GEO-3, and SCA BIO-3. SCA GEO-1 requires that the Project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. Further, the project applicant shall implement the recommendations contained in the approved report during project design and construction. SCA GEO-2 requires the Project applicant to submit and implement a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. To further implement SCA GEO-2, SCA Implementation Measure GEO-2.1 requires the Project applicant to implement specific measures, as applicable, based on the site-specific geotechnical report to be developed pursuant to SCA GEO-2. To further implement SCA GEO-2, SCA Implementation Measure GEO-2.2 requires the Project applicant to implement corrective measures to repair existing unstable site conditions, as applicable, based on the site-specific geotechnical report to be developed pursuant to SCA GEO-2. To further implement SCA GEO-2, SCA Implementation Measure GEO-2.3 requires the Project Applicant to implement corrective measures to repair existing unstable site conditions. SCA GEO-3 requires the Project applicant to obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction. SCA GEO-4 requires that, prior to approval of the final map or issuance of a building permit (whichever occurs first), the project applicant provide to the City (1) all required resolutions from the GHAD and City Council showing that the project property has been annexed into the GHAD, and (2) a statement from the GHAD Manager stating that an adequate funding mechanism is in place to fund the GHAD operations for the annexed property. New Mitigation Measure GEO-3 requires that if during construction activities previously unidentified conditions such as wells, pits, swamps, mounds, tank vaults, unmarked sewer lines, suspected landfill areas, or unknown fill soils are encountered, construction in the immediate area shall

cease until the City of Oakland Fire Department Hazardous Materials Unit or other applicable oversight agency has been notified. SCA BIO-3 requires the project applicant to submit a Creek Protection Plan to be implemented during and after construction for review and approval by the City, which must incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during and after construction. SCA BIO-3 also requires the project applicant to include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City prior to approval of a construction-related permit.

h. Impact TRANS-4 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized Mountain Boulevard/ Keller Avenue intersection. This impact will be mitigated to less than significant through implementation of Mitigation Measure TRANS-4, which is an improvement covered by an applicable Transportation Impact Fee (TIF). The improvement includes restriping eastbound Keller Avenue approach to provide one shared left-turn/through lane and one shared through/right-turn lane; restriping westbound Keller Avenue approach to provide one shared left-turn/through lane and one right-turn lane; restriping southbound Mountain Boulevard Avenue approach to provide one left-turn lane and one right-turn lane; signalizing intersection providing actuated operations, with split phasing on the east-west approaches (Keller Avenue) and permitted phasing on north-south (Mountain Boulevard) approaches; and coordinating the signal timing at this intersection with the adjacent intersections at I- 580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue (signalization proposed as part of Mitigation Measure TRANS-3) and I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue (signalization proposed as part of Mitigation Measure TRANS-5). The Project applicant can comply with this mitigation measure by paying the applicable Southeast Oakland TIF fee, installing the improvements and obtain a credit against its applicable TIF obligations, and/or obtain reimbursement from monies collected under the Southeast Oakland TIF program for the amount that the installation cost exceeds its TIF obligations.

i. Impact TRANS-11 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized Mountain Boulevard/Keller Avenue intersection by adding more than ten peak hour vehicle trips to a critical movement that already satisfies the MUTCD peak hour volume traffic signal warrant during the AM and PM peak hours under 2040 Plus Project conditions. After Project completion, this intersection would continue to satisfy the MUTCD peak hour volume traffic signal warrant during the AM and PM peak hours under 2040 Plus Project conditions. This impact will be reduced to less than significant through implementation of Mitigation Measure TRANS-4, described above.

j. Other Potentially Significant Impacts: The following impacts will be less than significant because of required implementation of the City's SCA:

(1) Impact AES-2 finds that the Project would not substantially degrade the existing visual character or quality of the site and its surroundings, but will likely have beneficial effects. The Project will implement SCA AES-1, which requires the Project applicant to incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti.

(2) Impact AES-3 finds that the Project would not create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. The Project will implement specific lighting standards established in SCA AES-3, which requires the Project applicant to adequately shield new exterior lighting fixtures to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties prior to receiving a final building permit. Impact AES-6 finds that the Project would not result in a significant cumulative aesthetics impact when considering the combined effect of the Project, and past, present, approved, pending, and reasonably foreseeable future projects. The proposed Project would result in a less-than-significant impact to the existing aesthetics conditions on the Project site or its surroundings through implementation of SCA AES-1 through SCA AES-3. SCA AES-1 requires the Project applicant to incorporate BMPs reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. SCA AES-2 landscape plan requires the Project applicant to submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. SCA AES-3 requires the Project applicant to adequately shield new exterior lighting fixtures to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties prior to receiving a final building permit.

(3) Impact AES-6 finds that the proposed Project would not result in a significant cumulative aesthetics impact when considering the combined effect of the Project, and past, present, approved, pending, and reasonably foreseeable future projects. The Project would implement SCA AES-1, SCA AES-2, and SCA AES-3 as described above.

(4) Impact AIR-1 finds that the demolition and construction associated with the Project would not result in average daily emissions that would exceed the City's construction air quality significance thresholds of 54 pounds per day of ROG, NO<sub>x</sub>, or PM<sub>2.5</sub> or 82 pounds per day of PM<sub>10</sub>. The Project will implement SCA AIR-1, which will reduce fugitive dust as well as construction equipment exhaust emissions. SCA AIR-1 includes the Bay Area Air Quality Management District's ("BAAQMD") BMPs for fugitive dust control and would be required for all construction activities associated with the Project. In addition, SCA AIR-1 requires all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM. The SCA AIR-1 also requires the Project sponsor to: wet down areas of soil at least two times per day; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; apply soil stabilizers to inactive areas; and sweep off adjacent streets as necessary to reduce particulate emissions. The Project sponsor also would be required to designate an individual to monitor compliance with these dust control requirements.

(5) Impact AIR-4 finds that construction and operation of the Project would not generate substantial levels of toxic air contaminants (TACs). The Project will implement SCA AIR-1 and SCA AIR-2. SCA AIR-1 will reduce fugitive dust as well as construction equipment exhaust emissions. SCA AIR-1 includes the BAAQMD's BMPs for

fugitive dust control and would be required for all construction activities associated with the Project. In addition, SCA AIR-1 requires all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM. SCA AIR-2 requires the Project applicant to incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants prior to the approval of a construction-related permit.

(6) Impact AIR-5 finds that construction of the Project would not expose proposed sensitive receptors to substantial levels of toxic air contaminants (TACs). The Project will implement SCA AIR-1 and SCA AIR-2. SCA AIR-1 will reduce fugitive dust as well as construction equipment exhaust emissions. SCA AIR-1 includes the BAAQMD's BMPs for fugitive dust control and would be required for all construction activities associated with the Project. In addition, SCA AIR-1 requires all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM. SCA AIR-2 requires the Project applicant to incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants prior to the approval of a construction-related permit.

(7) Impact BIO-3 finds that the Project would not have a substantial adverse effect on federally protected wetlands or other waters (as defined by section 404 of the Clean Water Act) or state protected wetlands or waters, through direct removal, filling, hydrological interruption, or other means. The Project will implement SCA BIO-3, SCA Implementation Measure BIO-3.1, SCA HYD-1, and SCA HYD-2 to ensure a less than significant impact on water quality during construction and operation. SCA BIO-3 requires the project applicant to submit a Creek Protection Plan to be implemented during and after construction for review and approval by the City, which must incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during and after construction. SCA BIO-3 also requires the project applicant to include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City prior to approval of a construction-related permit. SCA Implementation Measure BIO-3.1 further implements SCA BIO-3 and requires buildings adjacent to Powerhouse Creek to be constructed at least 15 feet from the parcel line that is adjacent to the creek, or at least 20 feet from the established top of creek bank. The final total length of the altered Rifle Range Creek channel must be equal to or greater than the existing length of creek channel. SCA HYD-1 requires the Project applicant to submit an Erosion and Sedimentation Control Plan to the City for review and approval, and implement the Erosion and Sedimentation Control Plan during construction. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. SCA HYD-2 requires the project applicant to comply with the requirements of the Construction General Permit issued by SWRCB.

(8) Impact BIO-4 finds that the Project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Implementation of SCA BIO-4 ensures that potential Project impact on wildlife

movement through the creek corridors during dewatering or through streamflow diversion areas is less than significant. SCA BIO-4 requires the project applicant to submit a Dewatering and Diversion Plan for review and approval by the City, and then implement the approved Plan. Compliance with regional, state, and federal regulatory agencies with jurisdiction over resident wildlife within the dewatering area is a stipulation of SCA BIO-4, which includes minimum protection methods for species capture and relocation in accordance with and approval by the regulatory agencies. Further, no special-status fish or amphibians are expected onsite that could be adversely affected by dewatering or diversion activities. Impacts to common species of this taxa are not considered significant under CEQA and therefore potential Project impacts on wildlife movement through the creek corridors during dewatering or through streamflow diversion areas is less than significant.

(9) Impact BIO-5 finds that the Project would not fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances. The Project sponsor has prepared detailed site grading and development plans, conducted a site-specific survey of trees to be removed and proposed a mitigation plan based on the requirements of the City's Tree Protection Ordinance. Further, implementation of SCA BIO-5, Recommendation BIO-2, which the Project applicant has agreed to implement, and SCA HYD-8 will reduce direct impacts that could occur to existing trees to less than significant. SCA BIO-5 requires the project applicant to obtain a tree permit and abide by the conditions of that permit pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36). Further, SCA BIO-5 requires the Project applicant to provide adequate protection during the construction period for any trees which are to remain standing, plus any recommendations of an arborist. SCA BIO-5 also requires the Project applicant to implement replacement plantings for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade. Recommendation BIO-2, which the Project applicant has agreed to implement, would be implemented during relocation of existing trees within the Project site or introduction of new trees to the Project site through mitigation plantings to prevent the spread of *Phytophthora ramorum*, the pathogen that causes SOD. The Project sponsor has prepared detailed site grading and development plans, conducted a site-specific survey of trees to be removed and proposed a mitigation plan based on the requirements of the City's Tree Protection Ordinance. SCA HYD-8 requires the Project applicant to comply with the stipulated requirements when managing vegetation prior to, during, and after construction of the project.

(10) Impact BIO-6 finds that the Project would not fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. Consistent with the Ordinance, the Project sponsor has prepared and submitted a Category 4 Creek Protection Permit application for review and approval by City staff, in addition to a Hydrology Report and Basis for Design, and a Creek Restoration Plan and Creek Protection Plan, thus satisfying the submittal of the creek protection plan required by the Ordinance. Implementation of SCA BIO-3, SCA HYD-1, and SCA HYD-2 reduce direct impacts to the creek bank, riparian corridor, or water quality to less than significant. SCA BIO-3 requires the project applicant to submit a Creek Protection Plan to be implemented during and after construction for review and approval by the City, which must incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during and after construction. SCA BIO-3 also requires the project applicant to include final landscaping

details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City prior to approval of a construction-related permit. To further implement SCA BIO-3, SCA Implementation Measure BIO-3.1 requires BIO-3, buildings adjacent to Powerhouse Creek must be constructed at least 15 feet from the parcel line that is adjacent to the creek, or at least 20 feet from the established top of creek bank. SCA HYD-1 requires the Project applicant to submit an Erosion and Sedimentation Control Plan to the City for review and approval, and implement the Erosion and Sedimentation Control Plan during construction. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. SCA HYD-2 requires the project applicant to comply with the requirements of the Construction General Permit issued by SWRCB.

