SupplyBank.org Project at Oakport

CEQA Analysis/Addendum

June 2023

Prepared for:

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Project Information

1. Project Title:	SupplyBank.org at Oakport Project #PLN19-070
2. Lead Agency Name and Address:	City of Oakland Planning & Building Department, Bureau of Planning 250 Frank Ogawa Plaza, Suite 2114 Oakland, CA 94612
3. Case Planner:	Richard Walker, Contract City Planner rwalker@interwestgrp.com
4. Project Location:	5601 Oakport Street Oakland, CA Assessor's Parcel Numbers 41-3904-1-5, 41-3903-2-7 and 41-3903-2-8
5. Owner:	East Bay Municipal Utility District (EBMUD)
6. Project Sponsor:	K to College, dba SupplyBank.org Benito Delgado-Olson (510) 967-8978
6. Existing General Plan Designation:	Business Mix
7. Existing Zoning:	Coliseum District 6 (D-CO-6)
8. Requested Permits:	Conditional Use Permit (CUP) for a project over 100,000 sf in the D-CO zone CUP for Civic Extensive Impact Use (EBMUD corporation yard) Design Review Tree Removal Permit Creek Permit Parcel Map Waiver Master Sign Permit The Project will also require subsequent approvals from the following additional agencies: Final long-term lease agreement from EBMUD to SupplyBank.org Development Permit from BCDC for construction within the 100-foot shoreline band Approvals from the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the Clean Water Act for fill of 'Waters of the State' Other administrative approvals from agencies and utility providers such as EBMUD and PG&E

I - Executive Summary

This CEQA Analysis document provides the required environmental review of the proposed SupplyBank.org development project at 5601 Oakport Street (the Project) at Assessor's Parcel #s 41-3904-1-05, 41-3903-2-07 and 41-3903-2-08, pursuant to the California Environmental Quality Act (CEQA). The intent of this document is to determine whether the Project's effects were adequately examined in an earlier EIR prepared for a community plan, general plan or zoning action, pursuant to CEQA Guidelines Section 15183. The intent of this document is also to determine if the Project qualifies for CEQA streamlining and/or tiering provisions of CEQA Guidelines Section 15168, and to determine whether the additional details as now represented by the Project qualify for an Addendum to a previously prepared EIR pursuant to CEQA Guidelines Section 15164.

The Project site is located within Sub-Area E of the Coliseum Area Specific Plan (CASP) planning area. The Coliseum Area Specific Plan Environmental Impact Report (CASP EIR) was certified in April of 2015. That prior EIR analyzed the environmental impacts associated with implementation of the CASP. The Project is consistent with the land use assumptions adopted as part of the CASP and its subsequent zoning actions, which were fully analyzed in the CASP EIR. Accordingly, the Project qualifies for CEQA streamlining pursuant to CEQA Guidelines Section 15183. The Project is also within the impact envelope of the reasonably foreseeable development program as analyzed in the CASP EIR, providing the basis for use of an Addendum to document the minor changes to that prior EIR attributed to the Project's details, per CEQA Guidelines Section 15164.

This document includes the following information

- The Project Description describes the proposed Project in detail.
- The Project's Consistency with the General Plan and Zoning chapter documents the Project's consistency with the CASP, the City's General Plan Land Use and Transportation Element (LUTE), and applicable zoning regulations.
- The Environmental Checklist identifies the potential environmental impacts of the Project in comparison to the impact findings of the CASP EIR. This chapter also cites the relevant City of Oakland Standard Conditions of Approval (SCAs) and any mitigation measures from the CASP EIR that apply to the Project, and provides substantial evidence to demonstrate that the Project would not cause new or more significant environmental impacts as compared to those impacts previously identified in the CASP EIR.
- The CEQA Determination provides an overview of the conclusions of the environmental analysis of the Project. It also provides the City's determination as to the applicability of CEQA exemptions pursuant to CEQA Guidelines Section 15183, the applicability of streamlining and/or tiering provisions of CEQA Guidelines Section 15168, and the applicability of an Addendum to the CASP EIR per CEQA Guidelines Section 15164 to describe and analyze the additional technical details and minor changes to the CASP EIR as represented by the Project.

II - Purpose of this CEQA Document

The City of Oakland has determined that the SupplyBank.org development project at 5601 Oakport Street (the Project) requires consideration of discretionary actions or approvals. These discretionary actions include, but are not limited to City approvals for Conditional Use Permits (CUP) for a project over 100,000 square feet in the D-CO-6 zone, a CUP for Civic Extensive Impact use, and Design Review. As such, the Project is subject to CEQA.

Pursuant to CEQA Guidelines Section 15061, "*once a lead agency has determined that an activity is a project and subject to CEQA, the lead agency shall determine whether the project is exempt from CEQA*". A project is exempt from CEQA if, "*it is exempt by statute (commencing with CEQA Guidelines Section 15260), or exempt pursuant to a categorical exemption (commencing with CEQA Guidelines Section 15300), and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2*".

Pursuant to CEQA Guidelines Section 15063(a), "*following preliminary review, the Lead Agency shall conduct an Initial Study to determine if the Project may have a significant effect on the environment*." CEQA Guidelines Section 15063(b) provides that, "*if the agency determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, the lead agency shall do one of the following:*

- *prepare a subsequent or supplemental Mitigated Negative Declaration or an EIR*
- *use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand; or*
- *determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or negative declaration", including projects that are consistent with a community plan, general plan or zoning as described in CEQA Guidelines Section 15183"*

Following preparation of an Initial Study, the Lead Agency shall then "*ascertain which effects, if any, should be analyzed in a later EIR or Negative Declaration*", per CEQA Guidelines Section 15063(c).

One of the purposes of this CEQA document is to evaluate the potential environmental effects of the SupplyBank.org development project (the Project), and to determine whether such impacts were adequately addressed within a prior Program EIR such that CEQA exemptions, streamlining and/or tiering provisions can be applied. This CEQA document incorporates information from the Coliseum Area Specific Plan EIR (CASP EIR) as the applicable prior Program EIR. This document's CEQA Checklist and supporting documentation provides comprehensive review and public information for the basis of CEQA determinations for the Project.

Based on the environmental evaluation as provided in this CEQA Checklist, the Project qualifies for multiple CEQA exemptions, streamlining and/or tiering provisions, each of which separately and independently provides a basis for CEQA compliance. These exemptions and applicable provisions of CEQA related to streamlining and/or tiering are described below.

Community Plan Exemption

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

mitigated by the imposition of uniformly applied development policies or standards…, then an EIR need not be prepared for the project solely on the basis of that impact."

This analysis considers the applicability of the environmental evaluation prepared in the 2015 Coliseum Area Specific Plan Program EIR (CASP EIR) for the Project. This CEQA document concludes that the Project would not result in significant impacts that; 1) are peculiar to the Project or Project site; 2) were not identified as significant project-level, cumulative or off-site effects in the CASP EIR; or 3) were previously identified as significant effects but are determined to have a more severe adverse impact than discussed in the prior CASP EIR. Findings regarding the Project's consistency with applicable General Plan and zoning provisions are included in this document. The Project meets the requirements for a Community Plan Exemption pursuant to CEQA Guidelines Section 15183. The Project is permitted in the zoning district where the Project site is located, and is consistent with the land uses as envisioned for the site in the General Plan and the Coliseum Area Specific Plan. Based on the analysis conducted in this CEQA document and pursuant to CEQA Guidelines Section 15183, the Project qualifies for a Community Plan Exemption.

Program EIRs

CEQA Guidelines Section 15168 (Program EIRs) provides that a prior Program EIR can be used in support of streamlining and/or tiering provisions under CEQA. A Program EIR is an EIR prepared on a series of actions that can be characterized as one large project and that are related geographically and by other shared characteristics. The CASP EIR is a Program EIR, which can be relied on for streamlining and/or tiering under the provisions of CEQA Guidelines Section 15168, which provides that "*subsequent activities in a Program EIR must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared*." If the lead agency finds that, pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the lead agency can approve the activity as being within the scope of the project covered by the Program EIR and no new environmental document would be required.

Based on an examination of the analysis, findings and conclusions of the prior CASP EIR as summarized in this CEQA Checklist, the potential environmental impacts associated with the Project have been adequately analyzed and covered in that prior Program EIR. This CEQA Checklist demonstrates that the Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR per CEQA Guidelines Section 15162, because the level of development now proposed for the Project site is within the broader development assumptions analyzed in that Program EIR.

Addendum to a Prior EIR

Section 15164 of the CEQA Guidelines provides that, "*an addendum to an adopted negative declaration or certified EIR may be prepared if only minor technical changes or additions are necessary, and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration has occurred.*" CEQA Guidelines section 15162 provides that, for a project covered by a previously certified EIR, preparation of a subsequent EIR or negative declaration (rather than an Addendum) is required only if one or more of the following conditions occur:

- substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects
- substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of

new significant environmental effects or a substantial increase in the severity of the previously identified significant effects, or

- new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - the project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;
  - mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

An additional purpose of this CEQA document is to update the CASP EIR with the additional technical details and minor changes to the CASP EIR as represented by the Project, and as fully described in the Project Description. The analysis presented in this CEQA document is intended to enable the City to determine whether an Addendum to the CASP EIR, in accordance with CEQA Guidelines section 15164, is the appropriate CEQA document to address the more detailed information specific to the Project. This CEQA document provides information to the lead agency (City of Oakland) to aid in the City's determination of whether any of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. This CEQA document references and relies on the analyses completed in the CASP EIR and incorporates the conclusions of the CASP EIR by reference, as appropriate.

No Additional Environmental Review Required

The CEQA Checklist included in this document fully analyzes the environmental impacts of the Project to determine the most appropriate approach for its CEQA documentation. This analysis concludes that the Project is eligible for a Community Plan exemption under CEQA Guidelines Section 15183. The analysis also uses CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15168 to tier from the analyses completed in the City of Oakland's 2015 CASP EIR. Per CEQA Guidelines Sections 15162 and 15164, the Project is also eligible for the use of an Addendum to the CASP EIR.

The 2015 CASP EIR serves as the previous CEQA document considered in this CEQA Analysis, and that prior EIR is hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, in Oakland, California 94612. The CASP EIR can also be viewed and downloaded from the City's Current Environmental Review (CEQA/EIR) Documents webpage at: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022

Previous Mitigation Measures and Current Standard Conditions of Approval

This CEQA Checklist's analysis assumes implementation of all applicable City of Oakland Standard Conditions of Approval (SCAs), which are included as **Attachment A**. The Project would be required to implement these uniformly applied SCAs to avoid or reduce potential impacts.

This CEQA Analysis evaluates the potential Project-specific environmental effects of the Project and evaluates whether such impacts were adequately covered by the 2015 CASP EIR, to allow the provisions afforded by CEQA Guidelines Sections 15183, 15168 and 15164 to apply. The analysis incorporates by reference the information contained in the previous CEQA document. The Project is legally required to incorporate and/or comply with the applicable requirements and mitigation measures identified in the 2015 CASP EIR. Therefore, the mitigation measures identified in the CASP EIR are assumed included as part of the Project, including those that have been modified to reflect the City's current standard language and requirements.

SCAs in General

The City established its Standard Conditions of Approval and Uniformly Applied Development Standards (SCAs) in 2008, and they have since been amended and revised several times. The City's SCAs are incorporated into new and changed projects as conditions of approval, regardless of a project's environmental determination. The SCAs incorporate policies and standards from various adopted plans, policies, and ordinances, which have been found to mitigate environmental effects to a substantial degree. When a project is approved by the City, all applicable SCAs are adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation. The SCAs are adopted as enforceable conditions of approval and are incorporated and required as part of a project, so they are not listed as mitigation measures.

Prior Mitigations and SCA Application in this CEQA Checklist

Mitigation measures identified in the 2015 CASP EIR that would apply to the Project are also listed in **Attachment A** (SCAMMRP) to this document, which is incorporated by reference into this CEQA Analysis. In addition, SCAs identified in the 2015 CASP EIR, as updated and that would apply to the Project, are also listed in Attachment A to this document. Because the SCAs are mandatory City requirements, the impact analysis for the Project assumes that they will be imposed and implemented, and that the Project Applicant has agreed to do or ensure as part of the Project. The Project is required to comply with all applicable mitigation measures and SCA, even if inadvertently omitted from this CEQA document.

Most of the SCAs that are identified for the Project were identified in the 2015 CASP EIR. As specifically addressed in the SCAMMRP (Attachment A), following certification of the 2015 CASP EIR the City of Oakland has revised and updated its SCAs, and the most current SCAs are identified in this CEQA Checklist.

III - Project Description

This section describes the proposed SupplyBank.org Project at Oakport (the Project) as evaluated in this CEQA Analysis. The following includes a description of the Project site and surroundings, existing site conditions, the proposed development of the site, and required Project approvals.

Project Site

Property Ownership

The Project site involves one legal lot of approximately 66.5 acres (i.e., the Project site), owned by the East Bay Municipal Utility District (EBMUD). Per EBMUD records and a 2023 Title Report, EBMUD originally owned a larger, 127-acre property. In 1968 an approximately 4.7 acre portion of this property was conveyed to the City of Oakland for the 66th Avenue overpass, and in 1983 an approximately 55.6 acre portion of this property was conveyed to the City for City ownership of portions of Damon Marsh and the adjacent City recreational open space/sport field. The remaining approximately 66.5-acre property represents the Project site.

EBMUD also owns an adjacent small 0.8-acre triangular parcel north of East Creek Slough, but this a separate property and not a part of the Project site.

Assessor's Parcels

The Project site is identified under three separate Alameda County Assessor's parcels.[1] For purposes of this document, the three Assessor's parcels are utilized to identify separate portions of the Project site. Assessor's Parcel Number (APN) 41-3903-2-8 is the primary location of the Project (i.e., the Development Area), and APNs 41-3904-1-5 and 41-3903-2-7 are the remaining portions of the property (see **Figure 1**).

APN 41-3903-2-8

This Assessor's parcel is an approximately 15.7-acre portion of the EBMUD property. This APN fronts Oakport Street along its eastern perimeter and Oakport Street/Zhone Way to the southeastern perimeter. This APN is a vacant site with fencing along Oakport Street, but no internal improvements. A levee that was originally constructed for a former railway line generally forms the westerly edge of this APN, and separates this property from the adjacent City of Oakland property and Damon Marsh. Occasionally, EBMUD permits this portion of its property to be used as a temporary circus grounds during the summer and for other seasonal outdoor use and temporary overflow parking, but generally this portion of the EBMUD property remains vacant most of the time.

APN 41-3904-1-5

This Assessor's parcel is an approximately 28.9-acre portion of the EBMUD property, and includes the separate 0.8-acre triangular lot north of East Creek Slough. This Assessor's parcel fronts Oakport Street along its eastern perimeter. East Creek Slough bisects this Assessor's parcel along the lot line between the larger EBMUD property to the south, and the small triangular EBMUD lot to the north. This Assessor's parcel has four driveway entries off Oakport Street.

[1] Assessor's records are not always the same as legal lots. A parcel is an identification for taxation purposes, while a lot is a recognized subdivision of property with a written legal description.

Figure 1
Project Site

Source: EBMUD, Oakport Property Map, 01/27/23

This portion of the Project site is actively used by EBMUD for a variety of purposes, principally as the site of the Oakport Wet Weather Treatment Facility (Oakport WWF) located on the northerly portion of this parcel. The Oakport WWF is one of three wet weather facilities (also including similar facilities at Point Isabel and San Antonio Creek) that provide primary wastewater treatment through physical removal of solids and chemical disinfection prior to discharge. During dry weather and non-peak flows, EBMUD fully treats wastewater to secondary treatment standards at its main wastewater treatment plant (WWTP) in West Oakland. The three WWFs were built to capture and treat excess untreated wastewater during peak wet-weather flows. The three WWFs discharge, on average, less than ten times per year. This facility is operating under a 2020 Revised Tentative Order that prohibits discharges from each of the three WWFs, consistent with a prior 2007 State Water Board Order that the three WWFs must either meet secondary treatment standards, or cease discharge. A 2014 Consent Decree requires the reduction and eventual cessation of all WWF discharges, beginning with the San Antonio WWF in 2027, and ending with the Oakport WWF in 2035.[2]

South of the Oakport WWF, a portion of this Assessor's parcel is currently used as a construction storage site for EBMUD construction materials (e.g., materials needed for new or replacement water or sewer pipes). This construction storage use includes eight small structures (4 sheds, 3 storage structures and a pipe storage structure). It also includes a large (250-foot by 25-foot) outdoor storage bin used to hold construction materials such as sand and gravel, and much of the remaining portion of this property is used for outdoor storage of pipes (pipe laydown areas), typically placed directly on the ground and/or stacked. This Assessor's parcel is split north-and-south by the Peppermint Gate Access Road, which allows for public access (including vehicles) to the Oakport Field/City soccer fields and to the Bay Trail. EBMUD construction materials storage occurs on both sides of the Peppermint Gate Access Road.

APN 41-3903-2-7

This approximately 21.8-acre portion of the EBMUD property abuts APN 41-3904-1-5 to the west and the separate City-owned property which includes the Oakport Field/City soccer fields to the south. The majority of this Assessor's parcel is submerged lands within the Oakland Estuary/San Leandro Bay, and the remainder is shoreline marsh and uplands near the shoreline. There are no physical improvements on this site, other than a portion of the Bay Trail along the shoreline.

Development Area

The Project involves a lease of a 16.56-acre portion of the Project site from EBMUD to SupplyBank.org to accommodate the proposed development. This 16.56-acre portion of the EBMUD property encompasses all of APN 41-3903-2-8 and a small portion of APN 41-3904-1-5. It is referred to throughout this document as the "Development Area".

For ease of reference, the remainder of APN 41-3904-1-5 is referred to throughout this document as the "Northerly Area", and APN 41-3903-2-7 is referred to as the "Westerly Area".

Other Existing Site Characteristics

None of the three Assessor's parcels that comprise the Project site are identified on a hazardous waste or substances site list as compiled pursuant to Government Code Section 65962.5 (i.e., the properties are not on the Cortese List).

There are no known historic resources within or directly adjacent to the Project site.

[2] San Francisco Bay Regional Water Quality Control Board, *Staff Summary Report: East Bay Municipal Utility District; Point Isabel, San Antonio Creek, and Oakport Wet Weather Facilities; Richmond and Oakland; Contra Costa and Alameda Counties – Reissuance of NPDES Permit*, February 12, 2020, accessed at: https://www.waterboards.ca.gov/rwqcb2/board_info/agendas/2020/February/6c_ssr.pdf

There are currently no sidewalk or bicycle facilities along the Oakport Street frontage of the Project site. The Bay Trail pedestrian and bike trail follows a generally north-south alignment that abuts the westerly side of the Development Area, passes through the City of Oakland property near the soccer fields along the Bay shoreline, and crosses through portions of the Westerly Area and the Northerly Area within the shoreline marsh and uplands. At the northerly portion of the Project site, the Bay Trail crosses a pedestrian bridge over East Creek Slough as it heads further to the north.

Existing landscape includes sparse vegetation and approximately 23 mature trees, only 6 of which are located within the Development Area.

Project Location and Surrounding Land Uses

The Project site is located in the Coliseum industrial neighborhood of East Oakland, immediately north of the Oakland Airport Business Park (a commercial area comprising approximately 400 acres northwest of the Oakland International Airport) and within the Sub-Area E planning area of the City of Oakland's Coliseum Area Specific Plan. The Project site is adjacent to (on the west side of) Interstate 880 (I-880), and a portion of the site forms the shoreline of the Oakland Estuary/San Leandro Bay. The site is approximately 0.25 miles northwest of the Oracle Arena/Oakland Coliseum, approximately 0.7 miles west of the Coliseum Bay Area Rapid Transit District (BART) Station and approximately 3 miles northeast of the Oakland International Airport terminal entrance.

Regional access to the Project site is provided primarily from I-880 via the southbound Zhone Way/northbound 66th Avenue interchange. The Development Area is within the northwest quadrant of this interchange, adjacent to the southbound off-ramp at Zhone Way. Westbound Zhone Way terminates just before the Oakland Estuary/San Leandro Bay at Oakport Street (a frontage road parallel to the freeway), and the Development Area fronts onto Oakport Street at this location.

Land uses within the vicinity (see **Figure 2**) include:

- The East Creek Slough is located immediately to the north of the East Bay Municipal Utility District (EBMUD) Oakport Wet Weather Treatment Plant.
- I-880 is to the immediate east of the Project site, with large-scale warehouse and distribution centers on the east side of the freeway.
- Damon Slough is to the south of the Project site and south of the Zhone Way/66th Avenue interchange, with the Oakland Airport Business Park on the south side of the Slough.
- Damon Marsh and the Oakland Estuary/San Leandro Bay is to the west of the Project Site.
- The southwesterly portion of the Project site, west of the Development Area, is separated from San Leandro Bay by a separate parcel owned by the City of Oakland, which includes improved soccer fields/baseball fields.

