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## Setting, Impacts and Mitigation Measures

This chapter contains an analysis of the environmental topics relevant to the Specific Plan, and constitutes the major portion of this Draft EIR. Sections 4.1 through 4.12 describe the existing physical and regulatory settings relevant to the Specific Plan for each environmental topic analyzed in this EIR, the potential impacts that could result from implementation of the Specific Plan, city policies and Standard Conditions of Approval that would minimize those potential impacts, and mitigation measures if necessary to avoid or reduce identified significant impacts.

The following provides an overview of the scope of the analysis included in this chapter, the organization of the sections and the methods for determining what impacts are significant, including the use of the City's Standard Conditions of Approval.

### Environmental Topics Evaluated in this EIR

The following environmental topics are evaluated in this EIR:

- Aesthetics, shadow and wind
- Agriculture and forest resources
- Air quality
- Biological resources
- Cultural and historic resources
- Geology and soils
- Greenhouse gas emissions/climate change
- Hazards and hazardous materials
- Hydrology and water quality
- Land use and planning
- Mineral resources
- Noise
- Population, housing and employment
- Public services and recreation
- Transportation
- Utilities and service systems

It is anticipated that implementation of the Specific Plan will not have significant environmental impacts on agriculture and forest resources, biological resources; geology and soils, and mineral resources. Nevertheless, these environmental factors are analyzed in the EIR.

### Format of Topic Sections

Each environmental topic section includes three main subsections: (1) Physical Setting; (2) Regulatory Setting; and (3) Impacts, Standard Conditions of Approval and Mitigation Measures. Significant impacts are identified together with corresponding mitigation measures. The following notations are provided after each impact and mitigation measure, indicating the significance of the impact without and with mitigation.

- **No Impact**- No noticeable adverse effect on the environment would occur
- **LTS** = Less than Significant
- **LTS with SCA** = Less than Significant with implementation of uniformly applied development standards or Standard Conditions of Approval
- **LTS with MM** = Less than Significant with implementation of mitigation measures as recommended in this EIR
- **SU** = Significant and Unavoidable

These notations indicate the significance of the impact with and without mitigation.

### Determination of Significance

Under CEQA, a significant effect is defined as a substantial or potentially substantial adverse change in the physical environment. Each of the following impact evaluations is prefaced by criteria of significance which are the thresholds for determining whether an impact is significant. The criteria of significance used in this EIR are derived from the City of Oakland's CEQA Thresholds/Criteria of Significance. The Thresholds are offered as guidance in preparing environmental review documents. The City requires use of these Thresholds unless there is something unique about the project location which would indicate the need to address thresholds of another agency as well, or other unique factors that would warrant the use of different or additional thresholds. The Thresholds are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, including Sections 15064, 15064.5, 15065, 15382 and Appendix G, and form the basis of the City's Initial Study and Environmental Review Checklist.

The Thresholds are intended to be used in conjunction with the City's Uniformly Applied Development Standards and Conditions of Approval (see discussion below), which are incorporated into projects as Conditions of Approval regardless of the determination regarding a project's environmental impacts.

CEQA requires the analysis of potential adverse effects of the project on the environment. Potential effects of the environment on the project are legally not required to be analyzed or mitigated under CEQA. However, this document nevertheless analyzes potential effects of the environment on the project in order to provide information to the public and City decision-makers. Where a potential significant effect of the environment on the project is identified, the document, as appropriate, identifies Standard Conditions of Approval and/or project-specific non-CEQA recommendations to address these issues (see discussion below).

## **Uniformly Applied Development Standards Imposed as Standard Conditions of Approval**

The City's Thresholds are intended to be used in conjunction with the City's Uniformly Applied Development Standards and Conditions of Approval. These Uniformly Applied Development Standards and Conditions of Approval (referred to in the EIR as Standard Conditions of Approval or SCA) are incorporated into projects as conditions of approval regardless of the determination of a project's environmental impacts. As applicable, the Standard Conditions of Approval are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, avoid or substantially reduce a project's environmental effects.

In reviewing project applications, the City determines which Standard Conditions of Approval apply based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which Standard Conditions of Approval apply to a specific project; for example, Standard Conditions of Approval related to creek protection permits will only be applied to projects on creek side properties. Because these Standard Conditions of Approval are mandatory City requirements imposed on a Citywide basis, the impact analysis assumes that these will be imposed and implemented by the project. If a Standard Condition of Approval would reduce a potentially significant impact to less than significant, the impact will be determined to be less than significant and no mitigation is imposed.

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

## **Cumulative Analysis Context**

CEQA defines cumulative as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. These impacts can result from a combination of the proposed project together with other projects causing related impacts. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects."

The methodology used for assessing cumulative impacts typically varies depending on the specific topic being analyzed. For example, the geographic and temporal (time-related) parameters related to a cumulative analysis of air quality impacts are not necessarily the same as those for a cumulative analysis of noise or aesthetic impacts. This is because the geographic area that relates to air quality is much larger and regional in character than the geographic area that could be impacted by potential noise or aesthetic impacts from a proposed project and other cumulative projects/growth. The noise and

aesthetic cumulative impacts inherently are more localized than air quality and transportation impacts which are more regional in nature. Accordingly, the parameters of the respective cumulative analyses in this document are determined by the degree to which impacts from this Project are likely to occur in combination with other development projects.