(11) Impact BIO-7 finds that the Project, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects within and around the Project area, would not have a considerable contribution to any cumulative impacts related to biological resources. As described herein in subsections VIII (23)(B), VIII (23)(C), and VIII (23)(J)(7)-(10), the Project will implement the following measures to reduce impacts to less than significant: SCA BIO-1 (Tree Removal during Breeding Bird Season); SCA Implementation Measure BIO-1.1 (to further implement SCA BIO-1); SCA Implementation Measure BIO-1.2 (to further implement all BIO SCAs and BIO mitigation measures); SCA BIO-2 (Bird Collision Reduction Measures); SCA BIO-3 (Creek Protection Plan); SCA BIO-4 (Dewatering/Diversion); SCA BIO-5 (Tree Permit); SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction); SCA HYD-2 (State Construction General Permit); SCA HYD-8 (Vegetation Management on Creekside Properties); New Mitigation Measure BIO-1.1; New Mitigation Measure BIO-1.2; and New Mitigation Measure BIO-2. In addition the Project applicant has agreed to implement Recommendation BIO-1 and Recommendation BIO-2.

(12) Impact CUL-3 finds that the Project could result in significant impacts to unknown archaeological resources. This impact would be reduced to less than significant through implementation of the City's SCA CUL-1 and SCA CUL-2 Provision B. SCA CUL-1 requires that in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. SCA CUL-2 Provision B requires the Project applicant, prior to approval of construction-related permit and during construction, to prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site.

(13) Impact CUL-4 finds that the Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. This impact would be reduced to less than significant through implementation of the City's SCA CUL-1, which requires that in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find.

(14) Impact CUL-5 finds that the Project could disturb human remains, including those interred outside of formal cemeteries. This impact would be reduced to less than significant through implementation of the City's SCA CUL-3, which requires that in the event that human skeletal remains are uncovered at the project site during construction activities all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner.

(15) Impact GEO-1 finds that the Project could expose people or structures to substantial risk of loss, injury, or death involving strong seismic ground shaking. According to the USGS, the Project site would likely experience at least one major earthquake (i.e., greater than M 6.7) within 30 years beginning from 2014 (USGS, 2015). Implementation of the City's SCA GEO-1 and SCA GEO-2, furthered by SCA Implementation Measure GEO-2.1, fully address the risk of exposure to strong seismic groundshaking and requires that site-specific design-level investigations be developed for each site and reduce the potential impact from groundshaking to less than significant. SCA GEO-1 requires that the Project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. Further, the project applicant shall implement the recommendations contained in the approved report during project design and construction. SCA GEO-2 requires the Project applicant to submit and implement a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. To further implement SCA GEO-2, SCA Implementation Measure GEO-2.1 requires the Project applicant to implement specific measures, as applicable, based on the site-specific geotechnical report to be developed pursuant to SCA GEO-2.

(16) Impact GEO-2 finds that the Project could expose people or structures to substantial risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, lateral spreading, subsidence or collapse. While these conditions exist on areas of the Project site, they do not occur where development is proposed, and detailed, corrective measures are specified to address these conditions and would be implemented by the Project. This impact is reduced to less than significant through implementation of SCA GEO-1, SCA GEO-2, and SCA Implementation Measure GEO-2.2. The Project will also adhere to SCA GEO-4 given the potential for seismically-induced or other ground failure hazards on the Project site, but not to reduce the impacts of such hazards. SCA GEO-1 requires that the Project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. Further, the project applicant shall implement the recommendations contained in the approved report during project design and construction. SCA GEO-2 requires the Project applicant to submit and implement a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. To further implement SCA GEO-2, SCA Implementation Measure GEO-2.2 requires the Project applicant to implement corrective



measures to repair existing unstable site conditions, as applicable, based on the site-specific geotechnical report to be developed pursuant to SCA GEO-2. SCA GEO-4 requires that, prior to approval of the final map or issuance of a building permit (whichever occurs first), the project applicant provide to the City (1) all required resolutions from the GHAD and City Council showing that the project property has been annexed into the GHAD, and (2) a statement from the GHAD Manager stating that an adequate funding mechanism is in place to fund the GHAD operations for the annexed property.

(17) Impact GEO-3 finds that the Project could expose people or structures to substantial risk of loss, injury, or death involving landslides. However, the Project construction and operation would have no impact on seismic activity. The corrective grading proposed by the Project may reduce the landslide hazards to the existing people and structures that could occur from seismic activity. Implementation of SCA GEO-1, SCA GEO-2, SCA GEO-4, and SCA Implementation Measures GEO-2.3 reduce the impact to less than significant. SCA GEO-1 requires that the Project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. Further, the project applicant shall implement the recommendations contained in the approved report during project design and construction. SCA GEO-2 requires the Project applicant to submit and implement a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. SCA GEO-4 requires that, prior to approval of the final map or issuance of a building permit (whichever occurs first), the project applicant provide to the City (1) all required resolutions from the GHAD and City Council showing that the project property has been annexed into the GHAD, and (2) a statement from the GHAD Manager stating that an adequate funding mechanism is in place to fund the GHAD operations for the annexed property. To further implement SCA GEO-2, SCA Implementation Measures GEO-2.3 requires the Project applicant to implement corrective measures to repair existing unstable site conditions, as applicable, based on the site-specific geotechnical report to be developed pursuant to SCA GEO-2.

(18) Impact GEO-4 finds that the Project could result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways. The proposed Project would involve significant earthwork and grading which would disturb large areas of topsoil, including the steeply sloping areas at the upper elevations of the easternmost portion of the site where soils are especially susceptible to soil loss from erosion. Implementation of SCA GEO-3 would minimize erosion impacts during construction and reduce the potential impacts to less than significant. SCA GEO-3 requires the Project applicant to obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

(19) Impact GEO-5 finds that the Project could occur on expansive soils, creating substantial risks to life and property. Implementation of standard engineering practices as required by the City's SCA GEO-1 and California Building Code

“CBC”) requirements would reduce significant impacts associated with expansive soils to less than significant. SCA GEO-1 requires that the Project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. Further, the project applicant shall implement the recommendations contained in the approved report during project design and construction.

(20) Impact GHG-1 finds that the Project would produce greenhouse gas emissions that exceed both 1,100 metric tons of CO<sub>2</sub>e per year and 4.6 metric tons of CO<sub>2</sub>e per service population annually in Phase 1 only. Implementation of SCA GHG-1 GHG-2, SCA TRA-4 and UTIL-6 would reduce this to less than significant. SCA GHG-1 requires that the project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan during both construction and operation. Ongoing monitoring and reporting is also required. SCA GHG-2 requires the applicant to comply with the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code) because the Project would use the Bay Friendly Basic Landscape Checklist. SCA GHG-3 requires the applicant to comply with the California Green Building Standards (CALGreen) mandatory measures, including submitting documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. SCA TRA-4 requires that a TDM program be developed and implemented for individual projects generating 50 or more a.m. or p.m. peak trips to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle and walk modes for trips to and from, as well as within the Project Area. SCA UTIL-6 would reduce potential impact to water quality standards or waste discharge requirements to less than significant.

(21) Impact GHG-2 finds that the proposed Project would not conflict with an applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions. Implementation of SCA AIR-1, SCA GHG-1 GHG-2, SCA TRA-4 and UTIL-6 would reduce this to less than significant. SCA AIR-1 includes the Bay Area Air Quality Management District’s (“BAAQMD”) BMPs for fugitive dust control and would be required for all construction activities associated with the Project. SCA GHG-1 requires that the project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan during both construction and operation. Ongoing monitoring and reporting is also required. SCA GHG-2 requires the applicant to comply with the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code) for projects using the Bay Friendly Basic Landscape Checklist. SCA GHG-3 requires the applicant to comply with the California Green Building Standards (CALGreen) mandatory measures, including submitting documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. SCA TRA-4 requires that a TDM program be developed and implemented for individual projects generating 50 or more a.m. or p.m. peak trips to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle and walk modes for trips to and from, as well as within the Project Area. SCA UTIL-6 would reduce potential impact to water quality standards or waste discharge requirements to less than significant.

(22) Impact HAZ-1 finds that the Project would include the routine transport, use and disposal of hazardous materials during construction and operation, but would not create a significant hazard to the public or the environment. Impacts would occur if construction-related activities were to result in hazards or the release of hazardous materials and could be considered potentially significant. Implementation of SCA HAZ-1, SCA HAZ-2, SCA HAZ-3, and SCA HAZ-4 reduce impacts related to the routine transport, use or disposal of hazardous materials during operation to less than significant. SCA HAZ-1 requires the Project applicant to ensure that BMPs are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. SCA HAZ-2 requires the Project applicant to submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. Further, the Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan. The project applicant shall also ensure that BMPs are implemented by the contractor during construction to minimize potential soil and groundwater hazards. SCA HAZ-3 requires the project applicant to submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. SCA HAZ-4 requires the project applicant to submit a Fire Safety Phasing Plan for City review and approval, and shall implement the approved Plan. The Fire Safety Phasing Plan shall include all of the fire safety features incorporated into each phase of the project and the schedule for implementation of the features.

(23) Impact HAZ-2 finds that the Project would not create a significant hazard to the public or environment through an upset or accident involving the release of hazardous materials. Implementation of SCA HAZ-1, SCA HAZ-2, and SCA HAZ-4 reduce potential impact of a release of hazardous materials to less than significant. SCA HAZ-1 requires the Project applicant to ensure that BMPs are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. SCA HAZ-2 requires the Project applicant to submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. Further, the Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan. The project applicant shall also ensure that BMPs are implemented by the contractor during construction to minimize potential soil and groundwater hazards. SCA HAZ-4 requires the project applicant to submit a Fire Safety Phasing Plan for City review and approval, and shall implement the approved Plan. The Fire Safety Phasing Plan shall include all of the fire safety features incorporated into each phase of the project and the schedule for implementation of the features.

(24) Impact HAZ-3 finds that the Project would not result in the new storage or use of acutely hazardous materials near sensitive receptors, and would not as a result create a significant hazard to the public. The proposed Project includes construction of residential facilities which will house residents considered sensitive receptors. The proposed

residential, commercial retail, and recreational uses of the Project would not handle or emit significant quantities of hazardous materials. Implementation of SCA HAZ-1 and SCA HAZ-3 would reduce potential impacts to less than significant. SCA HAZ-1 requires the Project applicant to ensure that BMPs are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. SCA HAZ-3 requires the project applicant to submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required.

(25) Impact HAZ-4 finds that the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. There are five schools located within one-quarter mile of the Project site. The land uses proposed with the Project include residential, commercial retail, and recreational uses, which would not generally involve handling or emit large quantities of hazardous materials to pose substantial risk. Implementation of SCA HAZ-1, SCA HAZ-2, and SCA HAZ-3 would reduce potential impacts to less than significant. SCA HAZ-1 requires the Project applicant to ensure that BMPs are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. SCA HAZ-2 requires the Project applicant to submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. Further, the Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan. SCA HAZ-3 requires the project applicant to submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required.

(26) Impact HAZ-5 finds that the Project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could, but would not result in a safety hazard to the public or environment. The Project site is listed in DTSC's EnviroStor database as being subject to a voluntary cleanup under the CLRRA program, and in the SWRCB's GeoTracker database as a closed site, meaning that it has been cleaned up to the satisfaction of the Regional Water Quality Control Board for the San Francisco Bay Region. Implementation of SCAs HAZ-1 and HAZ-2, and SCA Implementation Measures HAZ- 2.1 through HAZ-2.4 reduces the potential impact to less than significant. SCA HAZ-1 requires the Project applicant to ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. SCA HAZ-2 requires the Project applicant to submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. Further, the Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan.