Figure 2
Project Location and Vicinity

General Plan Designation and Zoning

The Project site is located within the Coliseum Area Specific Plan (CASP), and specifically in an area identified in the CASP as Sub-Area E. Prior to approval of the CASP, this area had a mix of land use designations pursuant to the City of Oakland Estuary Policy Plan that include Light Industry- 3, General Commercial-2 and Parks. The CASP brought all of Sub-Area E out of the purview of the Estuary Policy Plan area and into the Land Use and Transportation Element (LUTE) Land Use Diagram. The original Draft version of the CASP identified Sub-Area E as appropriate for, "open space and habitat enhancements, with careful consideration of the amenities and environmental attributes of the San Leandro Bay shoreline and improvements to the existing Martin Luther King Jr. Shoreline Park paths and facilities". This originally intended use of Sub-Area E was predicated on using a portion of Sub-Area E as a mitigation site to offset the fill and development of a separate seasonal wetland area within the Oakland Airport Business Park. However, plans for fill and development of this seasonal wetland were not accepted or approved.[3]

Instead, the City-approved version of the CASP proposes, "*open space and habitat enhancements for Sub-Area E, with careful consideration of the amenities and environmental attributes of the San Leandro Bay shoreline and improvements to the existing Martin Luther King Jr. Shoreline Park paths and facilities, as well as the presence of EBMUD's existing wet-weather treatment facility and corporation yard in Sub-Area E*."[4] Specifically, the final, City-approved CASP envisions that, of the property owned by East Bay Municipal Utility District (EBMUD),

- the existing Oakport Wet Weather Treatment Facility would continue operations
- the existing vacant lot fronting Oakport Street at 66th Avenue (i.e., the area generally encompassing the Development Area of the Project site) would be "utilized in a manner that creates and maintains an attractive frontage along Oakport Street", and
- the waterfront parcels facing East Creek Slough and the San Leandro Bay would be improved to include a combination of open space, wetland and habitat restoration, as well as space for potential future expansion of the existing corporation yard [5]

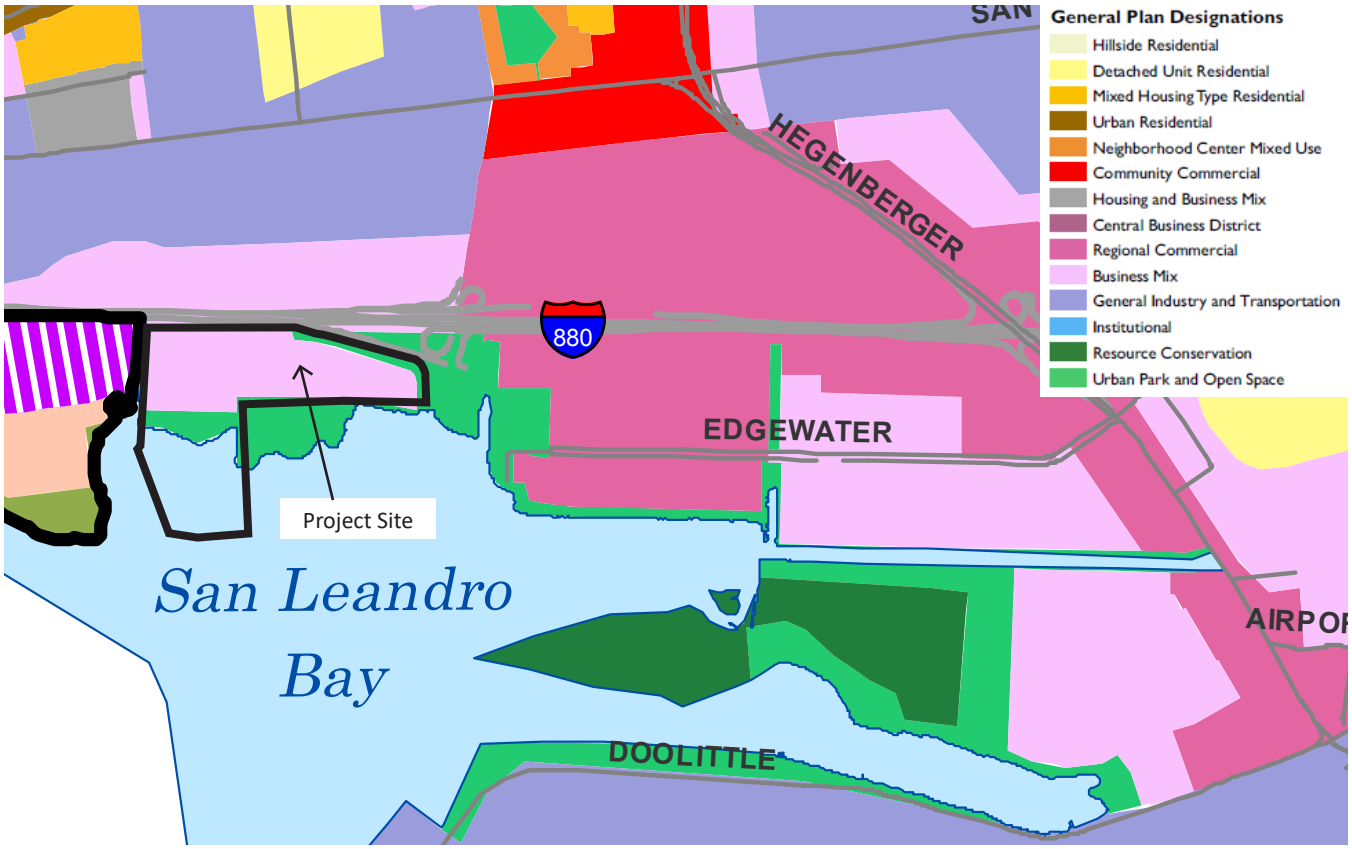
General Plan Designation

The CASP resulted in re-designation of the Development Area and the Northerly Area as Business Mix, to more accurately reflect the site's current and expected long-term uses (see **Figure 3**). According to the LUTE, the Business Mix classification is, "*a flexible economic development zone which strives to accommodate older industries and anticipate new technologies, including both commercial and industrial operations. These areas contain a wide range of business and business serving activities. Different examples of development that fall into this classification include Edgewater Business Park, commercial or other market-supported development on the freeway frontage along I-880, and portions of West Oakland that have historically been very business intensive*". The Westerly Area remained under its designation as Urban Park and Open Space.

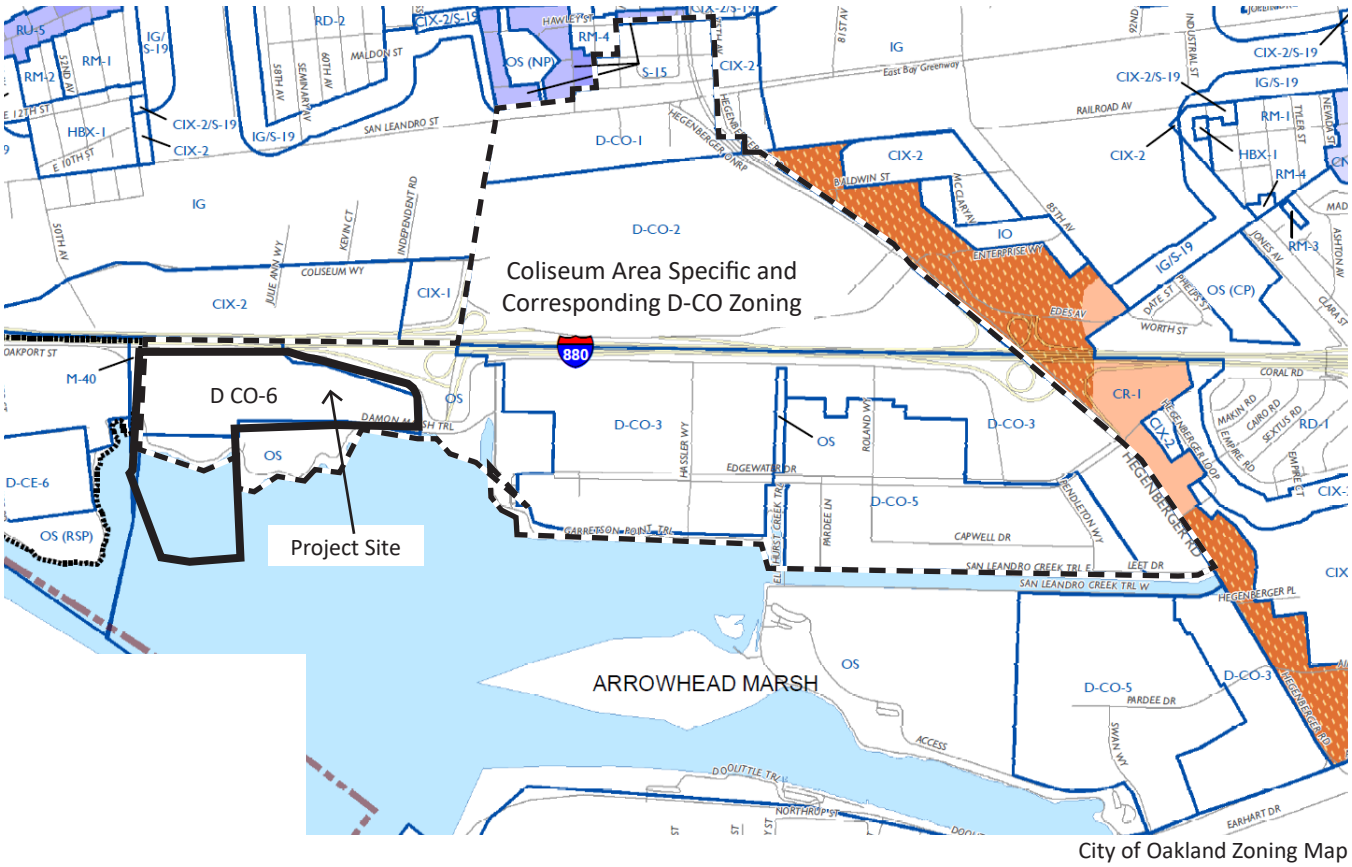
[3] The originally proposed CASP included a proposal whereby the possible elimination of restored seasonal wetland and upland habitat might occur in Sub-Area B (within the Airport Business Park), with a potential land swap that would create up to 15 acres of new wetland habitat within Sub-Area E. The new wetland habitat would occur on City-owned open space of approximately 24 acres. The Final approved CASP removed this proposed land swap from consideration as there was no consensus from other involved public agencies (i.e., the Port of Oakland and the East Bay Regional Park District).

[4] City of Oakland, Final CASP, April 2015, Chapter 3, Section 3.10, page 73

[5] Ibid



Oakland General Plan Land Use Diagram



City of Oakland Zoning Map

Figure 3
City of Oakland General Plan and Zoning

Source: City of Oaklad, accessed at: https://www.oaklandca.gov/resources/general-plan-map , and https://www.oaklandca.gov/resources/zoning-map

The Business Mix classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. High impact or large scale commercial retail uses should be limited to sites with direct access to the regional transportation system. These areas may accommodate a mix of businesses such as light industrial, manufacturing, food processing, commercial, bioscience and biotechnology, research and development, environmental technology, business and health services, air, truck and rail-related transportation services, warehouse and distribution facilities, office, and other uses of similar business character. The maximum FAR for this classification is 4.0.[6]

Zoning

Similar to the General Plan amendments, the CASP recommended zoning changes within the CASP Plan Area. Portions of Sub-Area E had previously been zoned Commercial/Industrial Mix (CIX-2), which was intended to create, preserve, and enhance industrial areas appropriate for a wide variety of heavy commercial and industrial establishments. Pursuant to the CASP approvals, the Project site's Development Area and Northerly Area were re-zoned to Commercial Mix District – 6 Industrial Zone (Oakport North), or D-CO-6, and the upland portion of the Westerly Area remained as Open Space (see also **Figure 3**).

According to the Oakland Planning Code (Chapter 17.101H), the D-CO Coliseum Area District Zones Regulations for the D-CO-6 zone are, "*intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher intensity commercial and light industrial land uses and development types*". This description of intended land uses in the D-CO-6 zone are also incorporated in the final City-approved version of the CASP.[7]

Permitted land uses within the D-CO-6 zone include the following applicable commercial and industrial land use types:

- *Administrative Industrial Activities*, including administrative offices of non-profit organizations
- *Business Commercial Activities*, including the provision of services of a goods brokerage or processing nature)
- *General Wholesale Sales Commercial Activities*, includes the storage and sale, from the premises, of bulk goods, as well as the storage of such goods on the premises and their transfer therefrom to other firms or individuals)[8]
- *General Warehousing, Storage and Distribution Industrial Activities*, including the warehousing and storage, primarily within enclosed buildings, of commercial goods other than primary storage of hazardous materials, and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching; and accessory outdoor storage areas where outdoor storage, not including parking and loading areas, does not occupy more than 30% of the total site area. [9]

Other land use types that are permitted within the D-CO-6 zone only upon the granting of a Conditional Use Permit (CUP) include the following:

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6 City of Oakland, Land Use and Transportation Element (LUTE) of the General Plan, March 1998, page 152

7 City of Oakland, Coliseum Area Specific Plan (CASP), 2015 page 146

8 The total floor area devoted to these activities by a single establishment shall only exceed 25,000 square feet upon the granting of a Conditional Use Permit

9 Not including accessory activities, this activity shall take place entirely within an enclosed building, and other outdoor activities shall only be permitted upon the granting of a Conditional Use Permit)

- *General Outdoor Storage Industrial Activities*, which include principal outdoor storage of items for more than 24 hours where such storage activities occupy more than 30% of the site area, the principal storage of goods and materials, equipment or vehicles, as well as the storage of operating equipment for warehouses, such as forklifts, pallets, and racks. This classification includes, but is not limited to, construction trailers, outdoor sheds or accessory portable structures, secondary sites for storage of building materials that are not for resale on-site)[10]
- *Construction Operations Industrial Activities*, which includes enclosed and unenclosed facilities and accessory yards for construction and incidental storage activities and/or fabrication activities performed by construction contractors on lots other than construction sites)
- *Extensive Impact Civic Activities*, including public and public utility corporation or truck yards)
- *Community Assembly Civic Activities*, including temporary uses such as fairs and carnivals

Design Review

Except for projects that are exempt from Design Review as set forth in Section 17.136.025, no building, facility or other associated structure shall be constructed, established or altered in exterior appearance unless plans for the proposal have been approved pursuant to the City's Design Review procedure of Chapter 17.136 of the Oakland Planning Code.

Detailed Project Description, Development Area

Project Overview

SupplyBank.org (the Project applicant) has secured a tentative long-term lease agreement with EBMUD to lease a portion of EBMUD property that comprises the proposed Development Area. SupplyBank.org intends to improve the Development Area to include a new office and warehouse to consolidate their headquarters for its non-profit operations, with additional office space capacity available for rent to other non-profit organizations for similar office use. EBMUD and/or SupplyBank.org also intend to construct additional warehouse space, a workshop and pipe storage and materials storage bins to enable EBMUD to relocate these uses from their current substandard operational conditions at the Northerly Area.

The following provides a description of the SupplyBank.org Project within the Development Area, including site preparation and construction activities, the proposed development characteristics (including proposed relocation of certain existing EBMUD uses from the Northern Area of the Project site to the Development Area), circulation and parking, landscaping and streetscape, and utilities and infrastructure improvements. The Project is summarized in **Table 1**.

[10] Any Outdoor Storage activities to be located within 300 feet of the Oakport Street right-of-way, the Estuary or Bay shoreline, the Damon Slough, Elmhurst Creek, East Creek Slough, or San Leandro Creek top of bank, or any Open Space Zone shall only be permitted upon determination that the proposal conforms to the general use permit criteria. Additionally, such uses must also demonstrate that the activity is screened (e.g., a buffer planting installed along the site exterior), and the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding district (in terms of noise, water and pollutant runoff, heavy equipment operation, hours of operation, odor, security, and vehicular traffic).

Table 1: Development Area Project Summary	
Project	**Amount**
Development Area	721,182 SF (16.56 acres)
Gross Building Floor Area (FAR)	293,000 SF (0.4 FAR)
Building Site Coverage, Total	165,000 SF (23%)
Pipe Storage and Materials Bin area	38,000 SF
Parking and Circulation area	394,758 SF (53%)
Parking spaces	323
Truck Loading Spaces	12
Building height	Up to 85 feet

Source: Ware Malcomb, 2019

Development Area Site Preparation

The Project site was originally a tidal marshland. Miscellaneous fill was placed over the marshland in the 1950s and 1960s to create the existing relatively level property, which has a gentle slope from the east down to the west. The miscellaneous, undocumented fill is approximately 5½ to 11 feet in depth, and consists of sand and clay with variable amounts of sand and gravel. Such undocumented fill can result in differential settlement and damage to structures relying on such fill for structural support, and the fill (as is) is not suitable to support the proposed buildings and retaining walls.

Proposed earthwork will include clearing and grubbing the site. Undocumented fill below pavement and hardscape areas would be over-excavated to a minimum depth of 2 feet. This over-excavated subgrade would be compacted and backfilled with structural fill.

In those areas where the materials bin and pipe storage structure are proposed (see further discussion below), the remaining undocumented fill and compressible Bay Mud is anticipated to be reinforced with a Rammed Aggregate Pier (RAP) system installed on a grid pattern. This would eliminate the need for significant over-excavation or deep foundations for these areas, and would allow for the placement of stockpiled materials and retaining wall foundations directly atop the RAP-reinforced subgrade. RAP systems are typically installed after clearing and grubbing, and prior to beginning of fill import and grading.

For the Workshop, the Warehouse and the Office building, it is assumed that steel piles will be driven into firm native soil below the Bay Mud and liquefiable soil layers, as needed to support these proposed buildings. These piles may be pre-drilled prior to pile driving, with the excess space filled with a bentonite slurry. Casing sleeves may also be placed around the piles to separate the piles from direct contact with settling soils. For estimating purposes, it is assumed that the piles would be extended a minimum depth of 65 feet below ground surface.

Following the installation of foundation support systems (the rammed aggregate piers and steel piles), the site would be filled with up to 4 feet of imported soil as required to achieve final grade (see **Figure 4**).

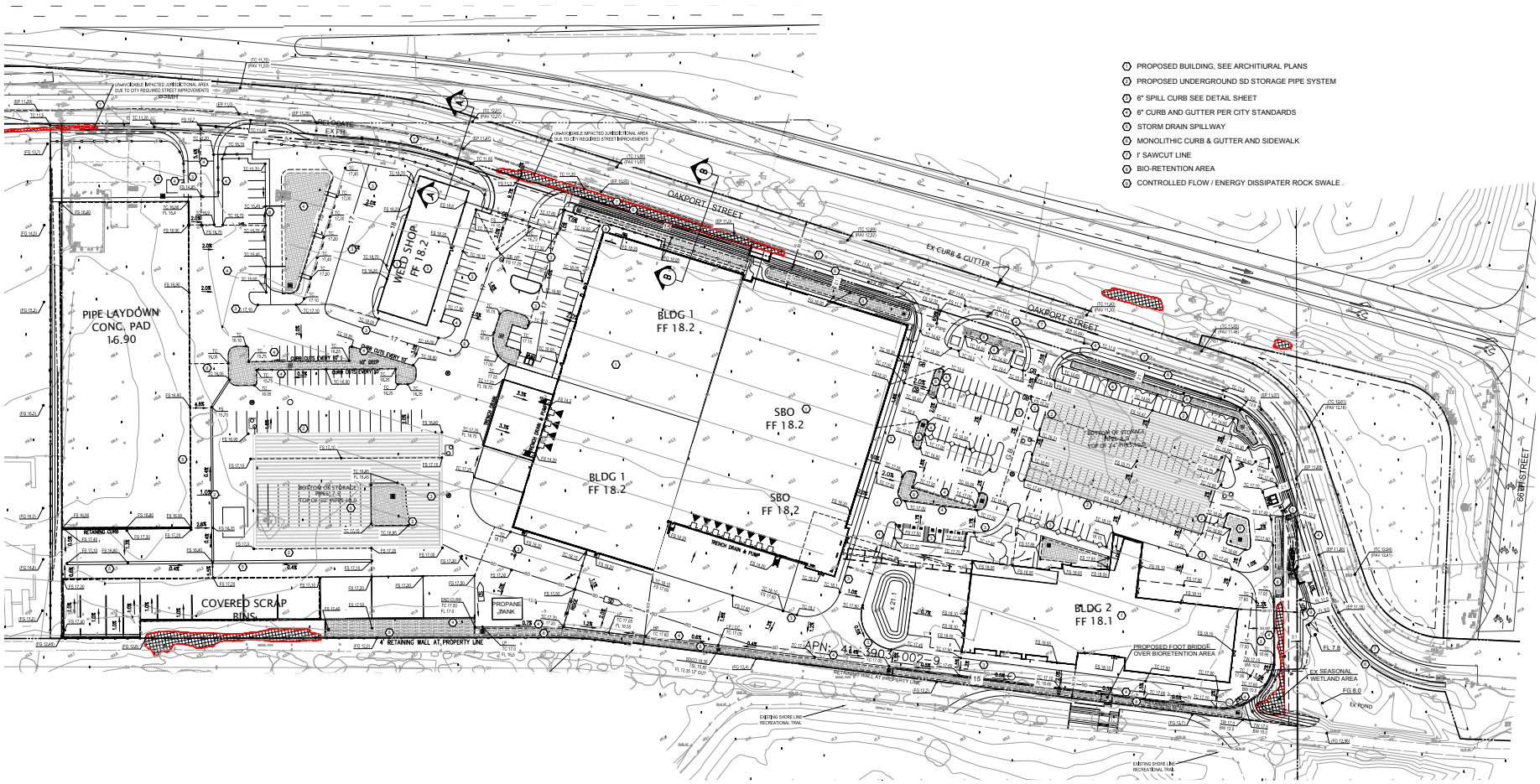


Figure 4
Development Area - Preliminary Grading and Drainage Plan

Source: Ware Malcomb, Sheet C3.0, December 2022

Final grade is intended to raise the ground surface elevation at areas that may otherwise be susceptible to reasonably forecast sea level rise (see Hydrology section of this CEQA Checklist). Based on preliminary earthwork quantities, it is anticipated that the Project may have as much as 8,430 cubic yards (CY) of cut grading/excavation for building foundations and 31,378 CY of fill across the site, for a net balance of 22,941 CY of soil import.[11] Based on default assumptions built into the air quality emissions calculator (CalEEMod 2022 – see Air Quality section of this CEQA Checklist), soil import will involve up to 96 truck trips per day over a period of 15 days, with each truck hauling 16 cubic yards of imported soil.

Based on the relatively shallow depth to groundwater, it is expected that dewatering will be necessary during all cuts and utility trenching, as well as during the pile driving/drilling process (see further discussion in the Noise section of this CEQA Checklist).

Development Plan

As shown on **Figure 5**, the development plan for the Development Area includes construction of four new buildings on this site, as more fully described below.

Office Building

A new 85-foot high, 5-story office building (see **Figure 6**) would be constructed at the southern-most portion of the Development Area. The top floor of this approximately 160,000 square-foot building would be used as the SupplyBank.org headquarters, and remaining capacity in this building (floors 2-4) would be rented to other non-profit organizations for similar office use.

This new office building would be constructed with metal stud framing, and with pre-finished aluminum composite metal panels over concrete walls. The building facades would be comprised of exterior porcelain tile (including a decorative pattern of multi-hued blue colored tile), glass windows and aluminum wall joints, a window system with aluminum storefront windows on the ground floor, and a continuous metal cap across the top of the building. This building would also include space for painted murals to be completed by others.

Warehouse

A new 123,000 square foot warehouse would be constructed in the middle portion of the Development Area (see **Figure 7**). This 55-foot high warehouse would be divided into two spaces. One space would serve as SupplyBank.org materials storage and distribution, and the other space would be reserved for EBMUD storage and materials.