#### Forecast-Based Cumulative Growth

Since 2000, the City of Oakland has developed and maintained a cumulative growth scenario and land use database primarily for use in cumulative transportation analyses for Oakland EIRs. Oakland's growth scenario is developed using a forecast-based approach (i.e., an approach based on regional forecasts of economic activity and demographic trends). The Association of Bay Area Government's (ABAG) projections provide the citywide and regional economic and demographic inputs. The scenario also incorporates extensive local information and input regarding the locations for growth and change within the City including past, present, existing, pending and reasonably foreseeable future development in the area surrounding the Project site. The latter provide specificity about growth and development in Oakland for use in allocating growth to subareas and traffic analysis zones (TAZs) within the City. Transportation analyses using the Alameda County Transportation Commission (ACTC) travel demand model require inputs at the TAZ level. The scenario also includes existing development conditions within the baseline and growth projections for adjacent jurisdictions. The forecast-based approach for defining the cumulative growth scenario is used as a basis for cumulative analysis of transportation and transportation-related noise, air quality and greenhouse gas emissions impacts.

#### List-Based Cumulative Development

For other cumulative topics analyzed in this EIR which have a closer geographic cumulative context, a "list method" of past, present and reasonably foreseeable future projects, based on the City's latest list of Major Development Projects, is used. The list-based approach uses the City's list of Major Development Projects as of the date of circulation of the Notice of Preparation of this EIR. Listed projects located within the West Oakland Specific Plan Planning Area are presented in **Table 4-1**. A list of other closely related past, present and reasonably foreseeable probable future projects located outside but near West Oakland include the following:

- 2012 Oakland Army Base Project: At the former Oakland Army Base, a new state of the art Trade and Logistics Center, with warehouse and distribution facilities to support cargo logistics, and associated roadway, railroad and infrastructure improvements are approved and pending construction. The 2012 Project includes up to approximately 2.5 million square feet of warehouse/distribution and maritime-related logistics uses and 175,000 square feet of office/R&D. Approximately 20 to 24 acres north of Grand Avenue for 407,160 square feet of indoor recycling facilities are to be located in the North Gateway area. The City's 15 acres of BCDC-required ancillary maritime support (AMS) use in the City-owned portion of the OARB is to be provided in three different locations within the former OARB. As part of a truck parking facility there would be fueling services which would include biodiesel. The BCDC-required 15 acres of AMS for the Port are now being provided in the 2012 Project as truck parking. Up to nine billboards are to be located to the north of West Burma Road, along Grand Avenue and along I-880.
- Other Port Maritime Improvements: As discussed and analyzed in the 2002 *OARB Redevelopment Plan EIR*, the Port proposes to implement a number of additional projects that are considered as part of the cumulative analysis. These include increasing Port-wide marine cargo throughput to 4.05 million TEUs; replacing existing Outer Harbor Berths 21, 20, 10, 9, and 8 with "New Berth 21", including reconfiguring a portion of the Outer Harbor shoreline and excavation and fill to create

about 29 acres of new land for a marine terminal; and expanding and realigning maritime facilities to achieve cargo throughput efficiencies by adjusting boundaries and consolidating property within marine terminals in response to tenant demand.