To further implement SCA HAZ-4, SCA Implementation Measure HAZ-2.1 requires, prior to issuance of demolition, grading, or building permits, the Project applicant to submit the results of any CLRRA site assessment work required by DTSC. The Fire Prevention Bureau's Hazardous Materials Division shall review and provide a determination on the completeness of the reports for the City's purposes. To further implement SCA HAZ-2, SCA Implementation Measure HAZ-2.2 requires that if DTSC determines that remediation pursuant to the California Land Reuse and Revitalization Act ("CLRRA") response plan is required, the Project applicant must follow specific protocol to ensure soil and groundwater contamination remediation is handled and disposed of safely. To further implement SCA HAZ-2, SCA Implementation Measure HAZ-2.3 requires, pursuant to the Soils Management Plan required in SCA Implementation Measure HAZ-2.2b, the contractor to cease any earthwork activities upon discovery of any suspect soils (e.g., petroleum odor and/or discoloration) during construction. The contractor shall notify DTSC and retain a qualified environmental firm to collect soil samples to confirm the level of contamination that may be present. If contamination is found to be present, any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a licensed professional. The contractor shall follow all procedural direction given by DTSC to ensure that suspect soils are isolated, protected from runoff, and disposed of in accordance with transportation laws and the requirements of the licensed receiving facility. To further implement SCA HAZ-2, SCA Implementation Measure HAZ-2.4 requires that if the assessment required by DTSC under CLRRA finds presence of lead-based paint at levels not suitable for residential use in proposed residential areas or for commercial use in other areas, the Project applicant shall develop and implement a lead-based paint response plan under CLRRA.

(27) Impact HAZ-8 finds that the Project would not 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. The Project site is located within a fire threatened community according to the Association of Bay Area Governments ("ABAG"), which compiles information from the California Department of Forestry ("CDF"). The Project does not propose the addition of wildlands to the community. The Project would involve the removal and replacement of existing trees and vegetation, much of which is overgrown and creating potential fire fuel. Further, implementation of SCA HAZ-4, SCA HAZ-5, and SCA Implementation Measure HAZ-4.1 reduce the impact to less than significant. SCA HAZ-4 requires the project applicant to submit a Fire Safety Phasing Plan for City review and approval, and shall implement the approved Plan. The Fire Safety Phasing Plan shall include all of the fire safety features incorporated into each phase of the project and the schedule for implementation of the features. SCA HAZ 5 requires the Project applicant to submit a Vegetation Management Plan for City review and approval, and shall implement the approved Plan prior to, during, and after construction of the project. The Vegetation Management Plan may be combined with the Landscape Plan otherwise required by the Conditions of Approval. To further implement SCA HAZ-4, SCA Implementation Measure HAZ-4.1 requires the Project applicant and construction contractor to ensure that during Project construction, all construction vehicles and equipment will be fitted with spark arrestors to minimize accidental ignition of dry construction debris and surrounding dry vegetation.

(28) Impact HAZ-9 finds that the Project would not have a considerable contribution to any cumulative impacts related to hazards and hazardous materials, considering the combined effect of the Project, and past, present, approved, pending, and reasonably foreseeable future projects in the area and citywide. As described in subsections VIII (23)(J)(20)-(26), the Project will implement the following measures to reduce impacts to less than significant: SCA HAZ-1 (Hazardous Materials Related to Construction); SCA HAZ-2 (Site Contamination); SCA Implementation Measure HAZ-2.1 (to further implement SCA HAZ-2); SCA Implementation Measure HAZ-2.2 (to further implement SCA HAZ-2); SCA Implementation Measure HAZ-2.3 (to further implement SCA HAZ-2); SCA Implementation Measure HAZ-2.4 (to further implement SCA HAZ-2); SCA HYD-2 (State Construction General Permit); SCA HAZ-3 (Hazardous Materials Business Plan); SCA HAZ-4 (Fire Safety Phasing Plan); SCA Implementation Measure HAZ-4.1 (to further implement SCA HAZ-4); and SCA HAZ-5 (Wildfire Prevention Area – Vegetation Management).

(29) Impact HYD-1 finds that runoff from the proposed Project would be different from existing conditions; however, the Project would not violate any water quality standards or waste discharge requirements. However, construction of the proposed Project would involve excavation, soil stockpiling, boring, and extensive grading that would dislodge soil particles and therefore potentially cause soil erosion, which if not properly managed, could be washed into waterways by rain or by water used during construction. Further, the Project construction would also involve use of motorized heavy equipment that requires fuel, lubricating grease, and other fluids. Accidental chemical release or spill from a vehicle or equipment could affect surface water and groundwater quality. Implementation of SCA HYD-1, SCA HYD 2 through HYD-7, SCA BIO-3, SCA BIO-4, SCA HAZ-1, SCA HAZ-2, and SCA UTIL-6 reduce potential impact to water quality standards or waste discharge requirements to less than significant.

SCA HYD-1 requires the Project applicant to submit an Erosion and Sedimentation Control Plan that includes all the measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. SCA HYD-2 requires the project applicant to comply with the requirements of the Construction General Permit issued by SWRCB. SCA HYD-3 requires the Project applicant to submit and implement a Drainage Plan that includes measures to reduce the volume and velocity of post-construction stormwater runoff, and ensures no increase in runoff to offsite areas. The City's SCA HYD-4, SCA HYD-5, and SCA HYD-6 follow the drainage control requirements of the RWQCB regional MS4 NPDES permit requirements known as provision C.3, which requires development and redevelopment projects to include specific site design features. SCA HYD-4 aligns directly with the aforementioned C.3 provisions to incorporate site design measures (such as use of permeable pavers, clustering structures, preserving quality open space, etc.) into the Project to reduce the amount of stormwater runoff. SCA HYD-5 ensures source control measures consistent with the C.3 provisions to limit pollution in stormwater runoff, for example minimizing pesticides and fertilizers use in the Project. SCA HYD-6 ensures compliance with the C.3 provisions specific for post-construction measures to address the flow and quality of runoff from the Project. SCA HYD-7 specifically reduces the potential water quality effects that could occur with the use of architectural copper during and after construction. SCA UTIL-6 (Water Efficient Landscapes [WELO]) will require that the Project's stormwater retention and

water conservation features are incorporated into landscaping. Further, adherence to SCA HAZ-1 and SCA HAZ-2 include post-construction measures, including which include BMPs to minimize potential negative effects on groundwater, soils and minimize potential soil and groundwater hazards during construction and submittal of a Phase I Environmental Site Assessment report, and potentially a Phase II Environmental Site Assessment report for review and approval by the City. Project compliance with RWQCB and City SCA BIO-3 will prevent water quality impacts associated with construction dewatering activities. SCA BIO-4 requires implementation of a water control plan detailing methods to be used by the contractor will be prepared following guidelines published by the US Fish and Wildlife Service and incorporating specific requirements of resource agency permits for the project.

(30) Impact HYD-2 finds that the Project would not substantially deplete groundwater supplies or interfere with groundwater recharge. The Project proposes development largely within the existing impervious areas, thus the change in the amount of recharge would be relatively small and with implementation of LID storm drainage features that encourage onsite infiltration, possibly negligible. Implementation of SCA BIO-4 would prevent potential adverse effects involving groundwater depletion and would reduce this impact to less than significant. SCA BIO-4 requires implementation of a water control plan detailing methods to be used by the contractor will be prepared following guidelines published by the US Fish and Wildlife Service and incorporating specific requirements of resource agency permits for the project.

(31) Impact HYD-3 finds that the Project would not result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters. Aspects of the proposed Project that would alter existing drainage patterns on the site would not substantially do so. Further, overall site grading will not substantially change drainage patterns, which will continue to flow to the creek and its tributaries at rates and volumes similar to existing. Implementation of SCA HYD-1 through SCA HYD-6, and SCA HYD-8 would reduce the impact to less than significant.

SCA HYD-1 requires the Project applicant to submit an Erosion and Sedimentation Control Plan that includes all the measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. SCA HYD-2 requires the Project applicant to comply with the requirements of the Construction General Permit issued by SWRCB. The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (“SWPPP”), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City. SCA HYD-3 requires the Project applicant to submit and implement a Drainage Plan that includes measures to reduce the volume and velocity of post-construction stormwater runoff, and ensures no increase in runoff to offsite areas. SCA HYD-4, SCA HYD-5, and SCA HYD-6 follow the drainage control requirements of the RWQCB regional MS4 NPDES permit requirements known as, “provision C.3,” which requires development and redevelopment projects to include specific site design features. SCA HYD-4 aligns directly with the aforementioned C.3 provisions to incorporate site design measures (such as use of permeable pavers, clustering structures, preserving quality open space, etc.) into the Project to reduce the amount of stormwater runoff. SCA HYD-5 ensures source control measures consistent with the

C.3 provisions to limit pollution in stormwater runoff, for example minimizing pesticides and fertilizers use in the Project. SCA HYD-6 ensures compliance with the C.3 provisions specific for post-construction measures by addressing the flow and quality of runoff from the Project. SCA HYD-8 requires the Project applicant to comply with the stipulated requirements when managing vegetation prior to, during, and after construction of the project.

(32) Impact HYD-4 finds that the Project would not result in substantial flooding on- or off-site. The Project would redevelop the site and update the existing drainage infrastructure which will incorporate low impact development features such as disconnected impervious surfaces or impervious areas separated by pervious areas, down spouts draining to pervious or landscaped areas, permeable pavement or pavers, rain gardens, tree wells and treatment facilities such as grass swales and bio-treatment basins all of which promote infiltration, retention and attenuation of runoff. These features reduce the potential for flooding onsite. Further, implementation of SCA HYD-3 through SCA HYD-6 and SCA BIO-3 would reduce the impact to less than significant.

SCA HYD-3 requires the Project applicant to submit and implement a Drainage Plan that includes measures to reduce the volume and velocity of post- construction stormwater runoff, and ensures no increase in runoff to offsite areas. SCA HYD-4, SCA HYD-5, and SCA HYD-6 follow the drainage control requirements of the RWQCB regional MS4 NPDES permit requirements known as, “provision C.3,” which requires development and redevelopment projects to include specific site design features. SCA HYD-4 aligns directly with the aforementioned C.3 provisions to incorporate site design measures (such as use of permeable pavers, clustering structures, preserving quality open space, etc.) into the Project to reduce the amount of stormwater runoff. SCA HYD-5 ensures source control measures consistent with the C.3 provisions to limit pollution in stormwater runoff, for example minimizing pesticides and fertilizers use in the Project. SCA HYD-6 ensures compliance with the C.3 provisions specific for post-construction measures by addressing the flow and quality of runoff from the Project. SCA BIO-3 requires the project applicant to submit a Creek Protection Plan to be implemented during and after construction for review and approval by the City, which must incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during and after construction. SCA BIO-3 also requires the project applicant to include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City prior to approval of a construction-related permit.

(33) Impact HYD-5 finds that the Project would not create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems or would be an additional source of polluted runoff. The proposed Project would likely result in (1) only slightly increased impervious surface areas (40 to 41 percent), (2) reduced peak stormwater runoff with implementation of the proposed Preliminary Storm Drainage Master Plan, (3) increased flood carrying capacity with implementation of the Creek Restoration Plan; and (4) implementation of design and source control BMPs consistent with the C.3 provision of the NPDES permit that would reduce potential pollutant flows into the stormwater drainage system. Implementation of SCA HYD-3 through SCA HYD-6 would reduce the impact to less than significant.