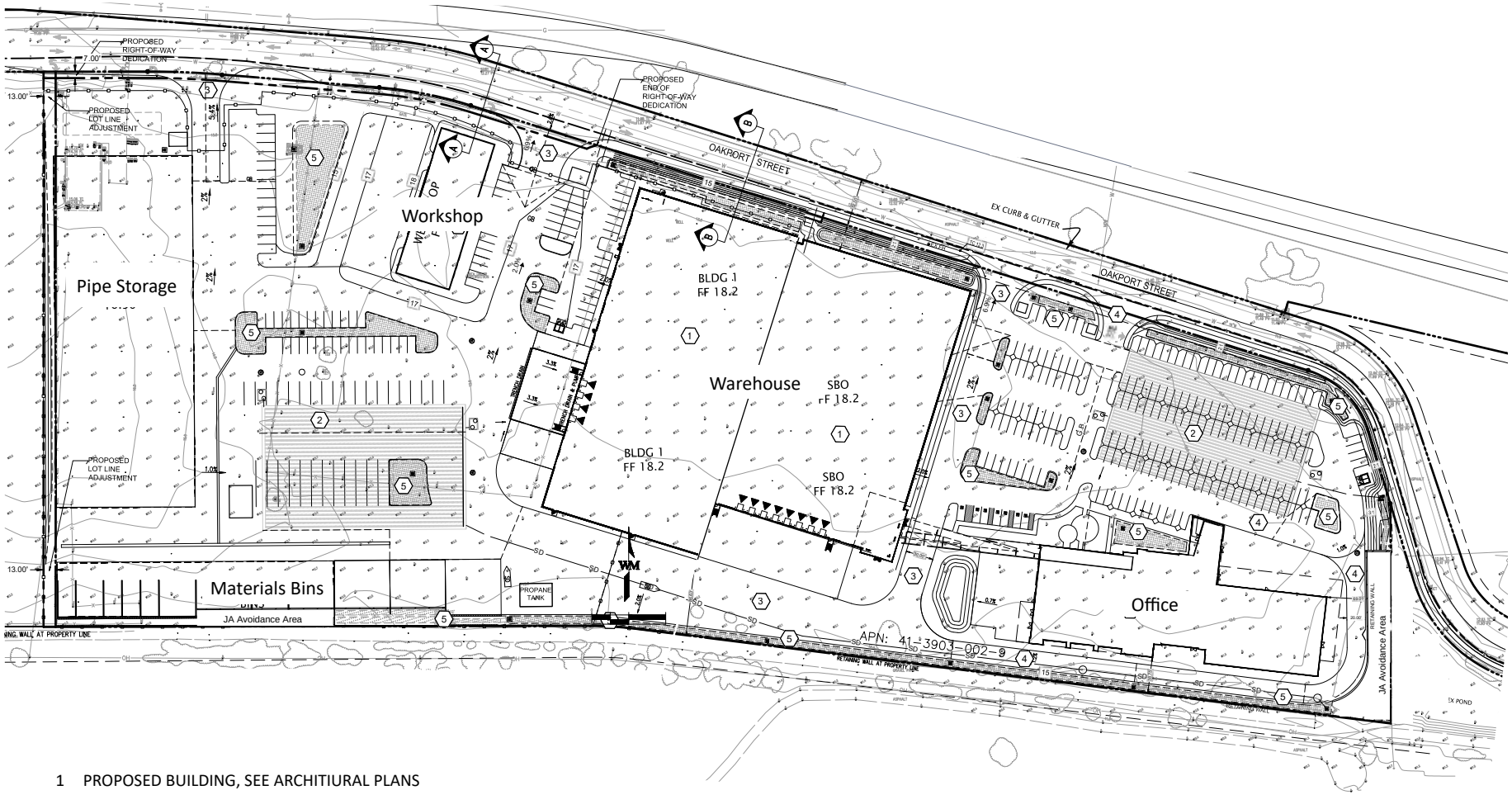
Work Shop

A relatively small (approximately 10,000 square foot) workshop would be constructed on the north-central portion of the Development Area (see **Figure 8**). This 34-foot tall workshop would serve as a replacement for the existing EBMUD weld shop currently located within the Northerly Area. Work conducted within the workshop would include pipe welding and EBMUD training operations.

Pipe Storage Structure

An additional structure to be added would be an approximately 26,000 square-foot pipe and materials storage rack structure. This storage shed would be located on the northerly portion of the Development Area. This would be a 28-foot tall, peaked roofed structure (36 feet high at the peak) with open sides for easy access for forklift operations to store and supply large pipes and other materials used by EBMUD (see also **Figure 8**).

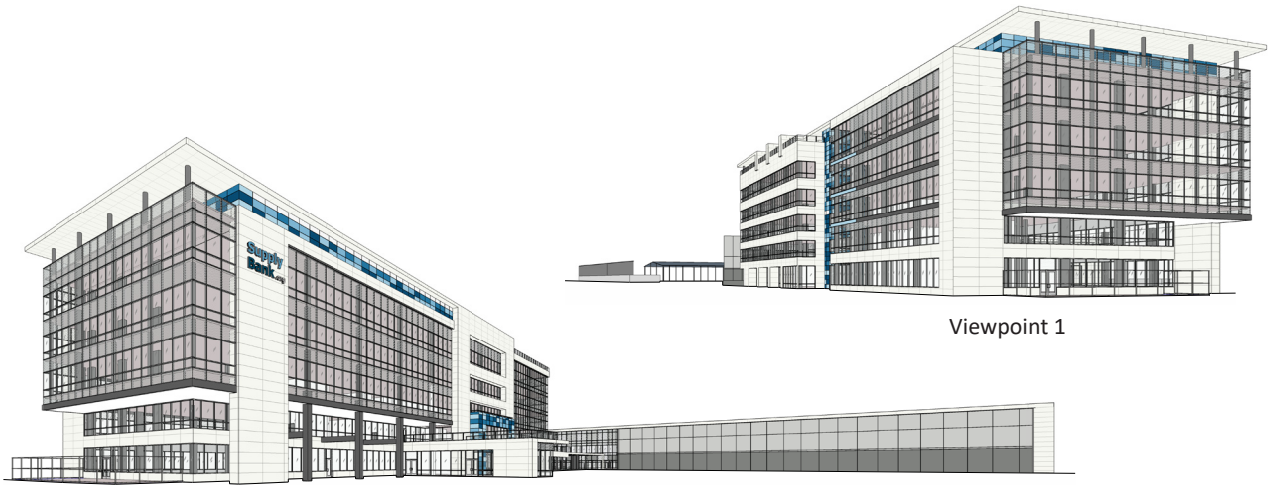
[11] Ware Malcomb, Preliminary Grading and Drainage Plan, Sheet C3.0, January 2019



1 PROPOSED BUILDING, SEE ARCHITIURAL PLANS
2 PROPOSED UNDERGROUND SD STORAGE PIPE SYSTEM
3 TRUCK TRAFFIC DRIVEWAY ACCESS
4 AUTOMOBILE DRIVEWAY ACCESS
5 BIO-RETENTION AREA

Figure 5
Development Area - Proposed Site Plan

Source: Ware Malcomb and Barber Surveying, Parcel Map Waiver, December 2022

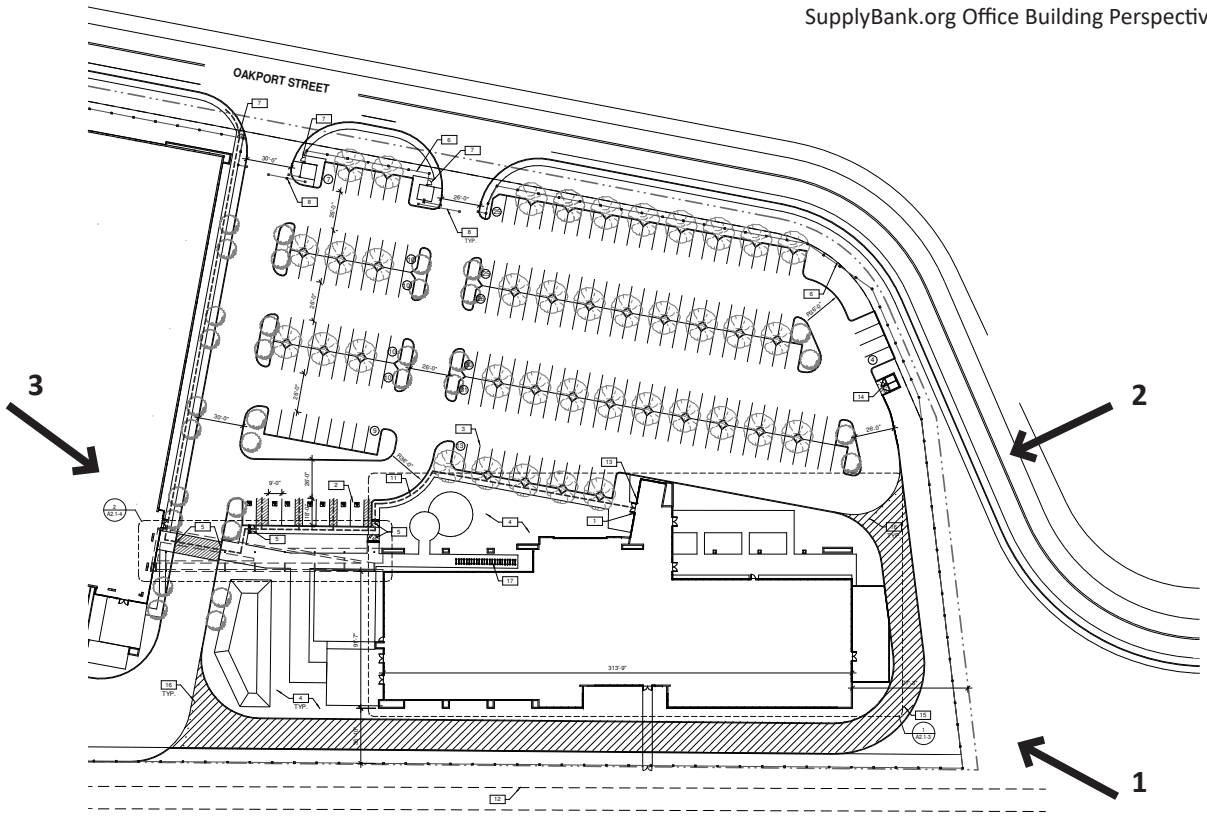


Viewpoint 1

Viewpoint 2

Viewoint 3

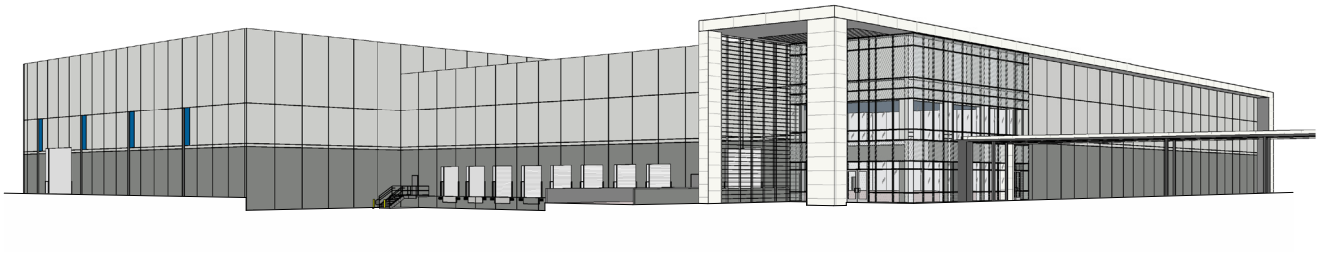
SupplyBank.org Office Building Perspective Drawings



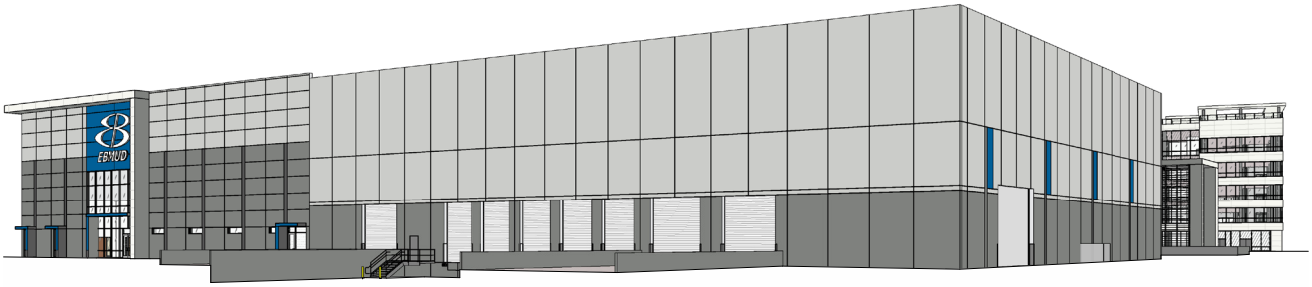
SupplyBank.org Office Building Site Plan

Figure 6
SupplyBank.org Office Building

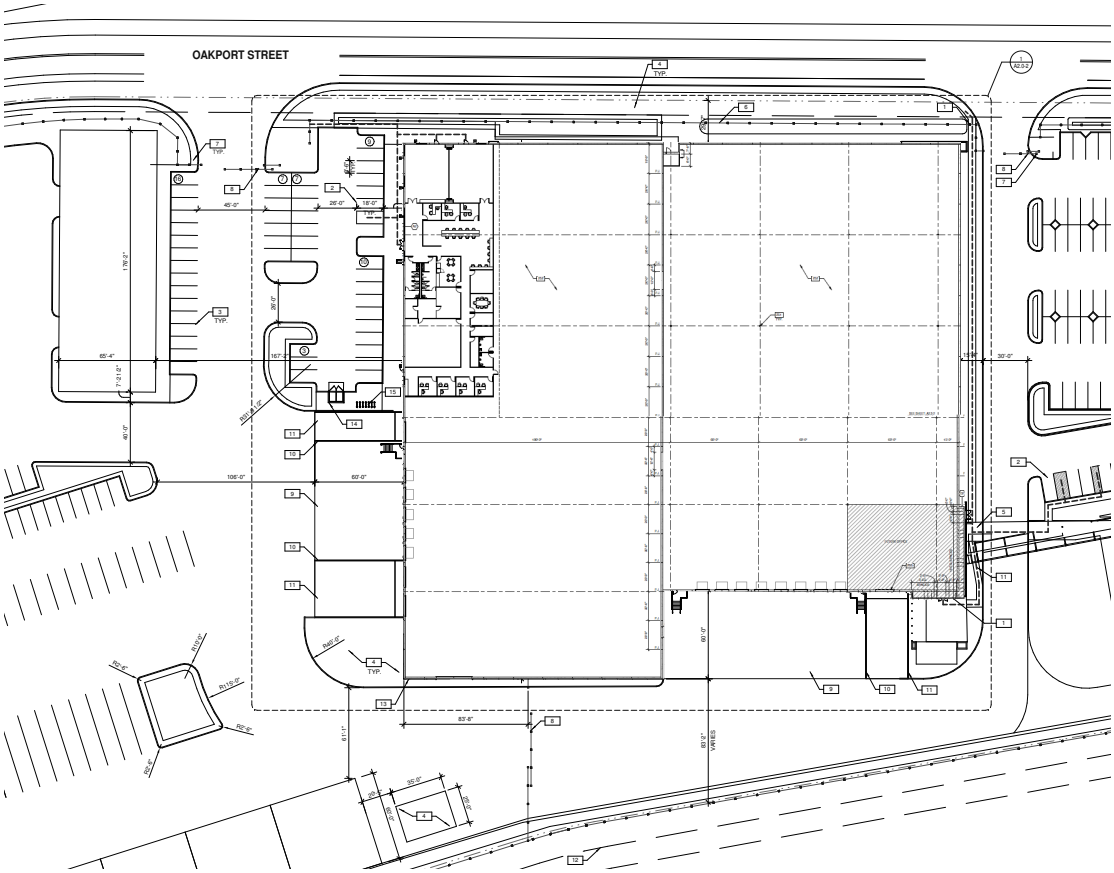
Source: Ware Malcolm, Sheets A0.1b and A1.1-3, April 3, 2019



Warehouse Building Perspective, Unit #2 (SupplyBank)



Warehouse Building Perspective, Unit #1 (EBMUD)

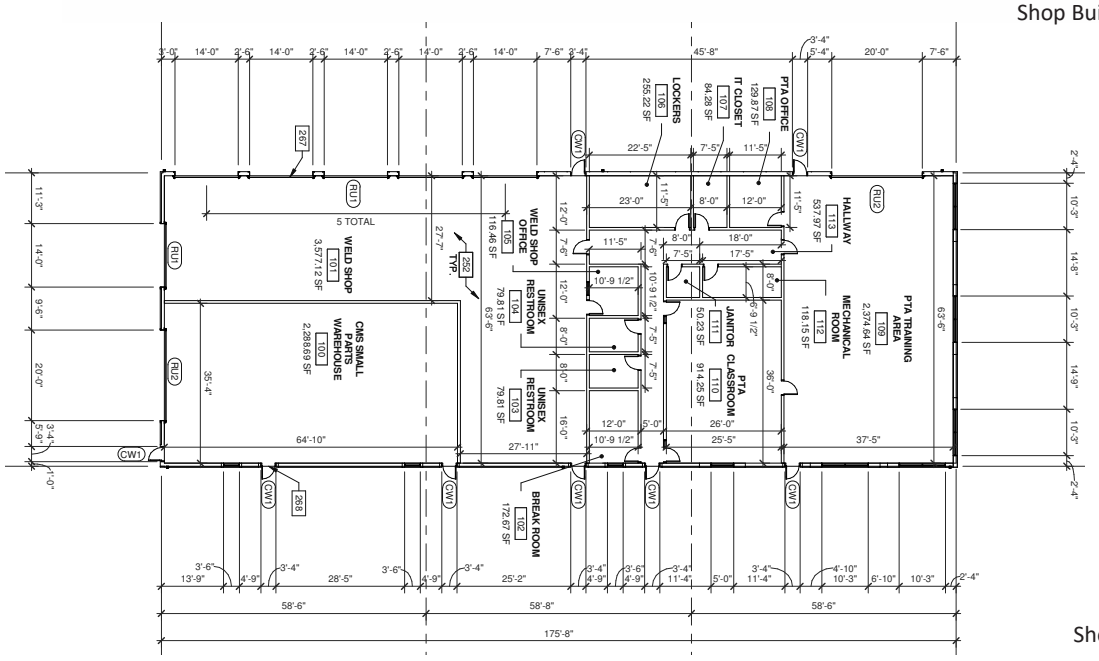


SupplyBank.org Warehouse Building Site Plan

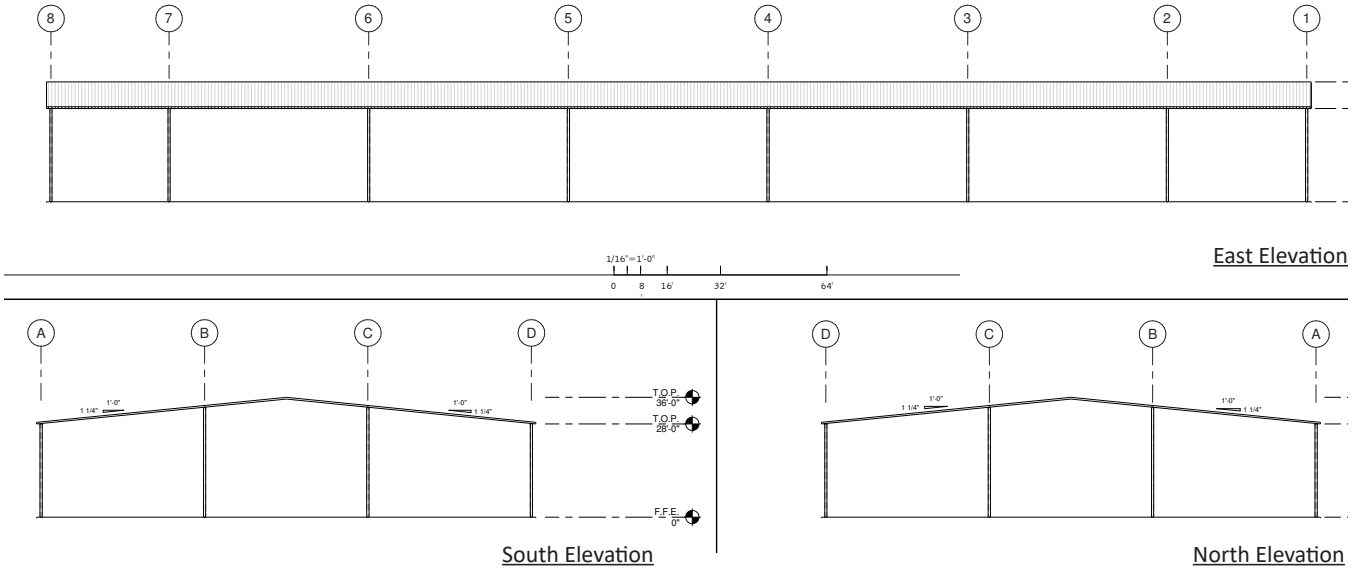
Figure 7
Shared Warehouse Building

Source: Ware Malcolm, Sheets A0.1a and A1.1-2, April 3, 2019

Shop Building, East Perspective



Shop Building, Floor Plan



Pipe Storage Building, Elevations

Figure 8
EBMUD Workshop and Pipe Storage Facilities

Source: Ware Malcolm, Sheets A0.1,A1.1 and A2.1-1, April 3, 2019

Materials Storage Bins

The Development Plan would also include an approximately 12,000 square-foot storage bin used to store and source a variety of building materials, such as sorted sands and gravels. This storage bin facility would be placed along the northwestern portion of the Development Area. It would replace the similar storage bins currently located on the north end of the Project site outside of the Development Area.

Landscape

The Project would include new trees and various landscaping throughout the Development Area.

This landscaping would include the following:

- An approximately 25-foot wide landscaped area with street trees, groundcover and a stormwater planter, plus a 5-foot sidewalk that would run along the Oakport Street frontage of the entire Development Area
- A 20-foot wide EVA comprised of turf-block and lawn would wrap the southerly and westerly sides of the Office Building
- An approximately 8-foot wide landscape area with ornamental trees would be planted along the westerly edge of the Development Area, with a new fence and 4-foot tall retaining wall at the edge of the existing berm.
- Each of the parking lots within the Development Area would have stormwater planters at the end of each parking row, and new trees would be planted in parking lot medians on approximately 25-foot centers, corresponding to 1 tree per each 6 parking spaces (3 parking spaces on each side of the median)
- Each of the new buildings would include a surrounding landscape area, including an entry landscape area at the front of the Office building
- The Project's office building would also include a rooftop terrace

The final landscaping and open space plans would be subject to City approval. An overview of the Project's landscaping and open space amenities is shown on **Figures 9 and 10**.

Circulation, Parking and Frontage Improvements

On-Site Circulation

There is only one current curb cut on Oakport Street that provides access to the Development Area. It is located at the northwestern corner of the Development Area, and provides limited vehicle access to a small parking/turnaround area. Pursuant to the Project, three additional new curb cuts into the Development Area would be added along Oakport Street to improve vehicle access. Two of the new curb cuts and the existing curb cut would be extended into the Development Area to create a circulation loop. This loop would connect between the office and the warehouse (at 30 feet wide), between the warehouse and the weld shop (at 45 feet wide, to accommodate large trucks and delivery vehicles), and between the weld shop and the pipe storage structure (30 feet wide). The interior portion of the circulation loop would widen to between 60 and 70 feet in width to accommodate large vehicle turning movement, including access to 13 loading docks at the rear and side of the warehouse. The fourth curb cut would provide a separate entrance to the office building's surface parking lot.