- **Gateway Park:** As discussed in the 2002 OARB Redevelopment Plan EIR, an approximately 19-acre area along the south side of the Bay Bridge touchdown is being planned as a regional park. Known as “Gateway Park”, the park is currently being planned by the Gateway Park Working Group, a consortium of agencies including the Bay Area Toll Authority (BATA), Caltrans, BCDC, the California Transportation Commission (CTC), EBRPD, City of Oakland, Port of Oakland, EBMUD and ABAG’s Bay Trail Project. Beyond the previously contemplated waterfront park at the foot of the new east span of the Bay Bridge, current planning concepts include trails, a boardwalk, a Bay-walk, a transportation museum and surrounding green area, monumental public art, bridge artifacts, a children’s play area, active recreation areas, and connections to West Oakland, Emeryville, the Bay Trail, and pedestrian and bicycle access on the new east span of the Bay Bridge.
- **Bay Bridge Toll Plaza:** Caltrans proposes to replace and reconstruct the existing maintenance facilities located at the San Francisco Oakland Bay Bridge Toll Plaza area in Oakland. The existing Maintenance Complex is located in two separate areas of the Toll Plaza. The Toll/Electrical Sub Shop and the Toll Operation Building are located in the median of the toll plaza area. The remainder of the complex consists of a series of buildings, structures, and installations located south of the eastbound lanes of I-80 in the toll plaza area and north of Burma Road and the Port of Oakland.
- **San Francisco/Oakland Bay Bridge Seismic Safety Project:** The San Francisco/Oakland Bay Bridge Seismic Safety Project includes construction of a new two-mile-long east span for the Bay Bridge. This project includes construction of bridge piers within San Francisco Bay and Oakland mudflats, and construction of the bridge above the Bay. Five stormwater detention ponds would be constructed beneath the MacArthur Maze. Construction of this project is expected to be complete by 2014.
- **Other Recreation Facilities:** Additional planned recreational facilities in the West Oakland vicinity include parts of the San Francisco Bay Trail. The preferred alignment for the San Francisco Bay Trail is adjacent to the northern property boundary of EBMUD’s MWWTP, and completion of this segment of the trail will help complete the trail that will connect all nine Bay Area counties.
- **Other Specific Plans.** The City of Oakland has three other Specific Plan planning efforts underway:
  - The Broadway Valdez District Specific Plan preferred land use concept envisions a retail core in the Valdez Triangle with a mix of housing and office uses in the approximately 96-acre area around Broadway, which is generally bounded by Interstate-580 to the north, Grand Avenue to the south, Webster Street and Valley Street to the west, and Harrison Street, Bay Place, 27th Street, Richmond Avenue, and Brook Street to the east; an NOP for the Specific Plan EIR was issued on April 30, 2012.
  - The Lake Merritt Station Area Plan preferred land use plan envisions a mix of transit-oriented retail, housing and office uses to take advantage of the transit-rich Plan area generally bounded by I-880 to the south, 14th Street to the north, Broadway to the west and 5th Avenue to the east; an NOP for the Specific Plan EIR was issued on March 1, 2012.
- **Other Approved Projects:** the City has approved a number of additional projects within the general vicinity that include:
  - *MacArthur BART Transit Village.* This project is located on 7 acres bounded by Telegraph Avenue, 40th Street, MacArthur Boulevard and State Route 24. It includes 624 residential units and 42,500 square feet retail commercial space, and is under construction.

- *Oak to Ninth Mixed Use.* This 64.2-acre waterfront site bounded by Fallon Street, Embarcadero Road, 10<sup>th</sup> Avenue, and the Oakland Estuary has been approved for 3,100 residential units, 200,000 square feet commercial space, 3,950 structured parking spaces, 29.9 acres of public open space, 2 renovated marinas with 170 boat slips, and wetlands restoration.
- *Jack London Square Redevelopment.* This approved project includes 1.2 million square feet of retail, commercial and office (1,700-seat movie theater, 250-room hotel, supermarkets, restaurants and offices), much of which is complete and other elements under construction.

**Table 4-1**  
**Cumulative Development Projects within the West Oakland Specific Plan Planning Area**

<b>Project Name</b>	<b>Location</b>	<b>Description</b>	<b>Status</b>
California Hotel	3501 San Pablo Avenue	Conversion of the existing studio and affordable units and ground floor commercial space into 137 affordable apartments	Approved
Cathedral Gardens	2126 Martin Luther King Jr. Way, 616 and 620 21 <sup>st</sup> Street	100 affordable housing units, rehabilitation of the Rectory building	Approved
1614 Campbell Street	1614 Campbell Street	92 live/work units conversion	Approved
3250 Hollis Street	3250 Hollis Street	46 live/work units, 74 residential units	Approved
Hollis 34	3241 Hollis (entire block of 007-0620)	124 live/work units	Approved
Emerald Parc	2400 Filbert Street	55 townhomes	Approved
Red Star	1396 5th Street	119 affordable senior units, 3,300 square feet commercial space	Under Re-construction
2501 Chestnut Street	2501 Chestnut Street	50 live/work units	Approved
3884 Martin Luther King Jr. Way	3884 Martin Luther King Jr. Way	40 residential units	Approved
2847 Peralta Street	2847 Peralta Street	76 dwelling units, 24 live/work units	Approved
Mandela Grand Mixed Use Project	13.3 acres bounded by Mandela Parkway, West Grand Avenue, Poplar Street and 18 <sup>th</sup> Street	1,577 residential units, 26,000 square feet commercial space	Approved
Mandela Transit Village	1357 5 <sup>th</sup> Street	120 residential units, 38,500 square feet commercial	Approved
Ettie Street/Mandela Parkway	116 E. 14th Street	92-units of affordable senior housing	Approved
Mandela Gateway Townhomes	1431 8th Street	14 condominiums	Completed
Mandela Gateway Gardens	1431 7th Street	200 residential units and 15,000 square feet of retail space	Completed
Wood Street (formerly Central Station) Mixed Use Project	West Oakland Station site, 16 <sup>th</sup> and Wood Streets	1,557 residential units (including 186 live/work units), 13,000 square feet commercial space, 1.39 acres public open space, 2.82 acres private open space,	Approved, partially completed

rehabilitation of historic train station

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Source: City of Oakland – Active Major Development Projects, July 2012; Lamphier-Gregory 2012.

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The cumulative discussions that are contained within each environmental topic area explain the geographic scope of the area affected by each cumulative effect, and draw on the information in the cumulative growth scenario consistent with the defined geographic area.