SCA HYD-3 requires the Project applicant to submit and implement a Drainage Plan that includes measures to reduce the volume and velocity of post- construction stormwater runoff, and ensures no increase in runoff to offsite areas. SCA HYD-4, SCA HYD-5, and SCA HYD-6 follow the drainage control requirements of the RWQCB regional MS4 NPDES permit requirements known as, “provision C.3,” which requires development and redevelopment projects to include specific site design features. SCA HYD-4 aligns directly with the aforementioned C.3 provisions to incorporate site design measures (such as use of permeable pavers, clustering structures, preserving quality open space, etc.) into the Project to reduce the amount of stormwater runoff. SCA HYD-5 ensures source control measures consistent with the C.3 provisions to limit pollution in stormwater runoff, for example minimizing pesticides and fertilizers use in the Project. SCA HYD-6 ensures compliance with the C.3 provisions specific for post-construction measures by addressing the flow and quality of runoff from the Project.

(34) Impact HYD-6 finds that the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or offsite. The proposed Project would result in involving alterations to the existing drainage pattern and flows, as well as alterations to Rifle Range, Powerhouse and Hospital Creeks, that would not adversely affect flows, would not result in substantial erosion/siltation and would not result in potential flooding. Implementation of SCA HYD-1 through SCA HYD-7, SCA BIO-3, and SCA BIO-4 would reduce the impact to less than significant.

SCA HYD-1 requires the Project applicant to submit an Erosion and Sedimentation Control Plan to the City for review and approval, and implement the Erosion and Sedimentation Control Plan during construction. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. SCA HYD-2 requires the project applicant to comply with the requirements of the Construction General Permit issued by SWRCB. SCA HYD-3 requires the Project applicant to submit and implement a Drainage Plan that includes measures to reduce the volume and velocity of post- construction stormwater runoff, and ensures no increase in runoff to offsite areas. SCA HYD-4, SCA HYD-5, and SCA HYD-6 follow the drainage control requirements of the RWQCB regional MS4 NPDES permit requirements known as, “provision C.3,” which requires development and redevelopment projects to include specific site design features. SCA HYD-4 (Site Design Measures to Reduce Stormwater Runoff) aligns directly with the aforementioned C.3 provisions to incorporate site design measures (such as use of permeable pavers, clustering structures, preserving quality open space, etc.) into the Project to reduce the amount of stormwater runoff. SCA HYD-5 (Source Control Measures to Limit Stormwater Pollution) ensures source control measures consistent with the C.3 provisions to limit pollution in stormwater runoff, for example minimizing pesticides and fertilizers use in the Project. SCA HYD-6 (NPDES C.3 Stormwater Requirements for Regulated Projects) ensures compliance with the C.3 provisions specific for post-construction measures by addressing the flow and quality of runoff from the Project. SCA HYD-7 specifically reduces the potential water quality effects that could occur with the use of architectural copper during and after construction. Further, Project compliance with RWQCB and City SCA BIO-3 will prevent water quality impacts associated with construction dewatering

activities. SCA BIO-4 (Creek Dewatering/Diversion) requires implementation of a water control plan detailing methods to be used by the contractor will be prepared following guidelines published by the US Fish and Wildlife Service and incorporating specific requirements of resource agency permits for the project.

(35) Impact HYD-7 finds that the Project would not fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. The Project is required to apply for and obtain a Category 4 Creek Protection Permit pursuant to the Creek Protection Ordinance (City of Oakland, O.M.C, Chapter. 13.16) because the Project would involve work within 100 feet of the centerline of Rifle Range Creek. Noncompliance with the Creek Protection Ordinance by the Project could result in a potentially significant impact. Implementation of SCA BIO-3 would reduce the impact to less than significant. SCA BIO-3 requires the project applicant to submit a Creek Protection Plan to be implemented during and after construction for review and approval by the City, which must incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during and after construction. SCA BIO-3 also requires the project applicant to include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City prior to approval of a construction-related permit.

(36) Impact HYD-8 finds that the Project would not have a considerable contribution to any cumulative impacts related to hydrology and water quality, considering the combined effect of the Project and past, present, approved, pending, and reasonably foreseeable future projects in the relevant geographic area. As described in subsections VIII (23)(J)(27)-(33), the Project will implement the following measures to reduce impacts to less than significant: SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction); SCA HYD-2 (State Construction General Permit); SCA HYD-3 (Drainage Plan for Post-Construction Stormwater Runoff on Hillside Properties); SCA HYD-4 (Site Design Measures to Reduce Stormwater Runoff); SCA HYD-5 (Source Control Measures to Limit Stormwater Pollution); SCA HYD-6 (NPDES C.3 Stormwater Requirements for Regulated Projects); SCA HYD-7 (Architectural Copper); SCA HYD-8 (Vegetation Management on Creekside Properties); SCA BIO-3 (Creek Protection Plan); SCA BIO-4 (Dewatering/Diversion); SCA HAZ-1 (Hazardous Materials Related to Construction); SCA HAZ-2 (Site Contamination); SCA UTIL-6: Water Efficient Landscapes (WELO).

(37) Impact NOI-1 finds that construction of the proposed Project would not result in substantial temporary or periodic increases in ambient noise or vibration levels in the Area above existing levels or in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Construction-related activities would temporarily increase ambient noise levels within and around the Project site Area over the duration of construction. Implementation of SCA NOI-1 through SCA NOI-5, SCA NOI-8, and SCA NOI-9 would reduce the impact to less than significant.

SCA NOI-1 regulates the permissible hours of construction. SCA NOI-2 requires the Project applicant during construction to implement noise reduction measures to reduce noise impacts due to construction. SCA NOI-3 requires the Project applicant, prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), to submit and implement a Construction Noise Management

Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The Project applicant must also notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. SCA NOI-4 also requires the Project applicant to submit and implement a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. SCA NOI-5 requires the Project applicant to submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. SCA NOI-8 requires the Project applicant to submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. SCA NOI-9 requires the Project applicant to submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could substantially interfere with activities located at the Project site and/or the historic Club Knoll building. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

(38) Impact NOI-2 finds that the Project would not increase operational noise levels in the project vicinity to levels in excess of standards established in the Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise. Development of the proposed Project would generate some noise from heating, ventilating, and air conditioning mechanical equipment. Implementation of SCA NOI-7 would reduce the impact to less than significant. SCA NOI-7 requires that noise levels from the Project site after completion of the Project (i.e., during Project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code.

(39) Impact NOI-3 finds that the proposed Project would not propose land uses in conflict with the land use compatibility guidelines of the Oakland General Plan. The Project proposes retail, commercial retail and parks/open space uses, all of which would be developed in areas where they would be consistent with the General Plan's noise compatibility guidelines. Implementation of SCA NOI-6 will ensure the impact is less than significant. SCA NOI-6 requires the Project applicant to submit and implement a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan.

(40) Impact NOI-4 finds that the Project would not expose persons to interior Ldn or CNEL greater than 45 dBA for residential dwellings to noise levels in excess of standards established in the Oakland Noise Ordinance and Planning Code or the California Noise Insulation Standards. As discussed in Impact NOI-3, portions of the Project site

exhibit noise levels considered normally unacceptable for residential uses. Implementation of SCA NOI-6 would reduce the impact to less than significant, by ensuring that appropriate sound-rated assemblies, and/or other features/measures would be implemented to meet interior noise levels requirements. SCA NOI-6 requires a noise reduction plan be prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan.

(41) Impact NOI-6 finds that the traffic generated by the proposed Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, would not substantially increase ambient noise levels in the Project Area; and construction and operational noise levels from the Project combined with noise levels from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise, but to less than significant levels. When considered alone, development of the proposed Project would generate noise mainly by adding more traffic to the area. Other anticipated projects would contribute to noise in the area due to increased traffic volumes. Implementation of SCA NOI-1 through SCA-NOI-9 would reduce the impact to less than significant.

SCA NOI-1 regulates the permissible hours of construction. SCA NOI-2 requires the Project applicant during construction to implement noise reduction measures to reduce noise impacts due to construction. SCA NOI-3 requires the Project applicant, prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), to submit and implement a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The Project applicant must also notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. SCA NOI-4 also requires the Project applicant to submit and implement a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. SCA NOI-5 requires the Project applicant to submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. SCA NOI-6 requires a noise reduction plan be prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. SCA NOI-7 requires that noise levels from the Project site after completion of the Project (i.e., during Project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. SCA NOI-8 requires the Project applicant to submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. SCA NOI-9 requires the Project applicant to submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other

appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could substantially interfere with activities located at the Project site and/or the historic Club Knoll building. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

(42) Impact NOI-7 finds that the Project would not have stationary noise sources (such as rooftop mechanical equipment and back-up generators) that, in combination with traffic generated by the proposed Project; and from past, present, existing, approved, pending and reasonably foreseeable future projects would result in a significant cumulative impact. The proposed Project would generate some noise from heating, ventilating, and air conditioning mechanical equipment. Implementation of SCA NOI-6 and SCA NOI-7 would reduce the impact to less than significant. SCA NOI-6 requires a noise reduction plan be prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. SCA NOI-7 requires that noise levels from the Project site after completion of the Project (i.e., during Project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code.

(43) Impact PSR-1 finds that the Project would result in an increase in demand for fire protection and emergency medical response services that would not require new or physically altered fire protection facilities in order to maintain acceptable performance objectives. The new development and population attributed to the proposed Project would be expected to result in an incremental increase in the number of emergency medical calls at the Project site based on the addition of 935 residential units and approximately 2,236 people, or 0.4 percent of the OFD's total 2040 residential service population in Oakland. The impact would be reduced to less than significant through implementation of SCA PSR-1, SCA HAZ-4, and SCA HAZ-5. SCA PSR-1 requires all appropriate building and fire code requirements would be incorporated into Project construction, and the Oakland Fire Department would review the Project for adequate on-site access, emergency access routes to the Project site as well as to the parcels not part of the Project (the Sea West Credit Union and the Seneca School administrative offices), vegetation management, and any necessary special on-site equipment to assist firefighters. SCA HAZ-4 requires the project applicant to submit a Fire Safety Phasing Plan for City review and approval, and shall implement the approved Plan. The Fire Safety Phasing Plan shall include all of the fire safety features incorporated into each phase of the project and the schedule for implementation of the features. SCA HAZ 5 requires the Project applicant to submit a Vegetation Management Plan for City review and approval, and shall implement the approved Plan prior to, during, and after construction of the project. The Vegetation Management Plan may be combined with the Landscape Plan otherwise required by the Conditions of Approval.

(44) Impact PSR-2 finds that the Project would not result in an increase in demand for police services that would not require new or physically altered police facilities in order to maintain acceptable performance objectives. While the proposed Project would result in increased demand for police officer staff, however, the demand would not result in

the need for additional police facilities, because the existing police department facilities have sufficient space to accommodate additional administrative staff and patrol units over time. The proposed Project would generate approximately 2,236 people – an increase that would not change the current officer to resident ratio of 1.8 per 1,000 residents citywide. (The City recommends that the Project sponsor seek focused OPD review to reduce potential police service demand from the Project, as described in new Recommendation PSR-1. Recommendation PSR-1 suggests as part of the City’s standard development review process, the Project sponsor should submit the Project plans for Crime Prevention through Environmental Design (“CPTED”) review by the Oakland Police Department and Bureau of Planning staff. The Project should consider design features included on the City’s CPTED Checklists for residential, commercial, and civic uses. The Project sponsor shall incorporate the Police Department’s recommendations into the final Project design and shall implement the design measures. CPTED review and recommendations may address points of access to the Project site or adjacent parcels, adequate public lighting, landscaping and buffering that provides visual access, particularly in parks, open spaces, and pedestrian and bicycle facilities, etc.)