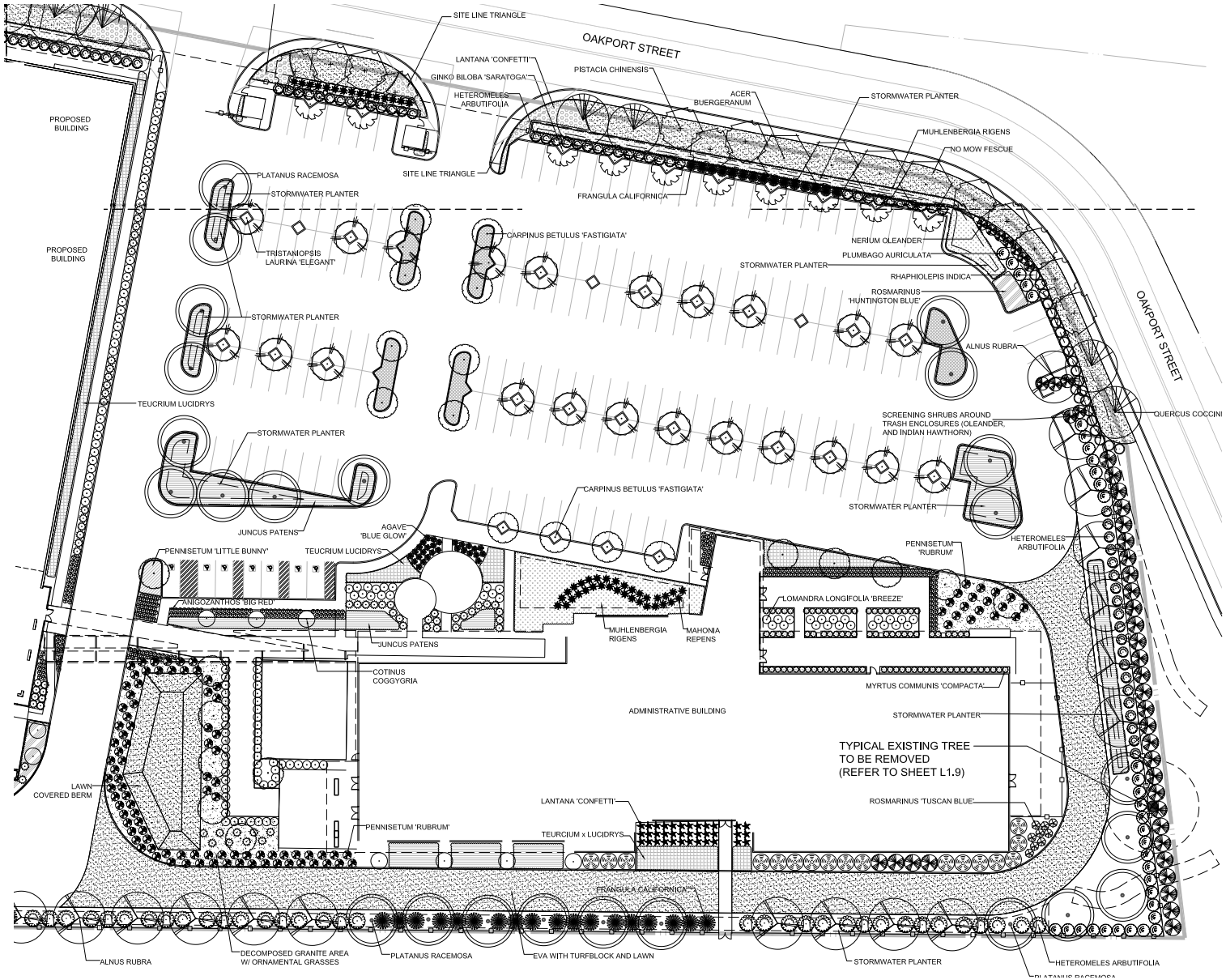


Figure 9
Landscape Plan at Office Building

Source: Thomas Baak & Associates, Sheet L1.1-6, April 2019

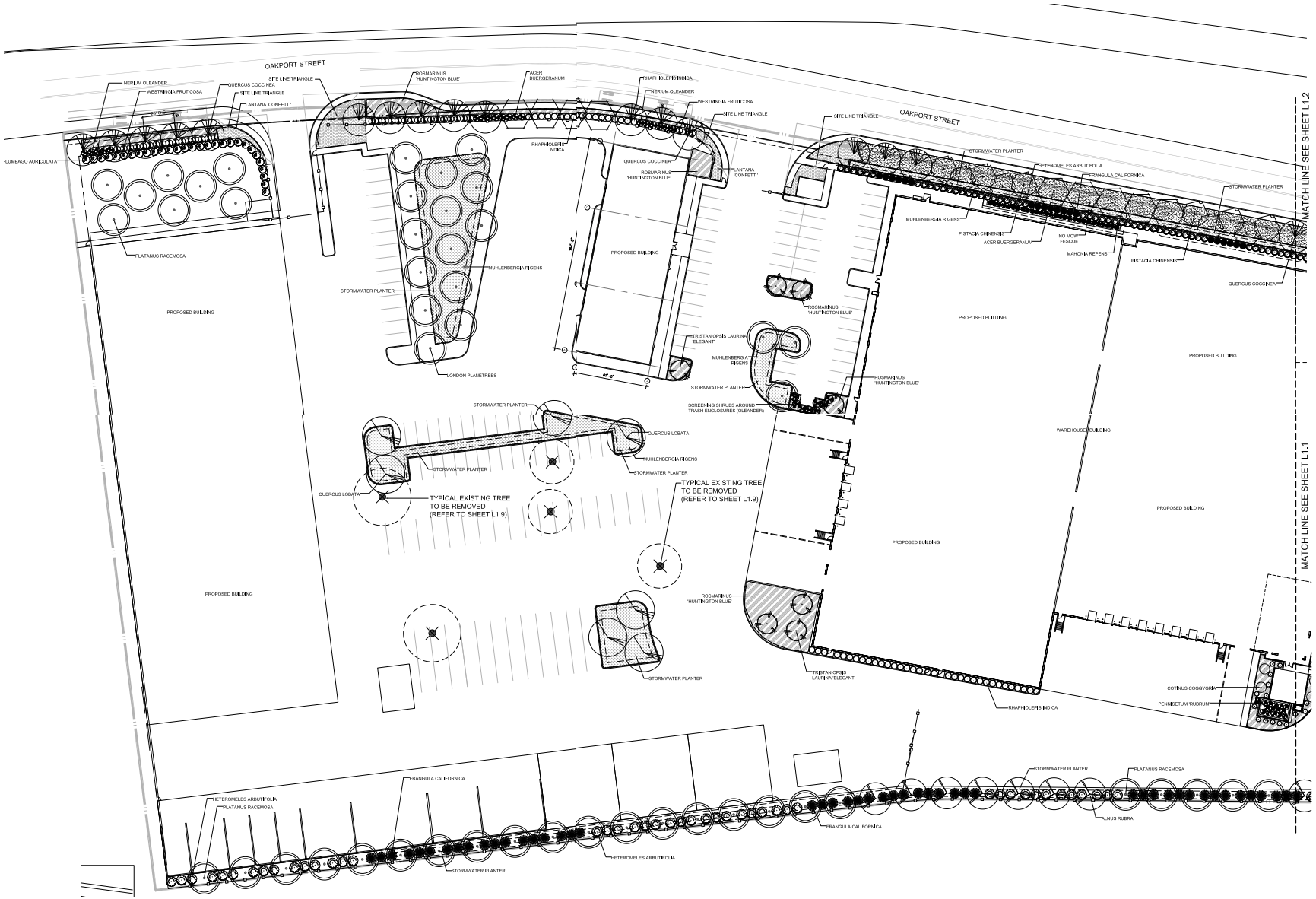


Figure 10
Landscape Plan, Remainder of Development Area

Source: Thomas Baak & Associates, Sheet L1.1-6, April 2019

Parking

Parking would be provided at a number of surface parking lots throughout the site, with 323 total vehicle parking spaces. The primary parking lot for the office building would be at the front (easterly side) of the building, and would include 208 parking spaces, including seven ADA-accessible spaces adjacent to the office building entry. Additional surface parking lots near the warehouse and the workshop would provide an additional 115 parking spaces. There would also be 12 larger truck parking spaces provided in front of the materials storage bins.

The warehouse would provide 13 truck loading bays along the westerly and northerly sides of the warehouse building.

Frontage Improvements

Currently, Oakport Street has very limited frontage improvements. For the nearly 6,000-foot length of Oakport Street from 66th Avenue to the I-880 on-ramp near High Street, Oakport Street has no sidewalk on either side of the street, and curb and gutter improvements are limited to a short 450-foot segment on the easterly side the street near the 66th Avenue interchange. The Project proposes installation of new curb, gutter and sidewalk for a distance of approximately 1,800 feet along the Development Area's frontage on the westerly side of Oakport Street. However, based on City of Oakland street frontage improvement requirements, the City will likely require frontage improvement along the entire approximately 3,050-foot Oakport Street frontage of the entire Project site.

Utilities Plan [12]

There is an existing 12-inch and 16-inch water main within the Oakport Street right-of-way. The Project will connect to this existing water main at two locations (at the north and south ends of the Development Area). A looped water service line would be installed between these connections to serve all new development within the Development Area (including fire service risers inside the office building), with relocation and installation of new fire hydrants per City of Oakland standards. The Project will also install new water meters and separate domestic/irrigation water lines to serve the office building, the warehouse and the workshop, per EBMUD standards.

The Project will also install a new sanitary sewer system within the Development Area. This system includes a sewer cleanout at the southerly portion of the site, a new 8" sewer pipe that runs within the drive aisle in front of the office building and around the rear of the warehouse, to a new sewer lift station located at the northwest corner of the warehouse. From this lift station, a new force main will convey sewer flows up to Oakport Street, where an approximately 300 linear-foot sewer line extension will run within Oakport Street to the terminus of the existing sewer main, which is located near the Peppermint Gate at the approximate mid-point of the Northerly Area.

There is an existing natural gas line within the Oakport Street right-of-way, but the Project shows no new connection to natural gas. All new buildings associated with the Project will be fully electric.

Storm Drain and Storm Water Control Plan

Based on recent site observations, flooding associated with heavy rains currently occurs within the Development Area and in the adjacent area to the south. As indicated in **Table 2**, the Project will substantially increase impervious surfaces within the Development Area, will increase the extent of surface runoff from the property, and would potentially exacerbate this current flooding condition.

[12] See also the Utilities section of this CEQA Checklist

Table 2: Comparison of Pervious and Impervious Surface within the Development Area

	Existing	Proposed Project
Impervious Surface (rooftops and pavement)	0 acres	13.72 acres
Pervious Surface		
Existing Conditions	16.56 acres (entire site)	0.37 acres
Bio-Retention	0 acres	0.69 acres
Landscape	0 acres	1.77 acres
Total:	**16.56**	**16.56 acres**

Source: Ware Malcomb, Preliminary Storm Water Control Plan, Sheet C6.0, April 2019

To address this existing flooding condition, the Project proposes to construct a storm drain system that includes an underground stormwater storage/retention system, and low-impact development (LID) measures such as bio-retention facilities with underdrains distributed throughout the site and along the site perimeter.

The underground stormwater storage/retention system is located in two locations, one under the parking lot in front of the office building, and one under the parking lot behind the warehouse (see prior **Figure 5**, figure note 2). At each of these locations, a series of 24-inch and 30-inch underground storage/retention pipes will be installed. The purpose of these pipes is to collect and retain stormwater flow from the site within the pipes until surface stormwater flows subside. The additional stormwater generated by the Project will then be released into the surrounding storm drain system once peak flows have dissipated, thus not contributing to existing stormwater flooding conditions.

Consistent with the City of Oakland Storm Drainage Design Standards and the Municipal Regional Stormwater Permit (MRP) C.3 provisions and stormwater quality regulations, the Project also proposes to install a series of bio-retention facilities throughout the site. The bio-treatment facilities will be sized appropriately to meet or exceed the minimum treatment area required for each drainage management area within the site. Stormwater flows from impervious surfaces (i.e., rooftops and pavement) will be routed through these bio-retention facilities for water quality treatment prior to discharge into the storm drain system (see further discussion in the Hydrology and Water Quality section of the CEQA Checklist).

Construction Schedule

Standard (Default) Construction Schedule

A detailed construction schedule has not yet been prepared for the Project. The CalEEMod emissions calculator used to calculate anticipated construction-period air quality emissions does generate an estimated construction schedule based on the parameters of construction (e.g., size of new buildings, area of grading, paving and landscape, etc.). According to the default assumptions of the emissions calculator, the Project's total construction schedule is estimated to extend for a period of approximately 1 ½ years (375 days or 75 weeks, assuming a continuous 5-day workweek).

Mitigated Construction Schedule

However, the CASP EIR found state or federally threatened or endangered, or state fully protected bird species potentially occur within the CASP planning area, including the Ridgeway's rail and California black rail, as well as Alameda song sparrow and San Francisco saltmarsh common yellowthroat. Each of these species are associated with salt marsh habitat such as is found adjacent to the Project site. CASP EIR mitigation measures (MM Bio-1A-

1, Pre-construction Nesting Bird Surveys and Buffers) requires that construction activities that occur within 500 feet of Damon Marsh shall only be conducted during the period from August 1 to January 31 to protect potentially nesting Ridgeway's rail, California black rail, Alameda song sparrow and San Francisco saltmarsh common yellowthroat.

Based on this limited 6-month construction window, and assuming the same amount of required construction days but on a 6-day per week schedule, the construction schedule is estimated to be completed in three separate phases:

- Phase 1 would span from August 1 to January 31, 2023, including site preparation, grading, foundation support, and structural framing for the office and warehouse
- Phase 2 would span from August 1 to January 31, 2024, including completion of all exterior construction of the office, warehouse, shop and pipe storage facility
- Phase 3 would span from August 1 to October 9, 2025, including finish construction, paving and landscape installation.

It is expected that Project construction would include excavators, backhoes, graders, scrapers and rubber-tired dozers and haul trucks during site preparation and grading. Building construction would include cranes, forklifts, welders and generators. Paving would include pavers and paving equipment, rollers and air compressors.

Changes outside of the Development Area

No new development activity would occur pursuant to the Project on those portions of the Project Site outside the Development Area. The EBMUD Oakport Wet Weather Treatment Facility (Oakport WWF) on the northerly portion of this property would remain and continue to provide primary wastewater treatment until a revised State Water Board Order may require the cessation of all WWF discharges.

EBMUD's main warehouse, weld shop and maintenance operations would relocate to the new warehouse and workshop within the Development Area, and the current EBMUD pipe and materials storage operations would relocate to the new pipe racks and materials storage structures within the Development Area. The larger of the existing storage structure sheds and the materials bins would be demolished and removed (see **Figure 11**).

Following relocation of these EBMUD operations to the Development Area, the Oakport WWF and its associated sheds would remain, but the other vacated land at the Northerly Area may then be used for temporary outdoor seasonal use (e.g., circus grounds and/or overflow parking), pursuant to a new or modified CUP.

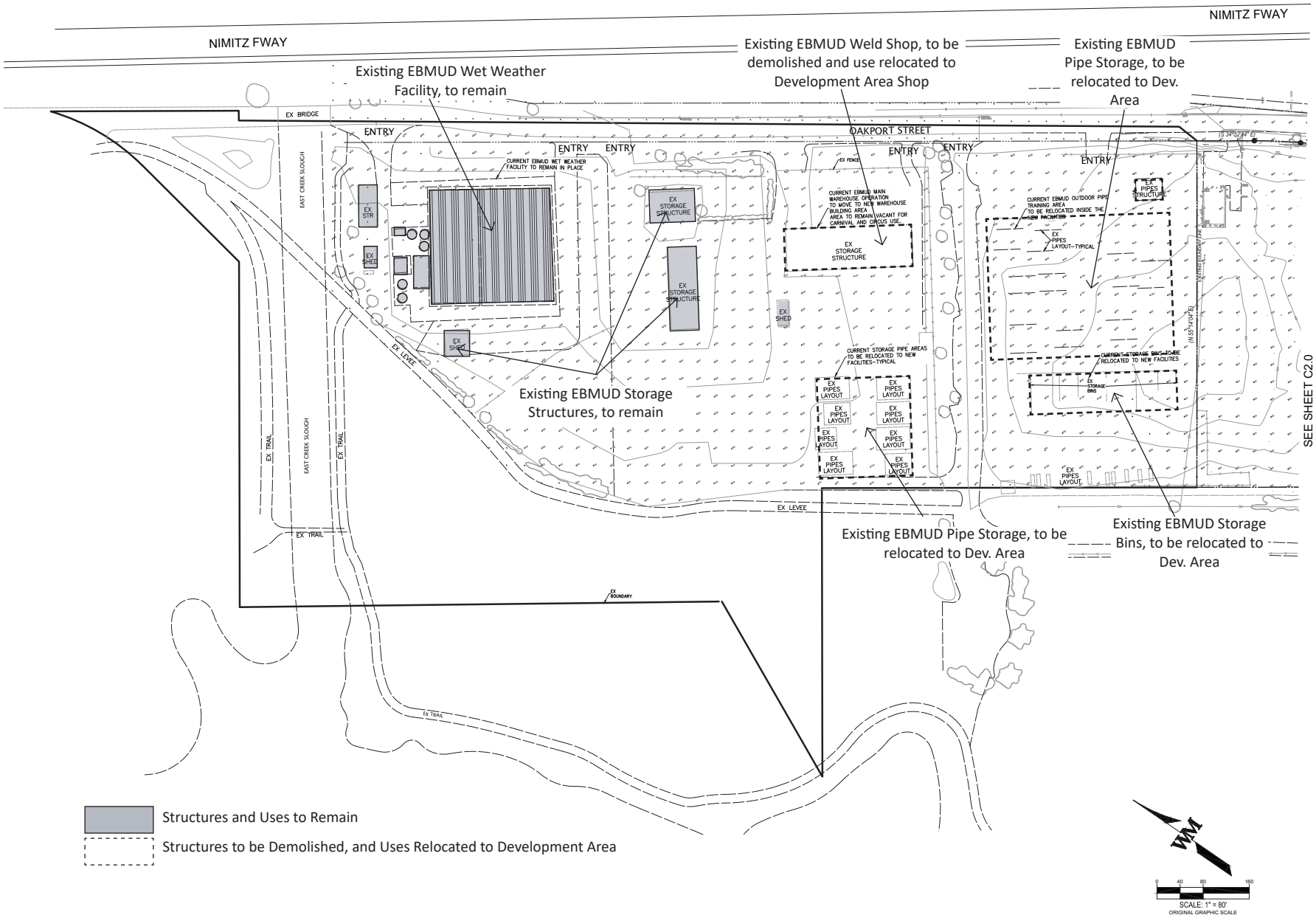


Figure 11
Disposition Plan, Northerly Area (EBMUD)

Source: Ware Malcomb, Sheet C7.0, January 2019

List of Project Approvals Required

City of Oakland

The Project requires the following discretionary actions and approvals from the City of Oakland prior to implementation:

- Conditional Use Permit (or revised CUP to relocate use to the Development Area) for a Civic Extensive Impact activity/facility (EBMUD corporation yard) and/or General Outdoor Storage
- Conditional Use Permit (or revised CUP to relocate use outside of the Development Area for Community Assembly Civic Activities (such as fairs and carnivals)
- Conditional Use Permit for outdoor storage activities located within three hundred (300) feet of the Oakport Street right-of-way, the Estuary or Bay shoreline, Damon Slough, or any Open Space Zone
- Conditional Use Permit for Master Sign Program
- Regular Design Review approval
- Parcel Map Waiver
- Creek Permit
- Tree Protection/Removal Permit

The Project will also require subsequent administrative permits for the following:

- work within and close to the public right-of-way
- grading, stormwater control and building permits

Other Agency Approvals

The Project will also require subsequent approvals from the following additional agencies:

- Long-term lease agreement between EBMUD and SupplyBank.org
- Development Permit from BCDC for construction within the 100-foot shoreline band
- Approvals from the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the Clean Water Act for fill of 'Waters of the State'
- Other administrative approvals from other agencies and utility providers such as EBMUD and PG&E

IV - Project's Consistency with the General Plan and Zoning

The following analysis has been conducted to determine whether the proposed Project is consistent with the land use and development assumptions and improvement strategies of the Coliseum Area Specific Plan (CASP), the City General Plan Land Use and Transportation Element (LUTE), and development standards of the Oakland Planning Code, Title 17.

To be considered eligible for CEQA streamlining as a Project Consistent with a Community Plan or Zoning per CEQA Guidelines Section 15183, the Project must be consistent with the development density established by existing zoning, community plan (i.e., the CASP), or general plan policies for which an EIR was certified (i.e., the CASP EIR).

Planning Context, per the Coliseum Area Specific Plan

The Coliseum Area Specific Plan (CASP) was adopted in April of 2015. The CASP was intended to provide a guiding framework for reinventing the City of Oakland's Coliseum area as a major center for sports, entertainment, residential mixed use, and economic growth. Consisting of approximately 800 acres along Interstate 880 (I-880) and Hegenberger Road, the CASP planning area was found to possess important assets to support the creation of a thriving new urban district. The CASP establishes a basis for land use and regulatory policies and public and private investment that will coordinate phased development. The vision expressed in the CASP was to, "revitalize what is currently one of California's largest underdeveloped inner-urban, transit-served areas and create significant long-term value for Oakland and Alameda County".

For purposes of establishing land use and regulatory policies, the CASP planning area was divided into five Sub-Areas (see **Figure 12**), each with a distinct land use program and intended character. The "Coliseum District" includes all of Sub-Area A and a portion of Sub-Area B, and the CASP addresses the Coliseum District in more detail than the other Sub-Areas as it was the focus for early phase redevelopment. Five Sub-Areas were designated within the CASP, and redevelopment of each Sub-Areas can be phased independently to allow improvements to occur over time, based on market growth and demand.

- Sub-Area A was envisioned to be a high-density transit and sports-focused mixed-use district with retail, residential, entertainment, and technology/office uses.
- Sub-Area B is a waterfront district that was envisioned to be a core location for future science and technology uses, as well as light industrial businesses.
- Sub-Area C is intended to allow a range of retail, office and flexible technology and industrial uses that want to co-locate with Sub-Area B.
- Sub-Area D is envisioned to be a district that includes hotels, retail and logistic businesses that benefit from proximity to Oakland International Airport.
- Sub-Area E is a waterfront district that will have continued use by East Bay Municipal Utility District (EBMUD), along with open space recreational uses and natural habitat areas that are designed to enhance the environmental quality of the estuary and the bay waterfront.

The Project site is located within Sub-Area E of the CASP, and the CASP policies and implementation strategies for this Sub-Area, are described in further detail below.