(45) Impact PSR-5 finds that the Project would include new recreational facilities; however, the construction and long-term use of these facilities would not have an adverse physical effect on the environment. To the extent that the construction of new recreational facilities would potentially result in significant adverse environmental effects, these effects are less than significant with incorporation of the following SCA regarding potential adverse construction effects to air quality; biological resources; cultural resources, geology and soils; hydrology and water quality; noise, and transportation: SCA AIR-1 (Construction-Related Air Pollution Controls, Dust and Equipment Emissions), SCA BIO-1 (Tree Removal During Bird Breeding Season), SCA BIO-3 (Creek Protection Plan), SCA BIO-4 (Creek Dewatering/Diversion), SCA CUL-2 (Archaeological and Paleontological Resources – Discovery During Construction), SCA CUL-3 (Archaeologically Sensitive Areas – Pre-Construction Measures; Provision B: Construction ALERT Sheet), SCA GEO-3 (Construction-Related Permit(s)), SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction), SCA HYD-2 (State Construction General Permit), SCA NOI-1 (Construction Days/Hours), SCA NOI-2 (Construction Noise), SCA NOI-4 (Project-Specific Construction Noise Reduction Measures), SCA NOI-5 (Construction Noise Complaint Procedures), PSR-1 (Compliance with Other Requirements), and SCA TRA-1 (Construction Activity in the Public Right-of-Way).

(46) Impact PSR-6 finds that the Project, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects within and around the Project area, would not result in an adverse cumulative increase in demand for public services or recreational facilities. As described in subsections VIII (23)(J)(41)-(43), the Project will implement the following SCA to reduce impacts to public services to less than significant: SCA AIR-1 (Construction-Related Air Pollution Controls (Dust and Equipment Emissions)); SCA BIO-1 (Tree Removal during Breeding Bird Season); SCA BIO-3 (Creek Protection Plan); SCA BIO-4 (Dewatering/Diversion); SCA CUL-2 (Archaeological and Paleontological Resources – Discovery During Construction); SCA CUL-3 (Archaeologically Sensitive Areas – Pre-Construction Measures; Provision B: Construction ALERT Sheet); SCA GEO-3 (Construction-Related Permit(s)); SCA HAZ-4 (Fire Safety Plan); SCA HAZ-5 (Wildfire Prevention Area – Vegetation Management); SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction); SCA HYD-2 (State Construction General Permit); SCA NOI-1

(Construction Days/Hours); SCA NOI-2 (Construction Noise); SCA NOI-3 (Extreme Construction Noise); SCA NOI-4 (Project-Specific Construction Noise Reduction Measures); SCA NOI-5 (Construction Noise Complaints); SCA PSR-1 (Compliance with Other Requirements); and SCA TRA-1 (Construction Activity in the Public Right-of-Way).

(47) Impact UTIL-1 find that the sanitary wastewater generated by construction and operation of the proposed Project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board nor result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve the Project's projected demand. The Project will involve construction of a new sanitary sewer collection and conveyance system onsite, which replaces the existing Navy sanitary sewer system. Further, SCA UTIL-4 will be incorporated into the Project to ensure adequate service design and capacity of the collection system for the Project, as well as to specify and implement mechanisms to control or minimize increases in infiltration/inflow associated with the proposed Project.

(48) Impact UTIL-2 finds that construction and operation of the proposed Project would result in construction of new storm water drainage facilities or expansion of existing facilities, but the construction of which would not cause significant environmental effects. According to BKF Engineers, while there is no evidence of large-scale pipe or inlet failure onsite (such as creek bank failure), deterioration of the existing system may have occurred due to lack of maintenance since approximately 1996 (upon closure of the NMCO). This change in circumstances is not considered substantial and has not resulted in a new significant impact related to the need for new facilities, the construction of which would cause significant impacts not previously identified. Implementation of SCA UTIL-5, in part, will reduce the impact to less than significant. SCA UTIL-5 requires that the project storm drainage system be designed in accordance with the City's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre- project condition.

To the extent that the construction activities required for the Project's stormwater drainage system, including improvement to Rifle Range Creek, would potentially result in significant adverse environmental effects, these effects are less than significant with incorporation of SCA regarding potential adverse construction effects to air quality; biological resources; cultural resources, geology and soils; hydrology and water quality; noise, and transportation identified throughout this document, which include: SCA AIR-1 (Construction-Related Air Pollution Controls, Dust and Equipment Emissions), SCA BIO-1 (Tree Removal During Bird Breeding Season), SCA BIO-3 (Creek Protection Plan), SCA BIO-4 (Creek Dewatering/Diversion), SCA CUL-2 (Archaeological and Paleontological Resources – Discovery During Construction), SCA CUL-3 (Archaeologically Sensitive Areas – Pre-Construction Measures; Provision B: Construction ALERT Sheet), SCA GEO-3 (Construction-Related Permit(s)), SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction), SCA HYD-2 (State Construction General Permit), SCA NOI-1 (Construction Days/Hours), SCA NOI-2 (Construction Noise), SCA NOI-4 (Project-Specific Construction Noise Reduction Measures), SCA NOI-5 (Construction Noise Complaint Procedures), and SCA TRA-1 (Construction Activity in the Public Right-of- Way). Taken together, the impact regarding the effects of constructing the proposed stormwater drainage system would be less than significant.

(49) Impact UTIL-3 finds that the water demand generated by the proposed Project would not exceed water supplies available to serve the Project from existing entitlements and resources, but would result in construction of water facilities and expansion of existing facilities, construction of which would not cause significant environmental effects. Implementation of SCA UTIL-6 and SCA GHG-2 will reduce the impact to less than significant. SCA UTIL-6 requires that the Project's stormwater retention and water conservation features are incorporated into landscaping and comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. SCA GHG-2 requires the Project applicant to comply with the requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code), which includes water conservation measures such as the use of low flow toilets and faucets, and showerheads and water meters for landscaping, which reduces energy demand associated with these activities. SCA GHG-3 requires the applicant to comply with the California Green Building Standards (CALGreen) mandatory measures, including submitting documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.

As discussed in Impact UTIL-1 regarding the potential construction-period impacts associated with constructing the new water facilities for the Project, several SCAs would apply and address potentially potential adverse construction effects with construction of new water infrastructure, including: SCA AIR-1 (Construction-Related Air Pollution Controls, Dust and Equipment Emissions), SCA BIO-1 (Tree Removal During Bird Breeding Season), SCA BIO-3 (Creek Protection Plan), SCA BIO-4 (Creek Dewatering/Diversion), SCA CUL-2 (Archaeological and Paleontological Resources – Discovery During Construction), SCA CUL-3 (Archaeologically Sensitive Areas – Pre-Construction Measures; Provision B: Construction ALERT Sheet), SCA GEO-3 (Construction-Related Permit(s)), SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction), SCA HYD-2 (State Construction General Permit), SCA NOI-1 (Construction Days/Hours), SCA NOI-2 (Construction Noise), SCA NOI-4 (Project-Specific Construction Noise Reduction Measures), SCA NOI-5 (Construction Noise Complaint Procedures), and SCA TRA-1 (Construction Activity in the Public Right-of-Way). Taken together, the impact regarding the effects of constructing the proposed new water facilities would be less than significant.

(50) Impact UTIL-4 finds that the Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and would not require the construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects nor would it violate applicable federal, state, and local statutes and regulations related to solid waste. Implementation of SCA UTIL-1 and SCA UTIL-3 reduce the impact to less than significant. SCA UTIL-1 requires the Project applicant to comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. SCA UTIL-3 requires the Project applicant to comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code) regarding recycling collection and storage areas.

(51) Impact UTIL-5 finds that the Project would not violate applicable federal, state and local statutes and regulations relating to energy standards nor would



it result in a determination by the energy provider that it would not have adequate capacity to serve the Project's projected demand. SCA GHG-1 requires the Project applicant develop a Greenhouse Gas Reduction Plan (GGRP) to increase energy efficiency and reduce GHG emissions. SCA GHG-2 requires the Project applicant to comply with the requirements of the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code), which includes water conservation measures such as the use of low flow toilets and faucets, and showerheads and water meters for landscaping, which reduces energy demand associated with these activities. SCA GHG-3 requires the applicant to comply with the California Green Building Standards (CALGreen) mandatory measures, including submitting documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.

(52) Impact UTIL-6 finds that the Project would not have a considerable contribution to any cumulative impacts related to utilities and service systems, considering the combined effect of the Project, and past, present, approved, pending, and reasonably foreseeable future projects in the area and citywide. As described above, the Project will implement the following measures to reduce utility impacts to less than significant: SCA AIR-1 (Construction-Related Air Pollution Controls (Dust and Equipment Emissions)); SCA BIO-1: (Tree Removal During Bird Breeding Season); SCA BIO-3 (Creek Protection Plan); SCA BIO-4 (Dewatering/Diversion); SCA CUL-2 (Archaeological and Paleontological Resources – Discovery During Construction); SCA CUL-3 (Archaeologically Sensitive Areas – Pre-Construction Measures); SCA GEO-3 (Construction-Related Permit(s)); SCA GHG-1 (Greenhouse Gas (GHG) Reduction Plan); SCA GHG-2 (Green Building Requirements – Bay Friendly Landscape); SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction); SCA HYD-2 (State Construction General Permit); SCA GHG-3 requires the applicant to comply with the California Green Building Standards (CALGreen) mandatory measures, including submitting documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards; SCA NOI-1 (Construction Days/Hours); SCA NOI-2 (Construction Noise) SCA NOI-4 (Project Specific Noise Reduction Measures); SCA NOI-5 (Construction Noise Complaints); SCA TRA-1 (Construction Activity in the Public Right-of-Way); and SCA UTIL-1 (Construction and Demolition Waste Reduction and Recycling). Taken together, the impact regarding a considerable contribution to any cumulative impacts related to utilities and service systems, considering the combined effect of the Project, and past, present, approved, pending, and reasonably foreseeable future projects would be less than significant.

(53) Impact ENER-1 finds that construction and operation of the proposed Project would not result in the wasteful, inefficient or unnecessary use of energy resources. Since all proposed residences and commercial buildings would be designed and built in accordance with the most current California Building Energy Efficiency Standards pursuant to SCA GHG-2, the energy intensity associated with the new homes and businesses would be much lower than the intensity associated with the City's existing housing and commercial building stock. Further, implementation of SCA AIR-1, SCA GHG-1, and SCA TRA-4 will reduce the impact to less than significant. SCA AIR-1 includes the BAAQMD's BMPs for fugitive dust control and would be required for all construction activities associated with the Project. In addition, SCA AIR-1 requires all construction equipment, diesel trucks, and generators to be equipped with Best Available Control Technology for emission reductions of NOx and PM. SCA

GHG-1 requires the Project applicant develop a Greenhouse Gas Reduction Plan (GGRP) to increase energy efficiency and reduce GHG emissions. SCA TRA-4 requires that a TDM program be developed and implemented for individual projects generating 50 or more a.m. or p.m. peak trips to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle and walk modes for trips to and from, as well as within the Project Area.

k. Some SCA are not CEQA-related and do not correspond to potential CEQA impacts. These SCA are nevertheless listed here for convenience and to provide additional information to the City:

(1) The Project would not conflict with the City's policies, plan, or programs regarding public transit, bicycle, or pedestrian facilities. Further, implementation of SCA TRA-2 and SCA TRA-4 reduce the impact to less than significant. TRA-2 requires the inclusion of short-term and long-term bicycle parking that encourage bicycle activity. SCA TRA-4 requires implementation of a Transportation Demand Management ("TDM") program to directly encourage project residents and employees to shift from driving alone to other modes of travel.

(2) The Project might result in short-term temporary, adverse effects on the pedestrian circulation system during construction of each project phase, but these would not rise to the level of significant impact due to their temporary nature. Further, implementation of SCA TRA-1 reduces the impact to less than significant. SCA TRA-1 requires the Project applicant to obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.

(3) The Project proposes several changes to the pedestrian infrastructure within and around the site, however, the Project is not expected to result in significant impacts related to pedestrian safety. While not required to address a CEQA impact, Recommendation TRANS-1 would improve pedestrian safety within and around the project site. Recommendation TRANS-1 suggests that the Project applicant provide high-visibility crosswalks across Mountain Boulevard at Creekside Parkway, across Mountain Boulevard at Sequoyah Road, across Keller Avenue at Creekside Parkway, and at the unsignalized and uncontrolled movements at intersections within the site, consistent with City's guidelines in place at the time of final design.

(4) The Project proposes several changes to the bus stops and pedestrian connections to bus stops within and around the site. Overall, the Project is expected to improve pedestrian access to existing bus stops near the project site and is therefore not expected to result in significant impacts to bus rider safety. While not required to address a CEQA impact, Recommendation TRANS-2 and Recommendation TRANS-3 would improve access and comfort for bus riders within and around the project site. Recommendation TRANS-2 suggests that the Project applicant improve the following existing bus stops in the vicinity of the project site to provide bus shelter, bench, wayfinding information, pedestrian scale lighting and minimum 80 foot red curb: Mountain Boulevard/Creekside Parkway; Mountain Boulevard/Sequoia Road; Keller Avenue/Creekside Parkway. Recommendation TRANS-3 suggests the Project applicant provide sidewalk along southbound Mountain Boulevard to close the existing gap between the Oak Knoll Heights exit driveway and the existing bus stop at Sequoyah Road.

(5) The City's Transportation Impact Study Guidelines does not currently have an adopted methodology to estimate vehicle miles of travel (VMT) for proposed developments or an established VMT threshold. To reduce VMT, the Project must implement SCA TRA-4, which requires the Project to incorporate a TDM Program. Aspects of the TDM Program that reduce VMT include either a dedicated shuttle to transport site residents to/from the BART transit system during morning and afternoon peak hours or expansion of AC Transit service through the area that could serve the same purpose, carpool and ride-matching assistance, on-site car sharing spaces, and an on-site TDM coordinator. The Project's inclusion of a commercial area also reduces VMT associated with the Project from VMT without a commercial area.

### **SIGNIFICANT AND UNAVOIDABLE IMPACTS**

27. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the SEIR and the SCAMMRP, the City Council finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible mitigation measures, as set forth below. The City Council also finds that any alternative discussed in the SEIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given below. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

a. Impact AIR-2 finds that operation of the Project would cause a significant impact through operational average daily emissions of more than 54 pounds per day of ROG. The Project will implement the following measures to reduce air quality impacts SCA GHG-1 (Greenhouse Gas (GHG) Reduction Plan); SCA GHG-2 (Green Building Requirements – Bay Friendly Landscape) SCA GHG-3 (Green Building Requirements); and SCA TRA-4 (Transportation Demand Management Program) However, implementation of the Standard Conditions of Approval will not reduce the impacts to less than significant. Mitigation measure AIR-2.1 requires the use of low and super-compliant VOC architectural coatings in maintaining buildings through CC&Rs to help reduce ROG. Additionally, mitigation measure AIR-2.2 requires that the Project promote the use green consumer products to reduce the ROG emissions associated with the Project by providing education for residential and commercial tenants concerning green consumer products. The City finds that Mitigation Measure AIR-2 would reduce the impact, but not to a less than significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

b. The significant, unavoidable transportation impacts identified below in subsections 24(b)(1)–(11), are classified as such because Caltrans' approval is required to implement the identified mitigation measures. The City of Oakland, as lead agency, does not have jurisdiction to implement the mitigation measures associated with subsections 24(b)(1)–(11), and cannot guarantee any actions by Caltrans or the timing of those actions (even acknowledging Caltrans comment that it would be will to work with the City on these improvements). As such, even though the respective mitigation measures identified for each of these impacts would reduce the impact to less than significant, the implementation may be delayed or prevented due to actions or non-actions by Caltrans, which are beyond the City's authority to control. Therefore, the City finds that impacts as listed in subsections 24(b)(1)–(11)

are conservatively considered significant and unavoidable because the City cannot ensure their implementation. Each potential unavoidable significant impact of subsections 24(b)(1)–(11) is overridden as set forth below in the Statement of Overriding Considerations.

(1) Impact TRANS-1 finds that the traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Eastbound On-Ramp/Seminary Avenue/Kuhnle Avenue intersection by adding more than ten peak hour vehicle trips to a critical movement at an intersection that satisfies the MUTCD peak hour volume traffic signal warrant during the PM peak hour. This intersection operates at LOS E during the AM and PM peak hours, and meets the peak hour signal warrant during the PM peak hour under existing conditions. Mitigation measure TRANS-1 calls for the preparation and implementation of the following measures at the I-580 Eastbound Off-Ramp/Seminary Avenue/Kuhnle Avenue intersection: (a) signalize the intersection providing actuated operations, with split phasing on all approaches to maximize the green time within each cycle for the southbound turning movements, and (b) coordinate the signal timing at this intersection with the adjacent intersection at I-580 Westbound Off-Ramp/Mountain Boulevard/Kuhnle Avenue (intersection #3, signalization proposed as part of Mitigation Measure TRANS-2). This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. These improvements are not included in the Southeast Oakland Area Traffic Improvement Fee (TIF) Program. In the absence of any applicable Southeast Oakland TIF for this improvement, the applicant shall install the improvements.

(2) Impact TRANS-2 finds that the traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Westbound Off-Ramp/Mountain Boulevard/Kuhnle Avenue intersection by adding more than ten peak hour vehicle trips to a critical movement at this intersection, which satisfies the MUTCD peak hour volume traffic signal warrant during the PM peak hour. This intersection operates at LOS F during the AM and PM peaks, and meets the peak hour signal warrant during the PM peak hour under existing conditions. Mitigation Measure TRANS-2 calls for the implementation of the following measures at the I-580 Westbound Off-Ramp/Mountain Boulevard/Kuhnle Avenue intersection: (a) signalize intersection providing actuated operations, with split phasing on the east-west approaches (Mountain Boulevard/I-580 Westbound Off-Ramp) and permitted phasing on north-south (Kuhnle Avenue), and (b) coordinate the signal timing at this intersection with the adjacent intersection at I-580 Eastbound On-Ramp/Seminary Avenue/Kuhnle Avenue. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. The Project applicant must do some combination of the following: pay the applicable Southeast Oakland TIF fee, or install the improvements and obtain a credit against its applicable TIF obligations and/or obtain reimbursement from monies collected under the Southeast Oakland TIF program for the amount that the installation cost exceeds its TIF obligations.

(3) Impact TRANS-3 finds that the traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Eastbound Off-Ramp/Fontaine Street /Keller Avenue intersection by adding more than ten peak hour vehicle trips to a critical movement, which would meet the peak hour signal warrant during the AM and PM peak hours under Existing Plus Project conditions. Mitigation measure TRANS-3 calls for the implementation of a number of measures at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection, including: restriping the westbound Keller Avenue approach to

provide one left-turn lane and one shared through/right-turn lane; signalize the intersection providing actuated operations, with protected left-turn phasing on the westbound Keller Avenue approach; and coordinate the signal timing at this intersection with the adjacent intersection at Mountain Boulevard/Keller Avenue and I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. The Project applicant must do some combination of the following: pay the applicable Southeast Oakland TIF fee, or install the improvements and obtain a credit against its applicable TIF obligations and/or obtain reimbursement from monies collected under the Southeast Oakland TIF program for the amount that the installation cost exceeds its TIF obligations.

(4) Impact TRANS-5 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue intersection by adding more than ten peak hour vehicle trips to a critical movement, which would meet the peak hour signal warrant during the AM and PM peak hours under Existing Plus Project conditions. Mitigation measure TRANS-5 requires that a number of measures be implemented at the I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue intersection, including: restriping the I-580 westbound off-ramp approach to provide one left-turn lane and one shared left-turn/right-turn lane and re-stripe Mountain Boulevard to provide two receiving lanes; signalize the intersection providing actuated operations, with split phasing on the east-west approaches (I-580 Westbound Off-Ramp/Shone Avenue) and permitted phasing on north-south (Mountain Boulevard) approaches; and coordinate the signal timing at this intersection with the adjacent intersections at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue (intersection #12, signalization proposed as part of Mitigation Measure TRANS-3) and Mountain Boulevard/Keller Avenue (intersection #13, signalization proposed as part of Mitigation Measure TRANS-4). This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. Plans for these measures must be reviewed and approved by the City's Transportation Services Division and Caltrans. The Project applicant must do some combination of the following to satisfy this mitigation measure: pay the applicable Southeast Oakland TIF fee, or install the improvements and obtain a credit against its applicable TIF obligations and/or obtain reimbursement from monies collected under the Southeast Oakland TIF program for the amount that the installation cost exceeds its TIF obligations.

(5) Impact TRANS-6 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized Mountain Boulevard/Golf Links Road intersection by adding more than ten peak hour vehicle trips to a critical movement, which would meet the peak hour signal warrant during the AM peak hour under Existing Plus Project conditions. Mitigation measure TRANS-6 requires that a number of measures be implemented at the Mountain Boulevard/Golf Links intersection, including: restriping the eastbound Golf Links Road approach to provide one left-turn lane and one shared left-turn/through/right-turn lane, and restripe Mountain Boulevard to provide two receiving lanes for a minimum of 100-feet; signalize the intersection providing actuated operations, with split phasing on the east-west approaches (Golf Links Road) and permitted phasing on north-south (Mountain Boulevard/Oakland Zoo Entrance) approaches; and coordinate the signal timing at this intersection with the adjacent intersections at Golf Links Road/I-580 Eastbound Off-Ramp/98th (#38) and Golf Links Road/I-580 Westbound Ramps (#39) intersections. The Golf Links Road/I-

580 ramp-terminal intersections are under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. In the absence of any applicable Southeast Oakland TIF for this improvement, the applicant shall install the improvements and may seek any applicable credits against its Citywide TIF obligations and/or reimbursement from monies collected under the Citywide TIF program for the amount the installation cost exceeds its Citywide TIF obligations or faire share contribution.

(6) Impact TRANS-8 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Eastbound On-Ramp/Seminary Avenue/Kuhnle Avenue intersection by adding more than ten peak hour vehicle trips to a critical movement, and that after project completion, this intersection would continue to satisfy the MUTCD peak hour volume traffic signal warrant during the AM and PM peak hours under 2040 Plus Project conditions. Mitigation for Impact TRANS-8 calls for the implementation of Mitigation Measure TRANS-1, which involves modifying facilities under Caltrans' jurisdiction.