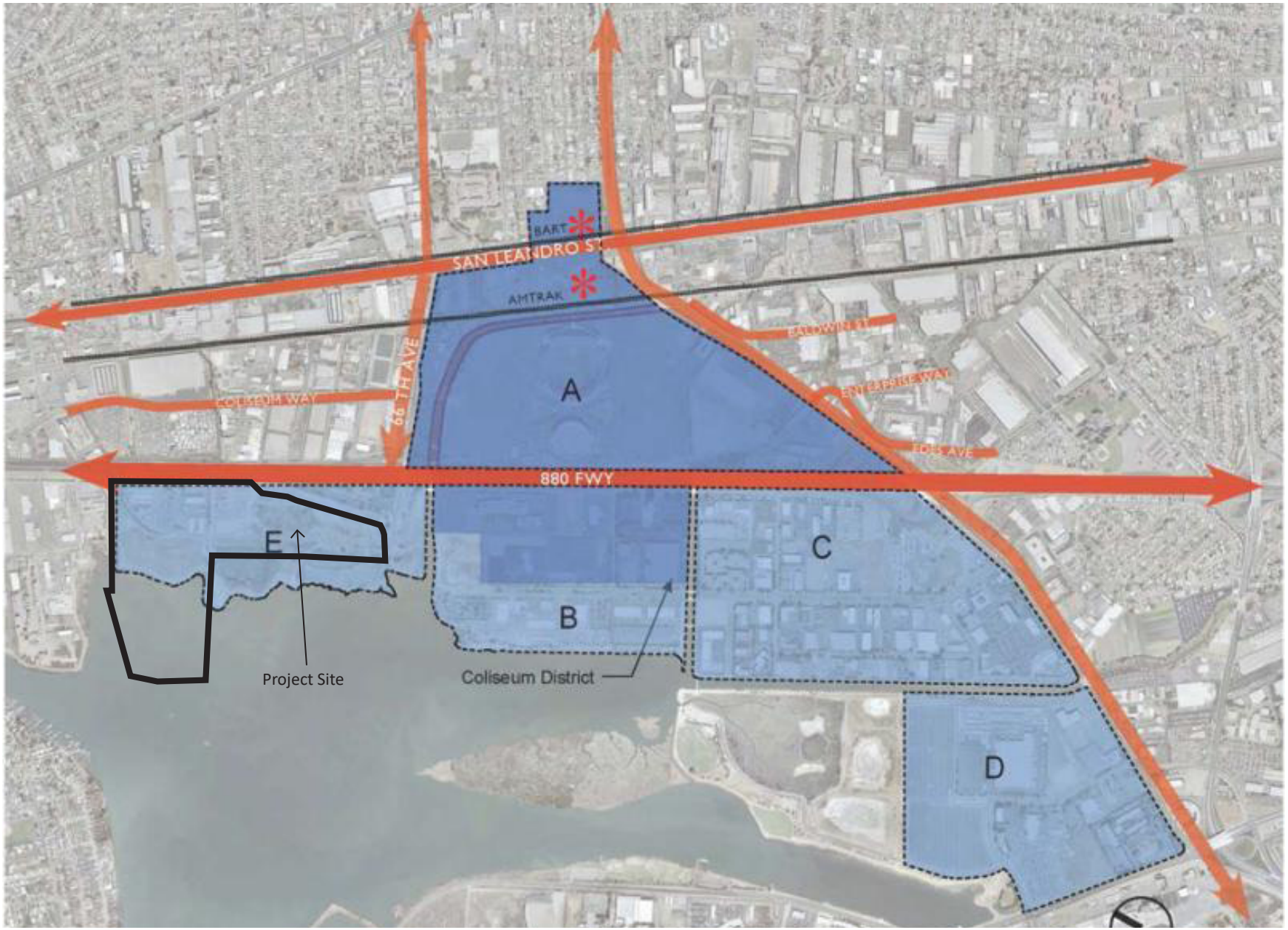


Figure 12
Coliseum Area Specific Plan Boundaries and Sub-Areas

Source: City of Oakland, *Final CASP Figure 3-1*, April 2015

CASP Land Use Strategy for Sub-Area E

The CASP proposed open space and habitat enhancements for Sub-Area E, with careful consideration of the amenities and environmental attributes of the San Leandro Bay shoreline and improvements to the existing Martin Luther King Jr. Shoreline Park paths and facilities, as well as the presence of EBMUD's existing wet-weather treatment facility and corporation yard. The City-owned open spaces should be improved to include wetland and habitat restoration, and for the recreation areas (such as the existing soccer field), improved with better fields, parking and waterfront trails.

The CASP envisioned that, for those parcels owned by East Bay Municipal Utility District (EBMUD);

- the existing Oakport Wet Weather Treatment Facility would remain and continue operations until such time as its operations may be ceased pursuant to a RWQCB prohibitions on discharge
- the existing vacant lot fronting Oakport Street at 66th Avenue (i.e., the area generally encompassing the Development Area of the Project site) would be "utilized in a manner that creates and maintains an attractive frontage along Oakport Street", with a Business Mix land use designation that allows future commercial development, and
- the waterfront parcels facing East Creek Slough and the San Leandro Bay would be improved to include a combination of open space, wetland and habitat restoration, as well as space for potential future expansion of the existing corporation yard

CASP General Plan Amendments for Sub-Area E

Sub-Area E was the only portion of the CASP that was located within the City of Oakland's Estuary Policy Plan (EPP) planning area, rather than the LUTE. In 2013, the City adopted the Central Estuary Area Plan, which brought the objectives and policies of the older EPP up to date with planning conditions in the Central Estuary area. However, Sub-Area E was not part of the Central Estuary Area Plan update, and remained one of the few "left-over" portions of the prior EPP not addressed by the newer Central Estuary Area Plan. Pursuant to the CASP, the City took the opportunity to re-designate lands within Sub-Area E to be consistent with the intent of the CASP, and the new General Plan land use designations for Sub-Area E pursuant to the CASP included:

- Amending the General Plan land use designations for those City-owned properties from "General Commercial 2" and "Light Industrial 3" (per the prior EPP), to "Urban Park and Open Space"
- Amending the EBMUD-owned Oakport facility property near East Creek Slough along I-880 (i.e., generally referring to the Northerly Area) from "Light Industrial 3" to "Business Mix"
- Amending the EBMUD-owned vacant lot at Oakport Street/66th Avenue (i.e., generally referring to the proposed Development Area) from "Light Industrial 3" and " General Commercial 2" (per the prior EPP), to "Business Mix", and
- Adding and adjusting the "Urban Park and Open Space" land use designation along Damon Slough, and encompassing a band of Open Space area along the San Leandro Bay shoreline (i.e., generally referring to the Westerly Area)

CASP Zoning Amendments for Sub-Area E

Consistent with the General Plan amendments effected by the CASP, the City established a new zoning district, the D-CO-6 zone, which now applies to those City-owned and EBMUD-owned properties along Oakport Street, from East Creek Slough to 66th Avenue within Sub-Area E. The new D-CO-6 zone replaced the prior Industrial (M-40) zoning that had applied to these properties for decades.

The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher-intensity commercial and light industrial land uses and development types. This zone does not permit residential activities.

Consistency with General Plan (Business Mix) Land Use Provisions

Per the Oakland General Plan's LUTE, the Business Mix classification is, "*a flexible economic development zone, which strives to accommodate older industries and anticipate new technologies, including both commercial and industrial operations. These areas contain a wide range of business and business serving activities. Different examples of development that would fall into this classification include Edgewater Business Park, commercial or other market-supported development on the freeway frontage along I-880, and portions of West Oakland that have historically been very business intensive*."[13]

Intent: The Business Mix classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. High impact industrial uses including those that have hazardous materials on site may be allowed provided they are adequately buffered from residential areas. High impact or large scale commercial retail uses should be limited to sites with direct access to the regional transportation system. The desired character and uses in the Business Mix classification may, "accommodate a mix of businesses such as light industrial, manufacturing, food processing, commercial, bioscience and biotechnology, research and development, environmental technology, business and health services, air, truck and rail-related transportation services, warehouse and distribution facilities, office, and other uses of similar business character.

Consistency: The Project represents a mix of economic development uses that includes both commercial (non-profit) and industrial-type (EBMUD corporation yard) operations located on the freeway frontage along I-880. Specifically, the Project would include new warehouse and distribution facilities and office use, as well as relocated and improved light industrial-type uses at the Workshop and Pipe Storage facility. These uses are fully consistent with the intent of the Business Mix land use classification.

Intensity/Density: The maximum FAR for this classification is 4.0. In some Business Mix locations, zoning should establish lower intensities to establish or maintain campus-like business settings. In others, uses and development standards should offer maximum flexibility. In areas where higher impact uses are located, buffing strategies will need to be developed.

Consistency: The Project's proposed Development Area is approximately 16.56 acres (or 721,182 square feet) in size. With a proposed gross building floor area of 293,000 square feet (inclusive of the Office, the Warehouse and the Workshop), the Project would have an FAR of 0.4. By including the Pipe Storage and Materials Bin area in the FAR calculation, the Project would have an FAR of nearly 0.46. This FAR is below the maximum FAR for this classification of 4.0, and the lower intensity seeks to establish a more campus-like business setting. The proposed intensity of development pursuant to the Project is fully consistent with the intensity established for the Business Mix land use classification. The Project would be buffered by the remaining EBMUD property to the north. Waterfront open space, creeks and a freeway abut the Project site to the west, south and east.

Consistency with D-CO-6 Zoning Regulations

The Coliseum Area Commercial Mix District- 6 Industrial Zone for Oakport North (the D-CO-6 zone) is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible

[13] City of Oakland, LUTE (1998), page152

the attraction of higher intensity commercial and light industrial land uses and development types. The specific development standards and regulations of the D-CO-6 zone are addressed below.

Permitted and Conditionally Permitted Facilities: Table 17.101H.02 of the Oakland Planning Code lists the permitted, conditionally permitted, and prohibited facilities in the D-CO-6 Zone.

Consistency: The individual elements of the proposed Project are compared to the permitted and conditionally permitted land uses of the D-CO-6 zone in **Table 3**, below. The proposed facilities are either permitted uses (the Office, Warehouse and Workshop), or permitted with a CUP per these regulations. A CUP is part of the Project application materials. The Project's proposed Pipe Storage structure and Materials Bins would be considered outdoor storage activities (the Pipe Storage structures does have a roof enclosure, but no side enclosures), and would be located within 300 feet of the Estuary and the adjacent Open Space zone. The Materials Bin would be screened by perimeter landscaping and would not affect the development of abutting properties (which include the City soccer fields).

Table 3: Permitted and Conditionally Permitted Facilities

Facilities (per Table 17.101H.02 of the Oakland Planning Code)	Permitted or Conditionally Permitted	Applicable Project Facility	Consistency
Commercial Administrative Office	Permitted	Office Building	**Consistent**: The Project's Office Building is a permitted facility within the D-CO-6 zone
General Warehousing, Storage and Distribution	Permitted [1]	Warehouse	**Consistent**: The Project's Warehouse Building is a permitted facility within the D-CO-6 zone
Custom or Light Manufacturing	Permitted	Workshop	**Consistent**: The Project's Workshop Building is a permitted facility within the D-CO-6 zone
General Outdoor Storage	Conditional	Pipe Storage Materials Bin	**Consistent, with CUP**: The Project's Pipe Storage Structure and Materials Bin are conditionally permitted facilities and require a CUP

Notes:

1: Warehousing, storage and distribution activity shall take place entirely within an enclosed building

2. Any Outdoor Storage activities to be located within three hundred (300) feet of the Oakport Street right-of-way, the Estuary or Bay shoreline, the Damon Slough, Elmhurst Creek, East Creek Slough or San Leandro Creek top of bank, or any Open Space Zone shall only be permitted upon determination that the proposal conforms to general use permit criteria and to all of the following additional use permit criteria:
   - The activity is screened in a manner as determined by the Planning Director, including but not limited to, buffer planting installed along the site exterior; and
   - The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding district in terms of noise, water and pollutant runoff, heavy equipment operation, and hours of operation, odor, security and vehicular traffic.

Source: Oakland Planning Code, Table 17.101H.02

Property Development Standards: Table 17.101H.03 of the Oakland Planning Code prescribes development standards specific to the D-CO-6 Zone.

Consistency: The individual elements of the proposed Project are compared to the development standards of the D-CO-6 zone in **Table 4**, below. The Project is fully consistent with these development standards.

Table 4: D-CO-6 Zoning Standards

Development Standard	D-CO-6 Req'mt	Project Site/Development Area	Consistency
Lot width, mean	25 feet	2,900 feet / 1,360 feet	Consistent
Frontage	25 feet	3,050 feet / 1,450 feet	Consistent
Lot area	10,000 sf.	Approx. 2.89 million sf / 721,182 square feet	Consistent
Minimum front setback	10 feet	At nearest building (Workshop) = 22'-7"	Consistent
Maximum height	85 feet	Tallest building (Office) = 85 feet	Consistent
Fence height at Open Space zones	8 feet	4-foot retaining wall	Consistent
Maximum non-residential FAR	4.0	721,182 sf = 0.1 FAR lot/ 0.4 FAR dev. Area	Consistent
Site landscaping (% of lot area)	5%	2.3 acres = 3% lot/ 14% of Dev. Area	Consistent

Source: Oakland Planning Code, Table 17.101H.03

Special Regulations for Large-Scale Developments: Pursuant to OPC section 17.101H.080, no development that involves more than 100,000 square feet of new floor area shall be permitted, except upon the granting of a conditional use permit (CUP) or a planned unit development approval. A CUP is also required to address certain activities at the Project, including accessory welding, a public utility yard, group assembly and sign facilities.

Consistency: The Project exceeds 100,000 square feet of new building space and will include land use activity types that require a CUP, and will be required to obtain a CUP as part of Project entitlements.

Conclusions

A finding of Project consistency with applicable zoning, community plan (Coliseum Area Specific Plan) or General Plan policies as evaluated in a prior program EIR (i.e., the CASP EIR) is required for the Project to qualify for CEQA streamlining per CEQA Guidelines Section 15183. As demonstrated above, the Project is consistent with the General Plan land use designation for the site, and its proposed intensity of development is consistent with (lower than) the maximum 4.0 FAR for the Business Mix classification. Other than those standards for which the Project applicant requests consideration of a CUP, the Project is consistent with applicable D-CO-6 zoning standards that apply to the site. As such, the Project qualifies as a Project that is consistent with a Community Plan, General Plan and/or zoning, pursuant to CEQA Guidelines Section 15183.

V - Reliance on a Prior Program EIR

Whereas the prior section of this CEQA Analysis provides substantial evidence to demonstrate the Project is consistent with the development assumptions of the General Plan and zoning, the Project is therefore eligible for consideration of CEQA streamlining pursuant to CEQA Guidelines Section 15183. The City of Oakland prepared an EIR for the Coliseum Area Specific Plan (the CASP EIR) that is applicable to the Project and its site, and that EIR provides programmatic environmental review of subsequent development, such as the Project. The CASP EIR presented an analysis of the environmental impacts associated with adoption and implementation of the CASP. Specifically, it evaluated the physical and land use changes from potential development that could occur pursuant to the CASP, and impacts were described at a level of detail that was consistent with the level of detail provided in the CASP.

CASP EIR as a Program EIR

One of the purposes of the CASP EIR was to comprehensively assess the entirety of potential environmental impacts of the proposed CASP. This environmental review was used to analyze the series of actions pursuant to the CASP characterized as one large project, and focused on broad policy alternatives and mitigation measures that apply to the CASP as a whole, consistent with CEQA Guidelines Section 15168 as a program EIR. This approach provided the City and other responsible agencies with the ability to consider program-wide mitigation measures and cumulative impacts that might be slighted in a case-by-case analysis approach. Preparation of this broader-level document was intended to simplify the task of preparing subsequent project-level environmental documents for future projects pursuant to the CASP, for which the details were not known at that time.

CASP EIR as a Project-Level EIR

Where feasible and where an adequate level of detail was available, the CASP EIR also provided a project-level analysis to eliminate or minimize the need for subsequent CEQA review of subsequent projects that could occur pursuant to the CASP. Project-level impacts of reasonably foreseeable development was analyzed to the extent that the details of such impacts could be assessed. The analysis of potential physical environmental impacts was based on reasonable assumptions about future development that could occur within the CASP planning area.

Assumed Development Plans

The assumed future development pursuant to the CASP was described in the CASP EIR Project Description, and included the following major development assumptions for individual sub-Areas of the CASP planning area.

Coliseum District

New development within the Coliseum District was anticipated to include a new Stadium, a new Ballpark and a new Arena. It also assumed an accompanying mixed-use development that included three new hotels, 525,000 square feet of new event-based retail space, 190,000 square feet of neighborhood-serving and convenience retail space, up to 1.5 million square feet of new science and technology oriented building space. Residential development was assumed to include up to 340 new residential units in low- to mid-rise townhome-types buildings and 3,660 new residential units in high-rise residential towers.

Project Buildout within Sub-Areas B, C and D

Buildout of the remaining portions of the CASP planning area was less defined than build out of the Coliseum District. The CASP EIR's buildout scenario included the following additional major development program elements:

- Within a portion of Sub-Area B, the CASP EIR considered a mixed-use waterfront residential district of 10 acres, with 1,750 new residential units and 59,000 square feet of neighborhood-serving retail uses, all adjacent to a new 12-acre inlet of San Leandro Bay.
- For the remaining majority of Sub-Area B, the CASP EIR assumed an "Innovation Gateway" science and technology district that would accommodate a total buildout of up to approximately 3.5 million square feet of technology and office uses.
- Private redevelopment was assumed in the CASP EIR within Sub-Area C, with 5.1 million square feet of new uses that would be supportive of institutional science and technology uses. Such uses were assumed to include advanced technology and other manufacturing, research and development and test product design, and sales and finance uses supporting technology businesses.
- Redevelopment of Sub-Area D was assumed to include approximately 2 million square feet of non-residential development space that was supportive of airport-related economic development, including larger logistics and distribution businesses.

Sub-Area E

The CASP Draft EIR assumed that Sub-Area E might potentially involve a land exchange that could create up to 15 acres of new wetland habitat, in exchange for development of the 8-acre Edgewater Seasonal Wetland in Sub-Area B. The Draft EIR noted that, "before implementation of such a land swap could occur, EBMUD would need to become a willing partner in this concept, in exchange for financial or real estate considerations." [14] The Draft EIR also noted that the Edgewater Seasonal Wetland was a wetland mitigation site established by the Port of Oakland, with ownership transferred to the East Bay Regional Park District (EBRPD). The EBRPD would also need to be a willing partner in such a land exchange involving fill and redevelopment of the Edgewater Seasonal Wetland, and any such land exchange would be, "subject to numerous subsequent permitting and regulatory requirements of other regional, state and federal agencies with jurisdiction. Not until such time as the details of the project elements are known, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies specific to these Project elements are fully known, can any determination be made as to the efficacy of this strategy." [15]

As acknowledged in the CASP Final EIR, many of the regional, state and federal agencies with jurisdiction over the Edgewater Seasonal Wetland, as well as EBMUD and EBRPD, commented on the unprecedented nature of this proposed land swap, the unlikelihood of either property being transferred, and the inadequacy of the proposed mitigation. The City of Oakland recognized that, "it could not compel (and would not seek to compel) EBRPD or EBMUD to enter into any negotiations or discussions regarding the sale or exchange of ownership" of their respective lands. [16] Accordingly, the City revised the Final CASP to indicate alternative plans for the waterfront in Sub-Area B (one with, and one without development of Edgewater Seasonal Wetland and the Bay inlet). The Final CASP also provided a revised development assumption for Sub-Area E, whereby the existing vacant lot fronting Oakport Street at 66th Avenue (i.e., the area generally encompassing the Development Area of the Project site) would be re-zoned as a Commercial Mix District- 6 Industrial Zone (D-CO-6), and "utilized in a manner that creates and maintains an attractive frontage along Oakport Street" (see **Figure 13**). [17]

14 City of Oakland, CASP Draft EIR, page 3-57

15 City of Oakland, CASP Draft EIR, page 4.3-56

16 City of Oakland, CASP Final EIR page 4-18

17 City of Oakland, Final Coliseum Area Specific Plan, page 73

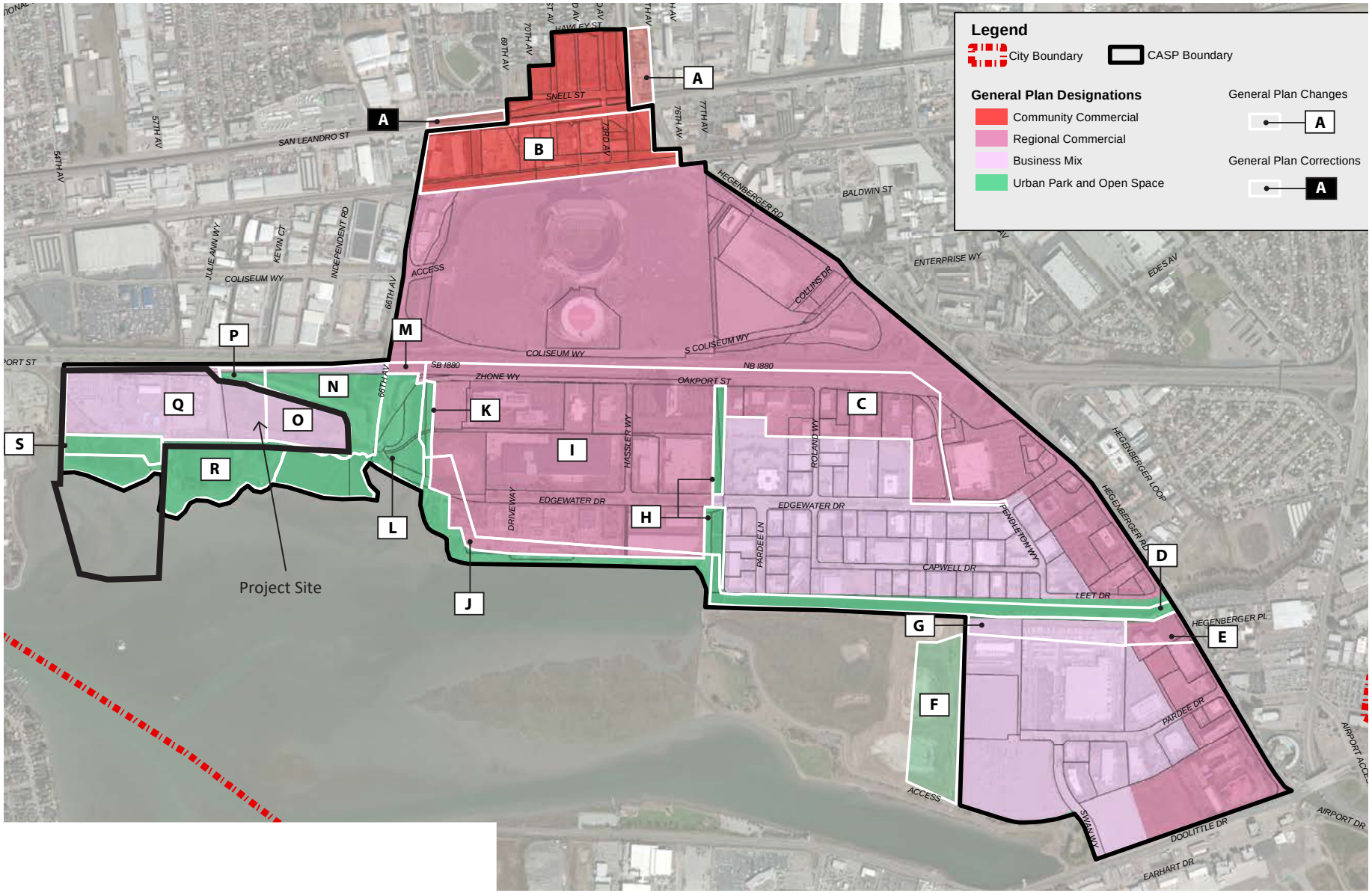


Figure 13
Coliseum Area Specific Plan General Plan Amendments

Source: City of Oakland, *Final CASP Revised Figure 4.9-5*, April 2015

Summary of CASP EIR's Identified Impacts and Mitigation Measures

Table 2-1 of the CASP EIR provides a summary of potential environmental impacts, applicable Standard Conditions of Approval, recommended mitigation measures, and the resulting level of significance after implementation of all mitigation measures.