(7) Impact TRANS-9 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Westbound Off-Ramp/Mountain Boulevard/Kuhnle Avenue intersection by adding more than ten peak hour vehicle trips to a critical movement, and that after project completion, this intersection would continue to satisfy the MUTCD peak hour volume traffic signal warrant during the AM and PM peak hours under 2040 Plus Project conditions. Mitigation for Impact TRANS-9 calls for the implementation of Mitigation Measure TRANS-2, which involves modifying facilities under Caltrans' jurisdiction.

(8) Impact TRANS-10 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Eastbound Off-Ramp/Fontaine Street /Keller Avenue intersection by adding more than ten peak hour vehicle trips to critical movement, which would meet the peak hour signal warrant during the AM and PM peak hours under 2040 Plus Project conditions. Mitigation for Impact TRANS-10 calls for the implementation of Mitigation Measure TRANS-3, which involves modifying facilities under Caltrans' jurisdiction.

(9) Impact TRANS-12 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the unsignalized I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue by adding more than ten peak hour vehicle trips to a critical movement, which would meet the peak hour signal warrant during the AM and PM peak hours under 2040 Plus Project conditions. Mitigation for Impact TRANS-12 calls for the implementation of Mitigation Measure TRANS-5, which involves modifying facilities under Caltrans' jurisdiction.

(10) Impact TRANS-14 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the signalized Golf Links Road/I-580 Eastbound Off-Ramp/98<sup>th</sup> Avenue intersection by increasing the average intersection delay and degrade the LOS from LOS C to LOS E during the PM peak hour. Mitigation measure TRANS-14 requires that a number of measures be implemented at the Golf Links Road/I-580 Eastbound Off-Ramp/98<sup>th</sup> Avenue intersection, including: (a) extending the shared through/right-turn land on the I-580 eastbound off-ramp to provide a minimum 450 feet of storage length, and (b) reconfigure

Golf Links Road between the I-580 eastbound off-ramp and the I-580 westbound ramps to provide two left-turn lanes and one through lane along eastbound Golf Links Road and one left-turn lane and one shared left-turn/through lane along westbound Golf Links Road. The Project applicant must pay the City a fair share contribution for these improvements, which would mitigate the Project's contribution to the cumulative impact, but this intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation.

(11) Impact TRANS-15 finds that traffic generated by the Project would cause a significant impact at the unsignalized Mountain Boulevard/Golf Links Road intersection by adding more than ten peak hour vehicle trips to a critical movement which would meet the peak hour signal warrant during the AM and PM peak hours under 2040 Plus Project conditions. Mitigation measure TRANS-15 calls for the implementation of Mitigation Measure TRANS-6 and the widening of the I-580 Westbound off-ramp to provide one shared left-turn/through lane and two right-turn lanes approaching the intersection. These improvements are not currently included in any TIF program. If, at the time the improvements are needed to mitigate the impact, signal warrants have been met, and Caltrans has approved the improvements to their facilities, then the project applicant shall fully fund and construct the improvements, and may seek reimbursement for the portion that is beyond their fair share contribution, from other potentially available funding sources. The City finds that this mitigation measure requires Caltrans' approval, and further, the mitigation measure would not reduce the impact to less than significant. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

c. Impact TRANS-7 finds that traffic generated by the Oak Knoll Project would cause a significant impact along I-580 freeway segments by increasing the volume-to-capacity ratio by 0.03 or more, which would operate at LOS F under Existing Plus Project conditions. The City finds that no feasible mitigation measure is available that would reduce the impact of the Project impacts on the freeway segments to less than significant. Widening of the I-580 Freeway is not currently planned and it is beyond the scope of this Project or the City's authority to undertake capacity-enhancing freeway improvements. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

d. Impact TRANS-13 finds that traffic generated by the Oak Knoll Project would cause a significant impact at the International Boulevard/98<sup>th</sup> Avenue intersection by increasing the average intersection delay by more than four seconds, which would operate at LOS E during the PM peak hour under 2040 No Project conditions. Traffic operations at the intersection can be improved by providing additional automobile travel lanes on either International Boulevard or 98th Avenue. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and/or loss of planned bus-rapid-transit ("BRT") lanes, which may result in secondary impacts on pedestrian circulation and/or bus operations. The City finds that there is no feasible mitigation measure available that would reduce the impact to less than significant as the mitigation measure identified for this impact may result in secondary impacts on pedestrian circulation and/or bus operations, and the City's policy is to avoid such secondary impacts. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

e. Impact TRANS-16 finds that traffic generated by the Oak Knoll Project would cause a significant impact along I-580 freeway segments by increasing the volume-to-capacity ratio by 0.03 or more, which would operate at LOS F under 2040 Plus Project conditions. The City finds that no feasible mitigation measure is available that would reduce the impact of the project impacts on the freeway segments to less than significant. Widening of the I-580 Freeway is not currently planned and it is beyond the scope of this Project or the City's authority to undertake capacity-enhancing freeway improvements. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

## **IX. FINDINGS REGARDING ALTERNATIVES**

28. The City Council finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project as analyzed in the 1998 EIS/EIR and SEIR despite the remaining impacts, as more fully set forth in the Statement of Overriding Considerations below. The only significant unavoidable impacts of the Project that cannot be fully mitigated through the mitigation measures and standard conditions described in the SEIR are certain air quality and traffic impacts.

29. The 1998 EIS/EIR analyzed a preferred project that included the rehabilitation of Club Knoll in its current location for use for community and civic activities, as well as 584 residential units, 300,000 square feet of office space, 100,000 square feet of commercial space, and a 54-acre golf course (the Maximum Capacity Alternative). The City has concluded that rehabilitation of Club Knoll in place is less desirable than relocating the building to a central location within the project. The current location of Club Knoll is close to existing residential neighborhoods. Use of Club Knoll in place as a community center could result in an active, potentially noise-generating land use that could adversely affect surrounding residents. In contrast, moving Club Knoll to a central location, removed from the existing adjacent residential neighborhoods, would avoid potential land use conflicts. A central location also means that residents will not have to drive through one of the single-family residential neighborhoods to access the facility. Relocated, Club Knoll would provide a distinctive landmark in a prominent and important location on a generously landscaped site near a proposed park.

30. In addition to the alternatives considered in the 1998 EIS/EIR, the SEIR evaluated a reasonable range of alternatives to the original project that was described in the Draft SEIR. The Draft SEIR identified three alternatives to the proposed project. The City Council adopts the SEIR's analysis and conclusions eliminating an alternative site from further consideration.

31. The three potentially feasible alternatives analyzed in the SEIR, in addition to the No Project alternative required by CEQA, represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. These alternatives include: (1) Alternative A—Reduced Footprint Residential Mix, (2) Alternative B—Reduced Footprint Low Density Small Lot; and Alternative C—Hillside Low Density Large Lot. As presented in the SEIR, the alternatives were described and compared with each other and with the proposed project. Additionally, the SEIR analyzed three planning alternatives that address planning and design concerns, but are not required to be analyzed to meet the CEQA's



requirement to examine alternatives that reduce or eliminate one or more significant impacts of the Project. These alternatives include: (4) Club Knoll Demolition Alternative, (5) Reduced Relocation Alternative, and (6) No Club Knoll Relocation Alternative. As presented in the SEIR, the alternatives were described and compared with each other and with the proposed Project. Alternative C is the environmentally superior alternative.

32. The City Council certifies that it has independently reviewed and considered the information on alternatives provided in the SEIR and in the record. The SEIR reflects the City Council's independent judgment as to alternatives. The City Council finds that the Project provides the best balance between the project sponsor's objectives, the City's goals and objectives, the Project's benefits as described below in the Statement of Overriding Considerations, and mitigation of environmental impacts to the extent feasible. The three CEQA alternatives proposed and evaluated in the SEIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

33. No Project Alternative: Under the No Project Alternative, the Project would not be undertaken and the site would remain in its current condition as a closed and abandoned, blighted former military hospital complex, which includes the historic Club Knoll that is vacant and in disrepair. This alternative would avoid all of the Project's potentially significant and mitigatable impacts and the significant and unavoidable Air Quality and Traffic impacts identified in the SEIR. This alternative is rejected as infeasible because (a) it would not achieve any of the Project sponsor's objectives for the Project; (b) it would not fulfill the General Plan Open Space, Conservation, and Recreation (OSCAR) Element goals of restoring Rifle Range Creek and planting native habitat in appropriate open space areas; replacing native oak woodlands, restoring riparian habitat and landscaping developed areas; (c) it would not improve geologic stability in areas of the site documented as poorly compacted and landslide-prone; (d) it would not improve traffic conditions (as certain mitigation measures incorporated in the Project would benefit area-wide circulation that is already operating at unacceptable levels of service); (e) it would not improve the preservation or rehabilitation of cultural resources, including Club Knoll; (f) it would not reduce the potential risk of wildfire conditions from existing vegetation and trees managed; (g) it would not produce 935 units of new housing; (h) it would not create new commercial opportunities that would positively contribute to the surrounding neighborhood by offering additional goods and services and enhancing the existing nearby commercial area and by providing business and employment opportunities; (i) it would not provide new construction jobs; and (j) it would not generate tax revenues for the City of Oakland and employment opportunities for the City of Oakland community.

34. Alternative A—Reduced Footprint Residential Mix: Alternative A would reduce the total number of residential units from 935 to 601 (a reduction of 334 units) and would cluster all residential development, roads and infrastructure in the flatter areas of the site, preserving the steeper and ridgeline areas in open space. Further, Alternative A would be less dense than the proposed because it would provide more single-family homes than the proposed Project. Alternative A also consists of only townhouse units and small lot (e.g. 2,000-3,000 sq. ft.) single-family detached units; no large lot residential (as is proposed by the Project) would be developed. Alternative A would also reduce the commercial/retail component of the project from approximately 82,000 square feet (including 10,000 square feet

in the relocated Club Knoll community center proposed with the Project) to approximately 36,000 square feet. This alternative proposes leaving Club Knoll in its current location and reusing it for 15 multi-family residential units. Given that Alternative A would develop 334 fewer total residential units and 46,000 less square feet of commercial/retail uses and development than the Project, it would result in fewer vehicle trips, onsite activities, and resulting air quality emissions. Alternative A would avoid the following significant air quality and traffic impacts of the Project: Impact AIR-2, Impact TRANS-2, and Impact TRANS-13. However, not all transportation impacts are reduced.

Alternative A is rejected as infeasible because: (a) it would significantly reduce the number of residential units in the project, contrary to the City's policy to encourage new, higher density housing within City boundaries and on previously developed parcels to address the City's housing shortage, and would be substantially less effective than the Project at sustaining a community village retail center for Oak Knoll and surrounding residential neighborhoods; (b) it would reduce the diversity of housing types and sizes that could accommodate a variety of household types and incomes as compared to the Project; (c) it would significantly reduce the amount of commercial square footage provided by the Project and, therefore, would be substantially less effective than the Project in meeting the Project's objective of alleviating the need of South Hill residents to travel outside their neighborhoods for shopping and services; (d) it would reduce the opportunities for new commercial development and thus would generate less tax revenues for the City and provide less employment opportunities for the community; (e) it would be less economically viable because there would be less commercial space and fewer residential dwellings; and (f) it would provide a smaller community center that would be unable to offer as large a location as the Project for classes, gatherings, and events. It is also considered less than ideal from a policy perspective because it would involve the permanent privatization of Club Knoll as private residential units and would require the interior of Club Knoll to be permanently devised into multiple apartments. Finally, it is considered infeasible because the Project sponsor has not proposed this use for the building and the City has no ability to mandate that a privately owned building be rehabilitated and converted for a new use that the Project sponsor has not proposed.