For the majority of potential impacts (70 of the CEQA threshold criteria), the CASP EIR found less than significant effects, or effects that would be less than significant with implementation of required City of Oakland SCAs.

For 12 different environmental criteria under the topics of biological resources, hydrology, land use, noise, and multiple traffic-related criteria, the CASP EIR found these impacts to be reduced to levels of less than significant with implementation of additional mitigation measures. Of these mitigation measures, only the following measures were found necessary to address potential impacts that might occur outside of the Coliseum District (or outside of Sub-Area A), and thus potentially applicable to the Project. Of these mitigation measures, only those identified in the list below as "applicable", apply to the Project.

- MM Aesthetics 7: Wind Study - not applicable because the Project does not meet the criteria of having structures within 100 feet of San Leandro Bay that would exceed 100 feet in height)
- MM Bio 1A-1: Pre-construction Nesting Bird Surveys and Buffers - applicable
- MM Bio 1A-2: In-water Work Restrictions – not applicable because the Project does not propose any in-water work
- MM Bio 1A-3: Salt Marsh Protection - applicable
- MM Bio 1A-4: Public Access Design - applicable
- MM Bio 1B-1: In-Bay Dredge Requirements – not applicable because the Project does not propose any in-Bay dredge
- MM Bio 1B-2: Seasonal Wetland Restoration Plan - not applicable because the Project would not impact wetlands and associated habitat for special status species at the Edgewater Seasonal Wetland
- MM Bio 2A-4: Coastal Scrub Restoration – not applicable because the Project does not include installation of pedestrian or vehicular bridges across Elmhurst Creek, does not propose pilings or abutments on creek banks, and would not result in removal of coastal scrub vegetation associated with Elmhurst Creek
- MM Bio 2A-5: Realigned Portion of Elmhurst Creek – not applicable because the Project does not propose any alignment or day-lighting of any portion of Elmhurst Creek
- MM Bio 3-2: Herbicide / Pesticide Control - applicable
- MM Land-7A: FAA Part 77 Surfaces – not applicable because none of the Project's structures exceed 159.3 feet above mean sea level or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, or exceed 200 feet above the ground level of the site
- MM Land-7B: Oakland Airport Influence Area Disclosure - applicable
- MM Land-8A: BCDC Issuance of Major Permit(s) - applicable
- MM Land-8B: Compliance with Bay Plan Dredging Policies – not applicable because the Project does not propose any excavation or dredging within the Bay, Damon Slough or Elmhurst Creek
- MM Land-9: Tidelands Trust – not applicable because the Project site is not owned by the Port of Oakland or subject to the Port's Tidelands Trust Land Grant obligations

For 5 different environmental criteria under the topics of air quality, biological resources, cultural resources, noise, plus multiple traffic-related criteria, the CASP EIR found these impacts could not be reduced to levels of less than significant even with implementation of reasonable and feasible mitigation measures, and these impacts were found to be significant and unavoidable. Due to the potential for the following significant unavoidable impacts, a Statement of Overriding Consideration was adopted as part of the City's certification of the 2015 CASP EIR and approval of the CASP.

Construction Emissions

Construction activities pursuant to the CASP buildout were found to generate regional ozone precursor emissions and regional particulate matter emissions. For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval. However, larger individual construction projects may generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. Even with implementation of additional mitigation (MM Air 6A-1: Reduced Construction Emissions), the CASP EIR could not find with certainty that emissions of ROG and NOx could be reduced to below threshold levels, and this impact was conservatively deemed to be significant and unavoidable.

Operational Emissions

New development pursuant to the CASP would result in operational average daily emissions of criteria pollutants that would exceed applicable threshold criteria. Even with implementation of SCAs (specifically SCA Trans-1: TDM Program), the CASP EIR found this impact to be significant and unavoidable.

Habitat Modifications

Future development pursuant to the CASP, particularly development related to the proposed Bay Inlet cut, and proposed fill of the Edgewater Freshwater Marsh, were found to have a substantial adverse effect on habitat for candidate, sensitive or special status species. The CASP EIR determined that the details of these elements of the CASP were not fully identified, permits from responsible agencies had not been sought, and the requirements and conditions of responsible regulatory were unknown at the time. The efficacy of any recommended mitigation measures could also not be fully determined, and this impact was deemed significant and unavoidable.

Demolition of the Oakland Coliseum

The CASP EIR determined that future development of the Coliseum District would result in ultimate demolition of the Oakland Coliseum and potentially the Arena, causing a substantial adverse change in the significance of the Oakland Coliseum and Arena Complex, a historical resource as defined in CEQA Guidelines. Demolition of the Oakland Coliseum was identified as the only feasible option to move forward with development within the Coliseum District. Even with identified mitigation, this impact was found to be significant and unavoidable.

Noise Exposure

The CASP EIR found that future development of new sports and special events venues in the Coliseum District would generate operational noise that would exceed the City of Oakland Noise Ordinance at new, on-site sensitive receivers. No feasible mitigation was found capable of reducing game-day and special event noise from the new stadium and ballpark, and this impact was found significant and unavoidable.

Traffic

The CASP EIR found numerous traffic-related impacts attributable to the CASP buildout scenarios, all based on level-of-service (LOS) or other measures of traffic congestion or delay. These LOS-based thresholds are no longer applicable as CEQA criteria. Although the CASP EIR found multiple traffic congestion impacts to be significant

and unavoidable, these impacts are no longer relevant to CEQA and not considered significant and unavoidable effect appropriate for CEQA streamlining or tiering purposes.

Intended Use of the CASP EIR

Adoption of the Specific Plan

Under CEQA, the City of Oakland was the Lead Agency for the proposed CASP, and relied on the CASP EIR to serve as the CEQA-required environmental documentation for consideration of approval of the CASP. The City certified that it had reviewed and considered the information in the CASP EIR prior to approval of the CASP, and that the CASP EIR has been completed in conformity with the requirements of CEQA. The CASP EIR also provided the environmental review necessary for City decision-makers to consider and approve certain General Plan amendments and re-zoning actions, including reclassification of the Project site to Business Mix and rezoning the Project site to D-CO-6.

Individual Projects

The CASP EIR was also intended to provide sufficient detail to enable the City to make informed site-specific decisions on development within the CASP planning area. The CASP EIR indicates the City's intent to, "use the streamlining and tiering provisions of CEQA to the maximum feasible extent so that future environmental review of specific private development projects and public improvement projects carried out in furtherance of the CASP are expeditiously undertaken, without the need for repetition and redundancy". Specifically, the CASP EIR indicates that, pursuant to CEQA Guidelines Sections 15164, 15168, 15183 and 15183.3, future environmental analyses for individual project may be tiered from the CASP EIR:

- CEQA Guidelines Section 15183 provides that projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.
- CEQA Guidelines Sections 15164 allows for the preparation of an Addendum to a certified EIR when certain conditions are satisfied;

As indicated in the CASP EIR, "these are examples of possible streamlining/tiering mechanisms that the City may pursue, and do not dictate the City's approach to future environmental review of specific projects. To the extent reasonable and feasible, this EIR [the CASP EIR] will be used to streamline the environmental review of other subsequent development and environmental enhancement projects located within Sub-Areas B, C, D and E. As individual actions pursuant to the proposed Project [the CASP] are proposed for implementation, the City will consider whether the action's environmental effects were fully disclosed, analyzed, and as needed, mitigated within this EIR. The City will also consider whether the individual action warrants preparation of a subsequent or supplemental environmental document, or whether the action warrants preparation of focused environmental review limited to certain site-specific issues."

VI - CEQA Checklist

Introduction

This CEQA Analysis document provides the following Checklist prepared by the City of Oakland (as Lead Agency), intended to provide the City of Oakland's decision-making body (i.e., the Oakland Planning Commission) with information as to the potential environmental effects of the proposed Project. Consistent with CEQA Guidelines, this Checklist contains an identification of potential environmental effects of the Project, using a checklist method that includes adequate explanation and evidence to support the Checklist entries. This Checklist includes information to determine whether the Project would result in significant effects that are peculiar to the Project or its site, or would result in impacts that were not analyzed as significant effects in an earlier Program EIR (i.e., the 2015 CASP EIR).

Specifically, the analysis contained in the following CEQA Checklist provides an assessment of whether the Project qualifies for an exemption as a Project Consistent with a Community Plan and its EIR pursuant to CEQA Guidelines 15183, and whether it qualifies for tiering and streamlined environmental review as a Project Consistent with a prior Program EIR pursuant to CEQA Guidelines Section 15168. The following Checklist evaluates the potential environmental impacts of the Project in relation to the impacts identified in the 2015 CASP EIR. The analysis determines whether the potential impacts of the Project were fully evaluated and disclosed in the CASP EIR, and whether uniformly applied development policies or standards (i.e., SCAs) as identified in the CASP EIR would apply to the Project. It also determines whether the Project would have significant effects on the environment that may be peculiar to the Project or to the site. This CEQA Checklist incorporates by reference the discussion and analysis of all potential environmental impact topics as presented in the CASP EIR, and references to this prior EIR include citations to the page or pages where this information is found. This CEQA Checklist provides a determination of whether the Project would result in an equal or less severe impact than previously identified in the 2015 CASP EIR, or if the Project would result in a new impact or a substantial increase in the severity of a significant impact as disclosed in the prior CASP EIR.

If the severity of a potential impact of the Project would be the same as or less than the severity of the impact as described in the CASP EIR, the checkbox for "Equal or Less Severe" is checked. If the checkbox is marked as "New or Substantial Increase in Severity", that would indicate that the Project's impacts are either:

- peculiar to the Project or the Project site, per CEQA Guidelines Section 15183
- not identified in the CASP EIR (the prior Program EIR), including off-site and cumulative impacts, per CEQA Guidelines Section 15183
- due to substantial changes in the project, per CEQA Guidelines Section 16162 and 15168
- due to substantial changes in circumstances under which the project will be undertaken, per CEQA Guidelines Section 15162
- due to substantial new information that was not known at the time the CASP EIR was certified, per CEQA Guidelines Sections 15162 and 15183

In such a circumstance, a new EIR would be required for the Project, focused on those topics that might be indicated as new or substantially more severe effects.

The analysis contained in the following CEQA Checklist also provides an assessment of whether the Project qualifies for an Addendum to the 2015 CASP EIR, in accordance with CEQA Guidelines section 15164. This Checklist evaluates whether any of the new and/or more detailed information specific to the Project and its site may have one or more significant effects that were not discussed in the prior CASP EIR, or may result in significant effects previously examined but that will be substantially more severe than was shown in the prior

CASP EIR. This Checklist also considers whether mitigation measures that are considerably different from those analyzed in the previous CASP EIR would substantially reduce one or more significant effects of the Project, but the Project applicant declines to adopt such measures. If none of the circumstances identified above would occur, the environmental review for the Project may be accomplished with an Addendum to the CASP EIR, in accordance with CEQA Guidelines section 15164.

The CEQA Checklist references and relies on the analyses completed in the CASP EIR, and incorporates the conclusions of the CASP EIR by reference, as appropriate.

This CEQA Checklist identifies potential environmental effects of the Project using a checklist method, with adequate explanation and evidence to support the Checklist entries and conclusions. These explanations include narrative analysis of the Project. The CEQA Checklist uses the following acronyms for CEQA conclusions:

- No Impact - for environmental factors that would not be affected in any manner
- LTS - for less than significant impacts
- LTS w/SCAs or LTS w/MM - for impacts that would be reduced to LTS with implementation of identified City of Oakland Standard Conditions of Approval (or SCAs) and/or mitigation measures (MMs) as identified in an applicable prior program EIR (i.e., the CASP EIR), and
- SU - for significant and unavoidable impacts

Given the timespan between preparation of the CASP EIR and preparation of this CEQA Checklist, there are variations in the specific environmental topics addressed, and the significance criteria applied. Any significant differences are noted. The CASP EIR's significance criteria have been consolidated and abbreviated in this CEQA Checklist for administrative purposes. Where appropriate, the significance criteria have been updated to reflect current City of Oakland significance criteria established after the 2015 CASP EIR was prepared and that now apply to the Project. Current CEQA topics that were not addressed in the 2015 CASP EIR are now applicable to the Project, and fully addressed in this CEQA Checklist. These topics include:

- vehicle miles travelled (rather than operational level of service) for transportation impacts
- energy
- tribal cultural resources, as a separate topic rather than under the cultural resource category
- wildland fires

Aesthetics

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Mitigation, Standards and Requirements	Resulting Level of Significance
a) Have a substantial adverse effect on a public scenic vista?	LTS	■	□	-	LTS
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? c) Substantially degrade the existing visual character or quality of the site and its surroundings?	LTS	■	□	-	LTS
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? e) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses?	LTS with SCA	■	□	SCA Aesthetics-1: Lighting Plan	LTS with SCA
f) Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors? g) Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors? h) Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space? i) Cast shadow on an historic resource, as defined by CEQA Guidelines section 15064.5(a), such that the shadow would materially impair the resource's historic significance?	No Impact	■	□	-	No Impact
j) Create winds that exceed 36 mph for more than one hour during daylight hours during the year?	LTS with MM	■	□	NA	No Impact

Scenic Vistas

CASP EIR Conclusions [18]

The CASP EIR (Impact Aesthetics 1B) found that future development pursuant to the CASP would not have a substantial adverse effect on a public scenic vista. New development was not found to block or otherwise adversely affect scenic views or scenic resources. The CASP planning area was considered essentially built out and generally limited in terms of scenic views. Development pursuant to the CASP would not adversely affect views across San Leandro Bay, and would improve public access to the shoreline.

Project Analysis

The Oakland General Plan identifies significant public scenic vistas as views of the Oakland hills from the flatlands, views of downtown and Lake Merritt, views of the shoreline, and panoramic views from Skyline Boulevard, Grizzly Peak Boulevard and other hillside locations. Based on the Project's location and surrounding development, the Project would not affect views of the Oakland hills, views of downtown or Lake Merritt, or panoramic views from hillside locations. The Project's effects on views of the Bay and Bay shoreline are addressed below.

The Development Area of the Project site represents one of few remaining undeveloped properties along the Oakland shoreline between I-880 and San Leandro Bay. Along I-880 (which is not a designated scenic highway) from High Street to Hegenberger Road, virtually all public views of the shorelines and across the Bay are obstructed by existing industrial and office development. Although the proposed Development Area and much of the other EBMUD property remains undeveloped, views across the Development Area and adjacent EBMUD properties from I-880 cannot see the shoreline or much of San Leandro Bay because of the Bay's lower elevation. Views of distant hills on the west side of San Francisco Bay on the Peninsula are momentarily visible across the site (see **Figure 14**). The Project's new development would obstruct a portion of this distant view, but views across the remaining undeveloped EBMUD property would remain. Whereas this view is a scenic vista, it can be seen for only a few seconds of travel time on I-880 before being blocked by other development. Obstruction of this very narrow scenic vista by the Project would not be considered significant and would not be a substantial loss of a scenic view or vista seen by substantial numbers of the public.

Public scenic vistas and views of San Leandro Bay from the Bay Trail west of the Project's proposed development (see also **Figure 14**) would remain unobstructed by the Project.

Consistent with the conclusions of the CASP EIR, the Project would not have a substantial adverse effect on a scenic vista.

Scenic Resources and Visual Character

CASP EIR Conclusions [19]

The CASP EIR (Impact Aesthetics 2) found that future development pursuant to the CASP would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings located within a state or locally designated scenic highway. The CASP EIR found no designated or eligible scenic highways in or adjacent to the CASP planning area.

[18] City of Oakland, CASP Draft EIR, beginning at page 4.1-14

[19] City of Oakland, CASP Draft EIR, beginning at page 4.1-15

View of Project Site from I-880 (to the east, looking west)

View from Bay Trail Adjacent to (west of) the Project site , looking northwest

Figure 14
Views To and From the Development Area

Source: Google Earth, 2023

The CASP EIR (Impact Aesthetics 3) found that future development pursuant to the CASP would not substantially degrade the existing visual character or quality of the planning area or its surroundings. The CASP planning area was found to contain a mix of land uses that range from industrial and asphalt dominated, to modest landscaped office parks, and open space along the Bay shoreline. Views into the CASP planning area would look upon new buildings and landscaping, rather than parking lots. Consequently, this impact was found to be less than significant, and no mitigation measures were needed.

Project Analysis

Although the Project site remains undeveloped, there are no significant scenic resources (such as rock outcroppings or historic buildings) on the site. The site does contain several trees, but these trees are not visually significant features of the landscape. The visual character of the Project site's surroundings is that of light industrial and office development, generally consistent with the character of the Project. The Project would not substantially conflict with the visual character of its surroundings.

Consistent with the conclusions of the CASP EIR, the Project would not substantially damage scenic resources. The Project is located in an urbanized area of similar visual character. The Project would not conflict with applicable zoning and other regulations governing scenic quality, and would be subject to the City Design Review process pertaining to the overall aesthetics of the proposed development.

Light & Glare

CASP EIR Conclusions [20]

The CASP EIR (Impact Aesthetics 4) found that future development pursuant to the CASP could create new sources of substantial light or glare that could adversely affect day or nighttime views in the area, but these new light sources would be consistent with the existing light and glare conditions in the area. The CASP EIR determined that the planning area is already an urbanized environment with associated light and glare. Taller structures would introduce light from upper story office and residential uses, as well as ground level lighting associated with commercial uses and office or residential entryways. Individual developments would not be expected to change or affect day or nighttime views from increased light or glare to a significant extent. Such projects would be subject to standard project review and approval processes, including SCA Aesthetics-1: Lighting Plan, which would minimize potential impacts resulting from lighting and ensure that lighting and glare effects remain less than significant. No mitigation measures were found necessary.

Project Analysis

The Project's proposed Lighting Plan (Sheet PS1.0 of the Project application submittal) indicates that there are generally five major types of outdoor lighting to be provided pursuant to the Project. This includes ten cobra-hooded LED streetlights to be placed along the Project frontage on Oakport Street and 10 hooded LED pole-mounted parking lot lights. Outdoor hooded LED sconces would be placed at the entries to the Warehouse and Workshop and at the Materials Bin, multiple hanging LED dome lights would hang under the roof of the Pipe Storage facility, and safety lighting would be added along the easterly façade of the Office building. Based on the Lighting Plan analysis prepared for the Project (see **Figure 15**), the lighting plan generally provides for the following light levels at and surrounding the site:[21]

[20] City of Oakland, CASP Draft EIR, beginning at page 4.1-15

[21] AGI Lighting Analysis, using AGI32 lighting software in conformance with IES specifications, see Ware Malcomb Sheet PS1.0, January 2019

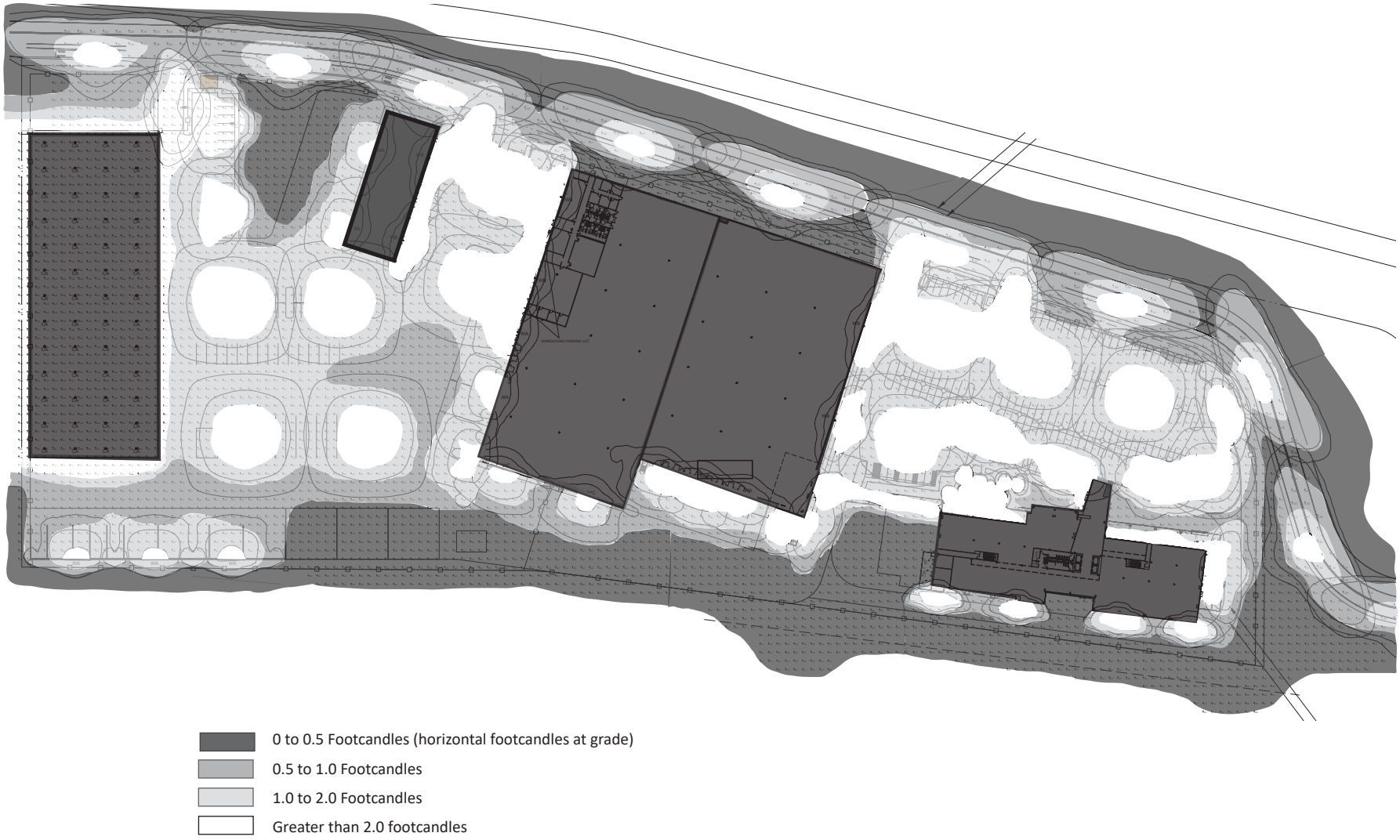


Figure 15
Development Area Lighting Plan

Source: Associated Lighting Representatives, Inc., Sheet PS1.0, January 2019

- Streetlights provide between 2 and 3 foot-candles of horizontal light across the full project frontage on Oakport Street (City lighting specifications to be determined by City)
- Parking lot light standards provide an average of approximately 2 foot-candles of horizontal light across all on-site parking area (compared to Illuminating Engineering Society [IES]recommendations of 0.75 to 3 foot-candles for urban areas)[22]
- Safety lighting at the Project buildings provide an average of approximately 3 to 5 foot-candles of horizontal light at building entries and across the front façade of the Office (compared to IES recommendations of 3 foot-candles for safety lighting at building exteriors)
- Lighting fixtures for the Materials Bins and the Pipe Storage facilities provide an average of approximately 10 to 12 foot-candles of horizontal light at within these facilities (compared to IES recommendations of 5 to 20 foot-candles for warehouse and storage of bulky items).