35. Alternative B—Reduced Footprint Low Density Small Lot:

Alternative B would reduce the total number of residential units from 935 to 551 (a reduction of 384 units) and, like Alternative A, would cluster all residential development, roads and infrastructure in the flatter areas of the site, preserving the steeper and ridgeline areas in open space. Alternative B would consist of only small lot single-family homes and would eliminate all large lot and townhomes on the site. Alternative B also would retain Club Knoll in its existing location and reuse it for 15 multi-family residential units. Unlike Alternative A and the Project, Alternative B contemplates no retail/commercial component. Given that Alternative B would develop 369 fewer total residential units and would not have any commercial/retail uses or development compared to the Project, it would result in substantially fewer vehicle trips, onsite activities, and resulting air quality emissions. Alternative B would avoid the following significant air quality and traffic impacts of the Project: Impact AIR-2, Impact TRANS-2, and Impact TRANS-13. However, not all transportation impacts are reduced.

Alternative B is rejected as infeasible because: (a) it would significantly reduce the number of residential units in the project and would reduce the diversity of housing types and

sizes that can accommodate a variety of household types and incomes as compared to the Project; (b) it would not result in the development of a community village retail center for Oak Knoll and surrounding residential neighborhoods; (c) it would not provide any commercial square footage and, therefore, would be substantially less effective than the Project in meeting the Project's objective of alleviating the need of South Hill residents to travel outside their neighborhoods for shopping and services; (d) it would reduce the opportunities for new commercial development and thus would generate less tax revenues for the City and provide less employment opportunities for the community; (e) it would be less economically viable because there would be less commercial space and fewer residential dwellings; and (f) it would provide a smaller community center that would be unable to offer as large a location as the Project for classes, gatherings, and events. It is also considered less than ideal from a policy perspective because it would involve the permanent privatization of Club Knoll as private residential units and would require the interior of Club Knoll to be permanently devised into multiple apartments. Finally, it is considered infeasible because the Project sponsor has not proposed this use for the building and the City has no ability to mandate that a privately owned building be rehabilitated and converted for a new use that the Project sponsor has not proposed.

36. Alternative C—Hillside Low Density Large Lot: Alternative C would cover approximately the same footprint as the current proposed Project but would reduce the total number of residential units from 935 to 349 (a reduction of 586 units). The majority of the residential units (249 or 71 percent) would be larger lot (e.g. minimum 8,000 sq. ft.) single-family detached units. No townhome or small lot single family units would be provided, except for 100 units of low-income, affordable housing in stacked flats that would be developed on the City-owned parcel. Further, Alternative C would contain no retail/commercial component. Club Knoll would be retained in its current location and reused for 5 multi-family residential units (as opposed to 15 units envisioned for the other Alternatives). Given that Alternative C would develop 571 fewer total residential units and would not have any commercial/retail uses or development compared the Project, the result is substantially fewer vehicle trips, onsite activities, and resulting air quality emissions. Alternative C would avoid the following significant air quality and traffic impacts of the Project: Impact AIR-2, TRANS-1, TRANS-2, TRANS-5, and TRANS-13. However, not all transportation impacts are reduced.

Alternative C is rejected as infeasible because: (a) it would significantly reduce the number of residential units in the project and would reduce the diversity of housing types and sizes that can accommodate a variety of household types and incomes as compared to the Project; (b) it would not result in the development of a community village retail center for Oak Knoll and surrounding residential neighborhoods; (c) it would not provide any commercial square footage and, therefore, would be substantially less effective than the Project in meeting the Project's objective of alleviating the need of South Hill residents to travel outside their neighborhoods for shopping and services; (d) it would reduce the opportunities for new commercial development and thus would generate less tax revenues for the City and provide less employment opportunities for the community; (e) it would be less economically viable because there would be less commercial space and fewer residential dwellings; and (f) it would provide a smaller community center that would be unable to offer as large a location as the Project for classes, gatherings, and events. It is also considered less than ideal from a policy perspective because it would involve the permanent privatization of Club Knoll as private residential units and would require the interior of Club Knoll to be permanently devised into

multiple apartments. Finally, it is considered infeasible because the Project sponsor has not proposed this use for the building and the City has no ability to mandate that a privately owned building be rehabilitated and converted for a new use that the Project sponsor has not proposed.

37. The following three alternatives are included in the SEIR to examine certain planning and community-related factors rather than to offer alternatives that would avoid or lessen any of the Project impacts. Thus, these are not CEQA-mandated alternatives and need not be approved or rejected as infeasible as otherwise required by CEQA (Pub. Res. Code section 21081). Nonetheless, the City has considered these planning alternatives and makes the following findings:

a. The Club Knoll Demolition Alternative (the “Demolition Alternative”) considers the full demolition of Club Knoll, the existing locally-designated historic resource on the Project site. The key difference under the Demolition Alternative is that a new, approximately 5,000, square-foot Oak Knoll Community Center would be developed, resulting in 1,000 more square feet of community center use than proposed by the Project and approximately 10,000 square feet less of commercial space than proposed by the Project. The overall configuration of the Project master plan with the Demolition Alternative would be the same as with the proposed Project. The Demolition Alternative would result in significant and unavoidable aesthetic and cultural resource impacts that would not occur with the proposed Project. Demolition of the historic resource is not consistent with numerous key City policies intended for the preservation including the Historic Preservation Element of the City’s General Plan. The Demolition alternative is rejected as infeasible because: (a) it would reduce the commercial square footage and, therefore, would be substantially less effective than the Project in meeting the Project’s objective of alleviating the need of South Hill residents to travel outside their neighborhoods for shopping and services; (b) it would reduce the opportunities for new commercial development and thus would generate less tax revenues for the City and provide less fewer employment opportunities for the community; (c) it would not relocate and rehabilitate in conformance with the City’s goals and policies Club Knoll and (d) it is unlikely to meet the City’s required findings for demolition.

b. The Reduced Club Knoll Relocation alternative (“Reduced Relocation Alternative”) considers the relocation and rehabilitation of only the approximately 9,900-square-foot central portion (main hall, dining hall, lobby/mezzanine areas) of Club Knoll without the existing north and south wings that create the u-shaped courtyard to house the proposed 4,000 square feet of community center use and approximately 5,900 square feet of community commercial use (compared to the 10,000 square feet of commercial use proposed by the Project). Relocation of Club Knoll without the north and south wings would materially impair the significance of the historic resource and represent a significant adverse change that could not be mitigated to a less-than-significant level. The Reduced Relocation Alternative would not reduce or avoid any of the potentially significant or significant and unavoidable impacts of the Project. The Reduced Relocation Alternative is rejected as infeasible because: (a) it would reduce the commercial square footage and, therefore, would be less effective than the Project in meeting the Project’s objective of alleviating the need of South Hill residents to travel outside their neighborhoods for shopping and services, (b) it would reduce the opportunities for new commercial development and thus would generate less tax revenues for the City and provide less fewer employment opportunities for the community, (c) it would not relocate and

rehabilitate in conformance with the City's goals and policies Club Knoll and (d) it is unlikely to meet the City's required findings for demolition.

c. The No Club Knoll Relocation Alternative would keep Club Knoll in its existing location, rehabilitate it for residential use, and construct an approximately 5,000 square foot community center in the location the Project proposes for Club Knoll. The No Club Knoll Relocation Alternative would maintain the total number of dwelling units proposed by the Oak Knoll Project (935), and would develop a 5,000 square-foot community center and 72,000 square feet of commercial use. The No Club Knoll Relocation Alternative would not substantially reduce or avoid any significant impacts identified by the proposed Project. The No Club Knoll Relocation Alternative is rejected as infeasible because: (a) it would reduce the commercial square footage and, therefore, would be less effective than the Project in meeting the Project's objective of alleviating the need of South Hill residents to travel outside their neighborhoods for shopping and services, and (b) it would reduce the opportunities for new commercial development and thus would generate less tax revenues for the City and provide less employment opportunities for the community. It is also considered less than ideal from a policy perspective because it would involve the permanent privatization of Club Knoll as private residential units and would require the interior of Club Knoll to be permanently devised into multiple apartments. Finally, it is considered infeasible because the Project sponsor has not proposed this use for the building and the City has no ability to mandate that a privately owned building be rehabilitated and converted for a new use that the Project sponsor has not proposed.

## **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

38. The City Council finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations.

39. The Project will transform a closed and abandoned, blighted former military hospital complex into a new, well-designed mixed-use community of residential neighborhoods, a retail center, and connected open spaces and recreational facilities.

40. The Project will strengthen the surrounding neighborhood by adding up to 935 units of new residential units in a sensitively-scaled, pedestrian-friendly development that will enhance and connect with the surrounding residential neighborhoods.

41. The Project will provide a diversity of housing types and sizes, including single-family homes and townhomes that can accommodate a variety of household types and incomes.

42. The Project will provide a centrally located community center by relocating and rehabilitating Club Knoll, a locally-designated historic resource.

43. The Project will avoid potential land use conflicts by moving Club Knoll, which will be rehabilitated for civic and community uses, away from existing residences.

44. The Project will develop 72,000 square feet of neighborhood commercial uses in a new Village Center, providing much needed neighborhood-serving retail in the area, which will reduce the miles local residents must travel to meet some of their basic shopping needs.

45. The Project will rehabilitate Club Knoll, and use it for non-residential uses consistent with its historic community-serving uses as a private golf club clubhouse and officers' club. The 10,000 square feet of space proposed for limited neighborhood-serving commercial uses would help support the maintenance of Club Knoll.

46. The Project will develop a series of publicly accessible parks, plazas, open spaces, as well as a system of parks, trails and walkways onsite and that would connect to existing adjacent open spaces and trail facilities, including approximately 7.6 acres of new local-serving parks and community space (space in Club Knoll), and approximately 3.5 miles of community-wide trails that will link the site to the existing East Bay Regional Park District trail system.

47. The Project will fulfill the General Plan Open Space, Conservation, and Recreation (OSCAR) Element goals of restoring Rifle Range Creek (including onsite tributaries, Hospital Creek and Powerhouse Creek) and planting native habitat in appropriate public open space areas; replacing native oak woodlands, and restoring approximately 17.8 acres of riparian habitat and landscaping developed areas.

48. The Project will fulfill the General Plan Land Use and Transportation Element (LUTE) and associated Pedestrian Master Plan goals to include bikeways and pedestrian amenities by providing minimum six foot sidewalks along both sides of the majority of the streets within the Project site, off-street pedestrian paths and recreational hiking trails, enhancements to existing pedestrian connections at Mountain Boulevard and Keller Avenue, improved pedestrian connections between the Project site and existing bus stops, a Class 1 multi-use trail along Rifle Range Creek that would connect to proposed Class 2 bicycle lanes along the Mountain Boulevard frontage, and Class 3 bicycle routes along Creekside Loop and Main Street.

49. The Project will generate millions of dollars in tax revenues for the City of Oakland and employment opportunities for the City of Oakland community.

50. The Project will provide over 5,000 construction jobs over the course of the build out of the Project phases.

51. The Project will remediate existing hazardous conditions on the site.

52. The Project will meet the City's and the state's Green Building requirements.

53. The Project will meet the City's affordable housing impact fee requirements and contribute to funding for affordable housing.

54. The Project will reduce fire risk on site and for neighboring properties through the removal of approximately 696 eucalyptus trees that are highly susceptible to fire

hazards and removal of approximately 1,158 trees that are considered to be of poor suitability (invasive, declining, diseased, possessing structural defects, etc.).

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