AGI's Lighting Analysis also demonstrates that horizontal light at off-site locations drop to near zero (0.01 to 0.02 foot-candles) at points 30 to 35 feet from the property boundary.

There is nothing about the Project or its site that would require an exception to any policies or regulations in the General Plan, Planning Code or Uniform Building Code addressing the provision of adequate light related to appropriate uses.

Applicable Standard Conditions of Approval

The following City of Oakland SCA is cited in the CASP EIR as an effective means for addressing light and glare, and would apply to the Project.

❖ ***SCA Aesthetics-1, Lighting Plan***: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

Consistent with the conclusions of the CASP EIR, the Project's effects related to light and glare impacts will be fully addressed through implementation of City SCAs, and this impact would be reduced to less than significant.

Shadows

CASP EIR Conclusions [23]

The CASP EIR (Impact Aesthetics 5) found that future development pursuant to the CASP could introduce additional new buildings and landscape in the planning area, but this new development would not cast substantial shadows on existing solar collectors. It would not cast shadows that substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors. New buildings would not cast shadows that substantially impair the beneficial use of a public park, lawn, garden, or open space; and would not cast shadows that materially impair the significance of an historic resource.

Project Analysis

Consistent with the conclusions of the CASP EIR, the Project would not cast substantial shadows on existing solar collectors, as no such solar collectors are within the Project vicinity. The Project would not cast shadows that

[22] EIS standards as provided in "IES Recommended Light Levels - Waypoint's Quick Reference Guide, accessed at https://waypointlighting.com/uploads/2/6/8/4/26847904/ies_recommended_light_levels.pdf

[23] City of Oakland, CASP Draft EIR, beginning at page 4.1-16

substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors. The Project's new buildings would not cast shadows that substantially impair the beneficial use of a public park or open space; and would not cast shadows that materially impair the significance of an historic resource. The Project would not have a shadow-related CEQA impact.

Wind

CASP EIR Conclusions [24]

The CASP EIR (Impact Aesthetics 7B) found that future development pursuant to the CASP could create winds that exceed 36 mph for more than one hour during daylight hours during the year. Portions of the CASP planning area are located adjacent to San Leandro Bay, and development may ultimately be proposed that would include new structures taller than 100 feet in height (measured to the roof) along the shoreline. Wind effects at these locations could be significant.

The CASP EIR required implementation of Mitigation Measure Aesthetics 7 that would require any structures proposed within 100 feet of San Leandro Bay and that would exceed 100 feet in height must undertake a wind study. The wind analysis must consider the project's contribution to wind impacts to on- and off-site public and private spaces. Based on the findings of the wind analysis, the structure must be redesigned to prevent it from creating winds in excess of 36 mph for more than one hour during daylight hours. The CASP EIR found that implementation of Mitigation Measure Aesthetics 7 would reduce this impact to a less than significant level.

Project Analysis

Although portions of the Project site are within 100 feet of San Leandro Bay, the Project does not include any structures that would exceed 100 feet in height (the tallest Project building is the Office, at 85 feet). No wind study is required of the Project and no adverse effects increasing wind or wind tunnels would occur.

CEQA Conclusions Pertaining to Aesthetics

The analysis presented above examines whether there are any Project-specific significant effects related to aesthetics that are peculiar to the Project or its site, finding none. The Project would have no aesthetic impacts that were not previously analyzed in the CASP EIR, would have no off-site or cumulative aesthetic impacts not discussed in the prior CASP EIR, and would not result in any aesthetic impacts that are more severe than as discussed in the prior CASP EIR. There are no aesthetics-related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to aesthetic resources. Only minor technical additions related to the specifics of the Project and its site have been identified, and these minor additions to the CASP EIR are appropriately disclosed in this Addendum to the CASP EIR.

[24] City of Oakland, CASP Draft EIR, beginning at page 4.1-21

Agriculture and Forestry Resources

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact	■	□	-	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact	■	□	-	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	No Impact	■	□	-	No Impact
d) Result in the loss of forestland or conversion of forestland to non-forest use?	No Impact	■	□	-	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?	No Impact	■	□	-	No Impact

The CASP EIR found that implementation of the CASP would not have significant environmental impacts on agriculture or forest resources, as no such resources exist within the CASP planning area.[25]

There is no new information or evidence to suggest that agricultural or forest resources now exist within the CASP planning area. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project site as urban, and not an area of agricultural or forest resource importance. The Project would have no impact on these resource types.[26]

[25] City of Oakland, CASP Draft EIR, page 2-2

[26] California, State of, Department of Conservation, *Farmland Mapping and Monitoring Program*, accessed November 2022 at: https://maps.conservation.ca.gov/DLRP/CIFF/

CEQA Conclusions Pertaining to Agriculture

The analysis presented above examines whether there are any Project-specific significant effects related to agriculture or forest resources that are peculiar to the Project or its site, finding none. The Project would have no agricultural or forest resource impacts that were not previously analyzed in the CASP EIR, would have no off-site or cumulative agriculture or forest impacts not discussed in the prior CASP EIR, and would not result in any agriculture or forest impacts that are more severe than as discussed in the prior CASP EIR. There are no agricultural or forest related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as related to agricultural or forest resources. Only minor technical additions related to the Project and its site have been identified, and these minor additions to the CASP EIR are appropriately disclosed in this Addendum to the CASP EIR.

Air Quality

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings: Equal or Less Severe	Relationship to CASP EIR Findings: New or Substantial Increase in Severity	Project Conclusions: Applicable Standards and Requirements	Project Conclusions: Resulting Level of Significance
Plan-Level Impacts a) Fundamentally conflict with or obstruct implementation of the applicable air quality plan, not include special overlay zones containing goals, policies, and objectives to minimize potential Toxic Air Contaminant (TAC) impacts, or Not identify existing and planned sources of odors with policies to reduce potential odor impacts?	LTS	■	□	-	NA
Project-level Impacts b) During project construction, result in average daily emissions of 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10)?	LTS with SCAs	■	□	SCA Air-1, Dust Controls – Construction Related SCA Air-2, Criteria Air Pollutant Controls - Construction Related	LTS w/ SCA
c) During construction, expose sensitive receptors to substantial pollutant concentrations, resulting in an increase in cancer risk level greater than 10 in one million, a non-cancer risk (chronic or acute) hazard index greater than 1.0, or an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter, or d) Under cumulative conditions, result in a cancer risk level greater than 100 in a million, a non-cancer risk (chronic or acute) hazard index greater than 10.0, or annual average PM2.5 of greater than 0.8 micrograms per cubic meter?	LTS with SCA	■	□	SCA Air-2, Criteria Air Pollutant Controls - Construction Related SCA Air-3, Diesel Particulate Matter Controls-Construction Related/Diesel Particulate Matter Reduction Measures	LTS
e) During operation, result in average daily emissions of 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10), or result in maximum annual emissions of 10 tons per year of ROG, NOx, or PM2.5 or 15 tons per year of PM10?	SU	■	□	City SCAs pertaining to required TDM, energy efficiency, water conservation and waste generation	LTS
f) For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation, expose sensitive receptors to substantial levels of TACs under project conditions resulting in an increase in cancer risk level greater	LTS with SCA	■	□	SCA Air-4, Stationary Sources of Air Pollution (Toxic Air Contaminants)	LTS w/ SCA

than 10 in one million, a non-cancer risk (chronic or acute) hazard index greater than 1.0, or an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter? g) Under cumulative conditions, result in a cancer risk level greater than 100 in a million, a non-cancer risk (chronic or acute) hazard index greater than 10.0, or annual average PM2.5 of greater than 0.8 micrograms per cubic meter? h) During operation, expose sensitive receptors to substantial pollutant concentrations?					
i) Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people?	LTS	■	□	SCA Air-5, Truck-Related Risk Reduction Measures (Toxic Air Contaminants)-	No Impact
j) Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour?	LTS	■	□	-	LTS

Consistency with the Applicable Air Quality Plan

CASP EIR Conclusions [27]

The CASP EIR (Impact Air-1) found that adoption and implementation of the CASP would not fundamentally conflict with or obstruct implementation of any control measures of the applicable Clean Air Plan, and the CASP demonstrates reasonable efforts to implement Clean Air Plan control measures.

At the time the CASP was adopted and its EIR was certified in 2015, the applicable Clean Air Plan was the Bay Area 2010 Clean Air Plan, which served to update the Bay Area Ozone Plan in compliance with the requirements of Chapter 10 of the California Health & Safety Code. The 2010 Clean Air Plan provided an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate. The primary goals of the 2010 Clean Air Plan were to attain air quality standards, reduce population exposure and protect public health in the Bay Area, and to reduce greenhouse gas emissions and protect the climate. The 2010 CAP includes fifty-five control measures that addressed transportation, mobile source measures applicable to construction equipment, land use and local impact measures, and energy and climate measures. The CASP EIR determined that implementation of the CASP would not interfere with implementation of any of the Clean Air Plan's control measures, this impact was found to be less than significant, and no mitigation measures were required.

The CASP EIR (Impact Air-2) also concluded that new development pursuant to the CASP would be located near existing and planned sources of toxic air contaminants and within 500 feet of freeways and high-volume

[27] City of Oakland, CASP Draft EIR, beginning at page 4.2-42

roadways containing 100,000 or more average daily vehicle trips. Special overlay zones containing development standards that minimize potential exposure of sensitive receptors to toxic air contaminants were required pursuant to the CASP EIR, to be implemented pursuant to City of Oakland Standard Conditions of Approval (SCAs). New residential development planned within areas of concern from TAC emissions are subject to those SCAs. [28]

Project Analysis

Pursuant to the BAAQMD's CEQA Guidelines, proposed plans (such as the CASP) must analyze the Plan's consistency with the applicable Clean Air Plan, including consistency with current control measures, and projected VMT or vehicle trips increase relative to its projected population increase. However, individual projects are subject to project-level analysis pursuant to separate BAAQMD CEQA Guidelines addressing project-specific effects related to construction and operational-related criteria air pollutant emissions, construction and operational-related emissions of TACs or fine particulate matter, and odors. Those analyses are provided below.

Whereas this document supports a conclusion that the Project is consistent with the CASP, and the CASP was determined to be consistent with the then-applicable Clean Air Plan, the Project is similarly consistent with the now-current Clean Air Plan.

The Project does not include any residential development, and as such is not subject to special overlay zones related to the exposure of sensitive receptors to toxic air contaminants, or SCA requirements to implement project-specific measures to reduce potential health risks.

Construction-Period Fugitive Dust

CASP EIR Conclusions [29]

The CASP EIR (Impact Air-4) concluded that during construction, individual development projects pursuant to the CASP will generate short-term emissions of fugitive dust from demolition, grading, hauling and construction activities. Construction-related fugitive dust emissions would vary from day to day depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and local visibility and PM10 and PM2.5 concentrations may be adversely affected on a temporary and intermittent basis.

The CASP EIR concluded that if a project complies with specified dust control measures, it would not result in a significant impact related to construction period dust emissions. In order to be protective of the health of nearby residences, as well as to reduce dust emissions that could affect regional air quality, all future development pursuant to the CASP is required to implement BAAQMD-recommended construction period dust control measures pursuant to the City's SCAs, and to comply with the requirements found under the City Municipal Code (Section 15.36.100; Dust Control Measures). These measures include both "Basic" and "Enhanced" measures. The City of Oakland considers implementation of effective and comprehensive dust control measures (Best Management Practices) as the threshold of significance for fugitive dust emissions (both PM10 and PM2.5); if a project complies with specified dust control measures, it would not result in a significant impact related to construction period dust emissions. With implementation of these SCAs, temporary construction-period fugitive dust emissions were found to be controlled to a less than significant level.

[28] City of Oakland, CASP Draft EIR, beginning at page 4.2-44

[29] City of Oakland, CASP Draft EIR, beginning at page 4.2-47

Project Analysis

Short-term emissions of fugitive dust associated with construction of the Project would occur primarily during demolition, site preparation and grading activities at the site. The Project's proposed grading plan anticipates that site preparation work will include clearing and grubbing the site, over-excavating up to 2 feet of undocumented fill, and then compacting and backfilling these areas with structural fill. The proposed grading plan also intends to raise the ground surface elevation at areas that may otherwise be susceptible to reasonably forecast sea level rise (see Hydrology section of this CEQA Checklist). Based on preliminary earthwork quantities, it is anticipated that the Project may have as much as 8,430 cubic yards (CY) of cut grading/excavation for building foundations, 31,378 CY of fill across the site, for a net balance of 22,941 CY of soil import.[30] Each of these activities are sources of construction-period dust emissions.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR as effective means for addressing fugitive dust emissions from all construction projects within the City, and would apply to the Project.

- ***SCA Air-1, Dust Controls – Construction Related***: The project applicant shall implement all of the following applicable Basic dust control measures during construction of the project:

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

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

  c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

  d) Limit vehicle speeds on unpaved roads to 15 miles per hour.

  e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.

  f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.

  g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

Because the Project involves extensive site preparation (the construction site more than four acres in size) and involves extensive soil transport (more than 10,000 CY of soil import), the following additional Enhanced dust control measures during construction of the project:

  h) Apply and maintain vegetative ground cover (e.g., hydro-seed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

  i) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

  j) When working at a site, install appropriate windbreaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.

[30] Ware Malcomb, et.al., Project Application Submittal Materials, Sheet ___, April 4, 2019

k) Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.

l) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

Consistent with the conclusions of the CASP EIR, the Project's effects related to fugitive dust emissions during construction will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Construction Period Criteria Pollutant Emissions

CASP EIR Conclusions [31]

The CASP EIR (Impact Air-5B) determined that construction activities pursuant to the CASP will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland SCAs. However, larger individual construction projects may generate emissions of criteria air pollutants that would exceed the City's thresholds of significance, and this impact was found to be significant and unavoidable.

The CASP EIR did not quantify construction-period emissions for buildout of the CASP because of the high number of variables and the unknown nature of these variables. However, based on BAAQMD screening criteria, the CASP EIR found that if future development projects met certain criteria, those individual construction projects would be unlikely to result in a significant impact from criteria air pollutant and precursor emissions. Relevant to the Project, those criteria included the following:

- 277,000 square feet of commercial retail or office space, or
- 259,000 square feet (or 540 employees) within a light- or heavy- industrial building

These screening criteria also require that all Basic construction mitigation measures would be included in the project design and implemented during construction, and that construction-related activities would not include demolition; simultaneous occurrence of more than two construction phases; extensive site preparation for grading, cut/fill or earth movement); or extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

The CASP EIR concluded that those construction projects that cannot meet these criteria may result in construction-period emissions exceeding City threshold levels for individual project-level effects. The CASP EIR considered that such large construction projects were likely to occur pursuant to buildout of the CASP, and implementation of SCAs may not be fully capable of reducing criteria pollutants during construction. In particular, the CASP EIR concluded that it could not reliably be assumed that ROG emissions from application of architectural coatings would be reduced to 54 pounds per day or less. Therefore, this impact was conservatively considered significant and unavoidable.

[31] City of Oakland, CASP Draft EIR, beginning at page 4.2-52

Project Analysis

The Project does not meet the screening criteria identified in the CASP EIR as a project unlikely to result in a significant impact from criteria air pollutant and precursor emissions. The combination of the 160,000 square-foot office building (representing approximately 58% of the office screening criteria) and the 132,000 square-foot warehouse and workshop (representing approximately 51% of the light industrial screening criteria) exceed size limit criteria. Additionally, the Project does involve extensive material transport (approximately 22,941 CY of soil import), requiring haul truck activity.

Accordingly, the Project's construction-period criteria pollutant emissions have been calculated using the CalEEMod (version 2022.1.1.13) emissions calculator. Project-specific information was entered into the CalEEMod calculator, including the following:

- the Project site's precise location
- the square footage of each building to be constructed, total paved area (parking and circulation) and landscaped area; and
- the extent of grading operations, including the amount of projected soil import

CalEEMod default values were used for all emissions calculation related to on-road vehicle emission factors, off-road equipment emission factors, worker and vendor trip length, ROG emission values from architectural coatings, and electricity consumption.

The Project's construction emissions were calculated under two separate construction schedules, both schedules assuming that construction would begin on August 1, 2023. The first construction schedule is a standard CalEEMod-generated schedule, with construction phase durations based on similar projects of a similar size. The second construction schedule analyzes a limited construction window that only allow for construction to occur between August 1 and January 31 of each year, consistent with mitigation measures intended to protect special status birds and nesting birds (including potentially nesting Ridgeway's rail, California black rail, Alameda song sparrow and San Francisco saltmarsh common yellowthroat) at the adjacent Damon Marsh – see the biology section of this CEQA Checklist. The CalEEMod results for construction emissions are included in **Appendix B** and summarized below in **Table 5**.

Table 5: Regional Air Pollutant Emissions during Construction

	Reactive Organic Gases	Nitrogen Oxides	PM10, Exhaust	PM2.5, Exhaust
Standard Construction Schedule				
Average Daily Emissions, 2023	0.81 lbs/day	8.21 lbs/day	0.33 lbs/day	0.31 lbs/day
Average Daily Emissions, 2024	1.15 lbs/day	9.42 lbs/day	0.37 lbs/day	0.34 lbs/day
Average Daily Emissions, 2025	8.73 lbs/day	0.32 lbs/day	0.01 lbs/day	0.01 lbs/day
Annual Emissions, 2023	0.15 tons/yr	1.50 tons/yr	0.06 tons/yr	0.06 tons/yr
Annual Emissions, 2024	0.21 tons/yr	1.72 tons/yr	0.07 tons/yr	0.06 tons/yr
Annual Emissions, 2025	1.59 tons/yr	0.06 tons/yr	0.00 tons/yr	0.00 tons/yr
Limited Construction Window Schedule				
Average Daily Emissions, 2023	0.99 lbs/day	9.61 lbs/day	0.39 lbs/day	0.36 lbs/day
Average Daily Emissions, 2024	0.70 lbs/day	5.75 lbs/day	0.22 lbs/day	0.21 lbs/day
Average Daily Emissions, 2025	9.02 lbs/day	2.06 lbs/day	0.08 lbs/day	0.07 lbs/day
Annual Emissions, 2023	0.18 tons/yr	1.75 tons/yr	0.07 tons/yr	0.06 tons/yr
Annual Emissions, 2024	0.153tons/yr	1.05 tons/yr	0.04 tons/yr	0.04 tons/yr
Annual Emissions, 2025	1.65 tons/yr	0.37 tons/yr	0.01 tons/yr	0.01 tons/yr
Thresholds:				
Daily Threshold	54 lbs/day	54 lbs/day	82 lbs/day	54 lbs/day
Annual Threshold	10 tons/yr	10 tons/yr	15 tons/yr	10 tons/yr
Exceed Threshold, Either Schedule?	**No/No**	**No/No**	**No/No**	**No/No**

Source: Lamphier-Gregory, CalEEMod results included as Appendix B

As shown, under either construction schedule scenario, the Project's construction-period emissions of criteria pollutants would not exceed threshold levels, and this impact would be less than significant. This conclusion is reached prior to including any construction-period emission reductions.

Applicable Standard Conditions of Approval

Regardless of comparison to construction-period criteria pollutant thresholds, the following City of Oakland SCAs are cited in the CASP EIR as effective means for further addressing cumulative construction-period criteria pollutants from all construction projects within the City, and would apply to the Project.

- ***SCA Air-2, Criteria Air Pollutant Controls - Construction Related***: The project applicant shall implement all of the following control measures for criteria air pollutants during construction of the project, as applicable:

  a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.

b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").

c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.

e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.

f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

Consistent with the conclusions of the CASP EIR, the Project's effects related to criteria pollutant emissions during construction will be fully addressed through implementation of City SCAs, and this impact would be less than significant.

Construction Period Toxic Air Contaminant (TAC) Emissions

CASP EIR Conclusions [32]

The CASP EIR (Impact Air-6B) determined that construction of individual development projects pursuant to the CASP will generate construction-related toxic air contaminant (TAC) emissions from fuel-combusting construction equipment and mobile sources that could exceed thresholds for cancer risk, chronic health index, acute health index or annual average PM2.5 concentration levels. However, construction-related TAC emissions would be reduced to a less than significant level with implementation of required City of Oakland SCAs.

Construction activities may generate construction-related toxic air contaminant (TAC) emissions from fuel-combusting construction equipment and mobile sources. Project construction activities would produce DPM and PM2.5 emissions due to exhaust emissions from equipment such as loaders, backhoes, and cranes, as well as haul truck trips. These emissions could result in elevated concentrations of DPM and PM2.5 at nearby receptors (both new and existing residences). Sensitive receptors in proximity to these emissions (generally within 200 meters) could be subject to increased cancer risk, chronic health problems and acute health risk. Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations (e.g., typically within 1,000 feet). The CASP EIR noted that current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities, resulting in difficulties with producing accurate estimates of increased health risk. Nevertheless, the CASP EIR concluded that implementation of SCA's calling

[32] City of Oakland, CASP Draft EIR, beginning at page 4.2-58

implementation of construction-related Best Management Practices to substantially reduce the more typical construction-related TAC emissions would reduce health risks to nearby sensitive receptors to a less than significant level.

Project Analysis

The Project's construction activities will generate construction-related toxic air contaminant (TAC) emissions from fuel-combusting construction equipment and mobile sources. Specifically, the Project's construction activities would produce DPM and PM2.5 emissions from equipment exhaust from diesel-powered loaders, backhoes, cranes, as well as haul truck trips. These emissions could result in elevated concentrations of DPM and PM2.5, and any sensitive receptors in proximity to these emissions could be subject to increased cancer risk.

The CASP EIR's identified range of susceptibility to health risks from construction TAC emissions was 200 meters (or 656 feet). A more standard health-risk concern is for sensitive receptors within 1,000 feet. The nearest sensitive residential receptors to the Project site are at San Leandro Street/Seminary Avenue, Lion Creek Crossing at San Leandro Street/66th Avenue, and at San Leandro Street/53rd Avenue (see **Figure 16**). Each of these residential areas are about 3,000 feet or more from the Project site. Due to the variable and temporary nature of construction activity and the substantial distance between the Project site and any sensitive residential receptors, the Project's construction activity is not anticipated to result in the exposure of sensitive receptors to substantial concentrations of construction-related TAC emissions. Furthermore, the best practices as included in SCA Air-2, Criteria Air Pollutant Controls - Construction Related (see above) would apply to the Project. These best practices include minimizing idling times on all diesel-fueled vehicles, and requiring that all equipment to be used at the construction site comply with the requirements of California Air Resources Board's Off-Road Diesel Regulations. These regulations are specifically intended to reduce oxides of nitrogen (NOx), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use, off-road diesel-fueled vehicles.

Based on the temporary nature of construction activity, the substantial distance between the Project site and any sensitive receptors, and the requirements to minimize TAC emissions from diesel-powered construction equipment and vehicles, this impact of the Project would be less than significant.

Figure 16
Nearest Off-Site Sensitive Residential Receptors

Applicable Standard Conditions of Approval

Regardless of this CEQA conclusion, the following SCA applies to all projects involving construction activities involving greater than 100 dwelling units or 50,000 square feet of non-residential floor area, or any project involving construction activities involving greater than 50 dwelling units or 25,000 square feet of non-residential floor area for any area defined as needing "Best Practices" or needing "Further Study" on the BAAQMD Healthy Places Map, which typically applies within 1,000 feet of a freeway or along major thoroughfares.

- ***SCA Air-3, Diesel Particulate Matter Controls-Construction Related/Diesel Particulate Matter Reduction Measures***: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose one of the following methods:

  a) The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.

  -or

  b) All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.

The current Tier 4 emission standards have been phased-in from 2008 through 2015 for the sale of all new off-road heavy-duty diesel engines. Recent studies show that off-road heavy-duty diesel engines meeting Tier 4 standards (CARB's most recent certification standard for off-road heavy-duty diesel engines) result in reductions of PM and NOx emissions by about 90% as compared to prior Tier 2 and Tier 3 engines. [33]

Consistent with the findings of the CASP EIR, the applicable SCA Air-3 (above) requires the Project to either conduct an HRA prior to construction and implement diesel emission reductions as identified in that HRA, or implement Verified Diesel Emission Control Strategies for control of construction-related TAC emissions. Either of these approaches would control construction-related TAC emissions to levels of less than significant, and no additional mitigation is required.

[33] DieselNet, accessed at: https://dieselnet.com/standards/us/nonroad.php

Operational Criteria Pollutant Emissions

CASP EIR Conclusions [34]

The CASP EIR (Impact Air-7B) found that new development pursuant to the CASP would result in average daily operational emissions of more than 54 pounds per day or 10 tons per year of ROG, NOX or PM2.5, and more than 82 pounds per day or 15 tons per year of PM10. In aggregate, buildout of the entire CASP would result in total operational emissions of criteria pollutants that would greatly exceed project-level thresholds, and each individual development project as envisioned under the CASP would incrementally contribute to this overall total. However, based on BAAQMD screening criteria, the CASP EIR found that if future development projects met certain criteria, those individual projects would be unlikely to result in a significant impact from operational criteria air pollutant and precursor emissions. Relative to the Project, those criteria included the following:

- 346,000 square feet of general office space, or
- 540,000 square feet (or 1,250 employees) within a light-industrial building

The CASP EIR found it likely that certain individual projects pursuant to the CASP may exceed these screening level size limitations. The impact of individual development projects pursuant to this Plan, as well as the aggregate of all development assumed pursuant to the CASP was conservatively considered to generate criteria air pollutants and ozone precursor emissions at a level that would be significant and unavoidable. The CASP EIR cited City Standard Condition of Approval pertaining to parking and traffic management that would apply to all subsequent development projects involving 50,000 square feet or more of new non-residential space, requiring preparation of a Transportation Demand Management (TDM) plan capable of reducing single-occupant vehicle use, which would reduce criteria air pollutants and ozone precursor emissions, but may or may not be fully effective in reducing emissions to below threshold levels. The CASP EIR conservatively generate criteria air pollutants and ozone precursor emissions at a level that would be significant and unavoidable.

Project Analysis

The Project does meet the screening criteria identified in the CASP EIR as a project unlikely to result in a significant impact from operational-based criteria air pollutant and precursor emissions. The combination of the 160,000 square-foot office building (representing approximately 46% of the office screening criteria) and the 132,000 square-foot warehouse and workshop (representing approximately 24% of the light industrial screening criteria) do not add together in an amount that exceeds the size limit screening criteria.

To validate this conclusion, the Project's operational criteria pollutant emissions have been calculated using the CalEEMod (version Soft Release 2022) emissions calculator. Project-specific information was entered into the CalEEMod calculator, including the following:

- the Project site's precise location
- the square footage of each building and landscaped area[35]
- Project-specific trip generation rates and VMT (per Fehr & Peers' Preliminary Transportation Assessment, August 2022)

[34] City of Oakland, CASP Draft EIR, beginning at page 4.2-63

[35] New building space as analyzed in the CalEEMod emissions calculator includes the office, warehouse and shop. The pipe storage structure and materials bins were not included in this analysis as these uses are not new, but rather are existing uses being relocated within the Project site.

- No use of natural gas – all CalEEMod default values for natural gas energy (kBtu) were converted to electricity (kWh)

CalEEMod default values were used for the assumed fleet mix, vehicle emission factors, operational sources, architectural coating re-application rate, total energy use, water and wastewater consumption, and solid waste generation. The results of operational emissions modeling for the Project are included in **Appendix C**, and summarized in **Table 6**, below.

Table 6: Project's Operational Emissions of Criteria Pollutants

	Criteria Air Pollutants (lbs/day)			
Category	**ROG**	**NOx**	**PM10 (emissions)**	**PM2.5 (emissions)**
Project Emissions				
Area	8.44	0.05	0.01	0.01
Energy	0.00	0.00	0.00	0.00
Transportation	6.60	8.17	0.13	0.12
Total, lbs/day	15.0	8.23	0.14	0.13
Threshold (Exceed?)	54 (No)	54 (No)	82 (No)	54 (No)
Total, tons/yr.	2.75	1.50	0.03	0.02
Threshold (Exceed?)	10 (No)	10 (No)	15 (No)	10 (No)

Source: CalEEMod Version 2022 Soft Release (see Appendix C)

As demonstrated in Table 6, the Project's predicted average daily and annual operational-generated emissions of ROG, NOx, PM10 and PM2.5 criteria air pollutants are below the operational significance thresholds as recommended by the BAAQMD and as relied on in the CASP EIR. Therefore, the Project's operational air quality impacts related to cumulatively considerable net increases of these non-attainment criteria pollutants would be less than significant, and no additional mitigation is required. Regardless of this finding, the Project will be subject to City SCAs pertaining to required TDM, energy efficiency, water conservation and waste generation, and implementation of these SCAs will further reduce the Project's operational criteria pollutant emissions.

New Sources of Operational Toxic Air Contaminants

CASP EIR Conclusions [36]

The CASP EIR (Impact Air-9) found that new sources of operational TACs pursuant to CASP buildout would not result in an increase in cancer risk level greater than 10 in one million, a non-cancer risk (chronic or acute) hazard index greater than 1.0, or an increase of annual average PM2.5 concentration of greater than 0.3 micrograms per cubic meter.

The CASP EIR did not identify any specific stationary sources of air pollution pursuant to the CASP, but as a practical matter, California building code requires back-up diesel generators for all buildings in excess of 70 feet in height for elevator safety. Back-up electricity may also be required for other anticipated uses pursuant to the

[36] City of Oakland, CASP Draft EIR, beginning at page 4.2-66

CASP. The CASP EIR cited existing regulations that require operators of back-up diesel generators to obtain a permit and an Authority to Construct from the BAAQMD, and the District would evaluate emissions based on size and require Best Available Control Technology, if warranted. Per its Policy and Procedure Manual, the BAAQMD would deny an Authority to Construct or a Permit to Operate for any new or modified source of TACs that exceeds a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0 at an adjacent receptor location.

The additional incremental health impacts associated with TAC emissions from traffic on major roadways as generated by CASP buildout were also evaluated in the CASP EIR. CAL3QHCR (the USEPA's approved/preferred model for roadway modeling) was used to estimate air pollutant concentrations generated from CASP-related traffic. Modeled sensitive receptors in the vicinity were identified. The CASP EIR's analysis concluded that the human health impact resulting from traffic generated by the CASP on the maximum exposed on-site and off-site sensitive residential receptors would be less than significant.

Project Analysis

The Project's architectural drawings indicate that the proposed office building will include a bank of elevators, and back-up emergency power will be required for these elevators. It is currently unknown but possible that the warehouse may also rely on back-up power for hoists or lifts as may be used for stacking material within the warehouse.[37] There are no other known source of significant stationary sources of TAC emissions associated with the Project.

The Project's contribution of traffic to the surrounding major roadways represents a small component of the assumed buildout of the CASP. Whereas the CASP EIR found that traffic attributed to buildout of the CASP would not result in significant human health impacts on the maximum exposed on-site and off-site sensitive residential receptors, the Project's small increment of traffic and associated TAC emissions would be less than as assumed in the CASP EIR, and therefore less than significant.

Applicable Standard Conditions of Approval

The following SCA applies to the Project, as the Project involves a stationary pollutant source requiring a permit from BAAQMD, including but not limited to back-up diesel generators.

- ***SCA Air-4, Stationary Sources of Air Pollution (Toxic Air Contaminants)***: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods:

    a) The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted

[37] The Project's proposed warehouse is not intended to store or distribute materials that require refrigeration, so no back-up power is needed for refrigeration in the warehouse in the event of a power emergency.

to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.

- or -

b) The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: 1) installation of non-diesel fueled generators, if feasible, or 2) installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.

With implementation of this SCA, the health risks associated with on-site stationary sources of TAC emissions (assumed limited to emergency generators) would be reduced to a level of less than significant, and no additional mitigation measures are warranted.

The following additional SCA also applies to the Project, as the Project includes new truck loading docks and will presumably have a truck fleet registered to the project applicants and/or operators.

❖ ***SCA Air-5, Truck-Related Risk Reduction Measures (Toxic Air Contaminants)***

a) *Truck Loading Dock*: The project applicant shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.

b) *Truck Fleet Emission Standards*: The project applicant shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to new clean diesel trucks, higher-tier diesel engine trucks with added Particulate Matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.

As indicated above, the nearest sensitive residential receptors are more than 3,000 feet from the Project, and the Project's loading docks are all located toward the rear (westerly side) of the warehouse. Compliance with CARB's verification procedures for In-Use Strategies to Control Emissions from Diesel Engines will ensure that diesel emissions attributed to on-site operational mobile source TAC emissions would be reduced to levels consistent with CARD standards, and therefore less than significant.

Odors

CASP EIR Conclusions [38]

The CASP EIR (Impact Air-3) found that future development pursuant to the CASP would not expose a substantial number of people to existing or new objectionable odors. The CASP EIR included a screening analysis conducted in accordance with the recommendations in the BAAQMD Guidelines to determine the presence of any odor sources in the vicinity of the Project area. Only two businesses are within 2 miles of the CASP planning area received three or more odor complaints over the past three years. Neither business exceeded the threshold as described by the BAAQMD CEQA Air Quality Guidelines (of 5 confirmed complaints per year averaged over three years). Given the infrequent occurrence of odor complaints, the potential for new sensitive receptors within the Project area to be affected by objectionable odors affecting a substantial number of people was found to be less

[38] City of Oakland, CASP Draft EIR, beginning at page 4.2-46

than significant. The CASP EIR also found that the CASP's proposed land use plan did not include any of the odor producing sources of particular concern as defined by the BAAQMD.

Project Analysis

Similar to the CASP EIR conclusions, the Project is not affected by objectionable odors, nor does it represent a new source of odors of particular concern as defined by the BAAQMD. The Project's impacts related to odors would be less than significant.

Carbon Monoxide Emissions

CASP EIR Conclusions [39]

The CASP EIR relied on City thresholds and BAAQMD CEQA Guidelines, which indicate that localized CO concentrations should be estimated for projects in which, a) project-generated traffic would conflict with an applicable congestion management program established by the County Congestion Management Agency, b) project-generated traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, or c) project-generated traffic would increase traffic volumes to more than 24,000 vehicles per hour at locations where vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below-grade roadways. The CASP EIR concluded that the projected future maximum hourly traffic volumes under CASP buildout, and at all study intersections, would be significantly less than 44,000 vehicles, would not exceed the project-specific hourly traffic volume thresholds, and this impact was found to be less than significant.

Project Analysis

Whereas the CASP EIR concluded that full CASP buildout would not exceed the project-specific hourly traffic volume thresholds, and the Project represents only a small increment of CASP buildout, then the traffic generated by the Project would not make a substantial contribution to carbon monoxide (CO) concentrations, and this impact of the Project would be less than significant.

CEQA Conclusion Pertaining to Air Quality

The analysis presented above examines whether there are any Project-specific significant effects related to air quality that are peculiar to the Project or its site, finding none. The Project would have no air quality impacts that were not previously analyzed in the CASP EIR, would have no off-site or cumulative air quality impacts not discussed in the prior CASP EIR, and would not result in any air quality impacts that are more severe than as discussed in the prior CASP EIR. There are no air quality-related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to air quality. The air quality analysis presented above provides minor technical additions related to the specific air quality effects of the Project, and these minor technical additions to the CASP EIR that are specific to the Project are appropriately disclosed in this Addendum to the CASP EIR.

[39] City of Oakland, CASP Draft EIR, beginning at page 4.2-64

Biological Resources

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Mitigation, Standards and Requirements	Resulting Level of Significance
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	LTS with SCAs and MMs (see footnote 37, below)	■	□	SCA Bio-1, Tree Removal during Breeding Season SCA Bio-2: Bird Collision Reduction SCA Bio-3: Tree Removal Permit SCA Aesthetics-1: Lighting Plan SCA Geo-4: Erosion and Sedimentation Control Plan, SCA Hydro-2: Creek Protection Plan, SCA Haz-2, Hazardous Materials Related to Construction, SCA Noise-3, Extreme Construction Noise, and SCA Noise-6, Operational Noise CASP EIR MM Bio 1A-1, Pre-construction Nesting Bird Surveys and Buffers Project Recommendation related to CASP EIR MM Bio-1A-1 CASP EIR MM Bio 1A-3, Salt Marsh Protection CASP EIR MM Bio 1A-4, Public Access Design	LTS with SCAs, CASP EIR MMs and Project Recommend ation
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? c) Have a substantial adverse effect on federally protected wetlands (as defined by section 404 of the Clean Water Act) or state protected wetlands through direct	LTS with MM (none of the CASP EIR MMs are directly applicable to the Project)	■	□	SCA General-1, Regulatory Permits and Authorizations from Other Agencies, including: Least Environmentally Damaging Practicable Alternative" (LEDPA),and Compensatory Mitigation	LTS with SCAs

removal, filling, hydrological interruption, or other means?					
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	LTS with SCAs and MM	■	□	SCA Bio-1, Tree Removal during Bird Breeding Season SCA Bio-2, Bird Collision Reduction Measures SCA Aesthetics-1, Lighting Plan CASP EIR's Further Recommendations Pursuant to SCA Aesthetics-1 CASP EIR MM Bio 3-2, Herbicide / Pesticide Control SCA Bio-3, Tree Removal Permit, SCA Geo-4, Erosion and Sedimentation Control Plan, SCA Haz-2, Hazardous Materials Related to Construction, SCA Noise-3, Extreme Construction Noise, and SCA Noise-6, Operational Noise	LTS with SCAs and CASP EIR MMs
e) Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code Chapter 12.36) by removal of protected trees under certain circumstances?	LTS with SCAs	■	□	SCA Bio-3, Tree Permit SCA Bio-1, Tree Removal during Bird Breeding Season Recommendation Pursuant to SCA Bio-3: Landscape Plan Species	LTS with SCA
f) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources?	LTS with SCAs	■	□	SCA Hydro-2, Creek Protection Plan	LTS with SCA
g) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	LTS with SCAs and MM	■	□	-	LTS

Special Status Species

CASP EIR Conclusions [40]

The CASP EIR (Impact Bio-1B) found that future development pursuant to the CASP could have a substantial adverse effect, either directly or through habitat modifications on special status species, a significant and unavoidable impact.[41] For the purposes of the CASP EIR, special status species included:

- Listed, proposed for listing, or a candidate for listing as threatened or endangered under the Federal Endangered Species Act
- Listed, or a candidate for listing, as rare, threatened or endangered under the California Endangered Species Act
- Designated "Special Concern" or "Fully Protected" species by California Department of Fish and Wildlife (CDFW)
- Protected by the Federal Marine Mammal Protection Act
- Raptors (birds of prey), which are specifically protected by California Fish & Game Code Section 3503.5, which prohibits the take, possession, or killing of raptors and owls, their nests, and their eggs
- Those that may be considered rare or endangered pursuant to Section 15380(b) of the CEQA Guidelines (such as those listed as "Special Animals" by CDFW, which include species on CDFW's watchlist, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, and colonial nesting birds.
- Listed in the Special Plants, Bryophytes, and Lichens List as defined by the CDFW California Natural Diversity Data Base, or
- Listed as California Rare Plant Rank (RPR) 1-3 as defined by the California Native Plant Society's Inventory of Rare and Endangered Plants of California

Table 4.3A-1 in Appendix 4.3A of the CASP EIR provides a review of 46 special-status wildlife species, and Table 4.3B-1 in Appendix 4.3B provides a review of 33 plant species considered to have some potential for occurrence in the CASP planning area. The tables include the status, habitat requirements and potential for each species to occur within the CASP planning area or adjacent habitats. The CASP EIR identifies the following types of effects on special-status species that are known or suspected to occur along the Bay front, such as the vicinity of the Project site.

- Direct removal or fill of areas of coastal salt marsh could directly affect the salt marsh harvest mouse (State and federally endangered) and the salt marsh wandering shrew (Species of Special Concern, or SSC).
- Three special status bat species, including the Townsend's big-eared bat, pallid bat and silver-haired bat (recognized as SSC by CDFW) potentially roost in structures and trees within the CASP planning area.

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40 City of Oakland, CASP Draft EIR, beginning at page 4.3-44

41 The impact analysis presented in the CASP EIR also considered potential direct impacts to special status species that could occur pursuant to the Draft CASP's proposed creation of a new Bay inlet, which would create approximately 12 acres of open water within San Leandro Bay. The CASP EIR also considered potential impacts attributed to a Draft CASP proposal to fill the existing approximately 8 acres of Coastal and Valley freshwater marsh at the Edgewater Seasonal Wetland, and to develop this site for new waterfront residential uses (with replacement wetland habitat elsewhere). These elements of the Draft CASP were not approved by the City or the Port, they are not related to any development plans of the Project, and are no longer pertinent to any components of the final, City-approved CASP. Accordingly, the summary of impacts presented here does not address creation of a Bay inlet or fill of the Edgewater Seasonal Wetland.

Creeks, sloughs and open water provide suitable foraging habitat for special-status and more common bats. The demolition or renovation of structures and removal of mature trees could affect bat species if roosting individuals are present, or if maternity roosts have been established.

- Ridgway's rail, California black rail, California brown pelican, California least tern, peregrine falcon and western snowy plover all occur within the CASP planning area and vicinity. Of these currently or now de-listed birds, the Ridgeway's rail and California black rail nest in coastal salt marshes, including Damon Marsh just west of the Project site. California brown pelican, California least tern, and western snowy plover may forage in the open waters of the Bay but are not expected to nest in the CASP planning area. Peregrine falcon is expected to forage in portions of the CASP planning area.
- Several bird species recognized as SSC or for which roosting colonies are of concern to CDFW are known from the CASP planning area and could be affected by future development. Alameda song sparrow and San Francisco saltmarsh common yellowthroat nest in tidal coastal salt marshes along the edges of San Francisco Bay. East Creek Slough, Damon Slough, Elmhurst Creek and San Leandro Creek provide foraging for the great blue heron, great egret, snowy egret, California gull, double-crested cormorant and other species. Adjacent marshes, creeks, sloughs and Bay waters also provide foraging habitat for most of these species.
- Potential impacts on raptors (birds of prey) are known or suspected from the CASP planning area, including American kestrel, burrowing owl, Cooper's hawk, northern harrier, osprey, red-tailed hawk and white-tailed kite.
- Special-status fish and marine mammals known from the open waters of the Bay and creeks include steelhead trout, green sturgeon, longfin smelt, Pacific herring, Pacific harbor seals and California sea lions.

The CASP EIR determined that construction activities could directly affect individuals, and could indirectly affect these species by reducing the quality of habitats or attracting predators. Sediment from fill soils throughout the CASP planning area could be released by construction-related erosion and wash contaminants into Bay waters, adversely affecting aquatic-dependent species. Other indirect impacts on special status birds and bats could occur from construction-related disturbance from noise, vibrations from pile driving, new sources of light and traffic, as well as direct impacts through removal of nesting and roosting habitat.

The CASP EIR found that potential impacts associated with construction activity that may result in sediment or contamination of the surrounding creeks and sloughs, marshes or open water would be reduced through implementation of City of Oakland SCAs that require Erosion and Sedimentation Control Plans, Best Management Practices for Soil and Groundwater Hazards and Creek Protection Plans. Implementation of these SCAs were found to substantially reduce impacts on special-status species that could otherwise be adversely affected by downstream sedimentation and contamination resulting from work adjacent to and within creek corridors.

The CASP EIR cites several City of Oakland SCAs that would be protective of nesting birds and roosting bats, including Operational Noise Controls, and limitations on Pile Driving and Other Extreme Noise Generators, as well as controls on night lighting. For projects where tree removal is necessary, the CASP EIR cited SCAs for Tree Removal Requirements during Breeding Season, Tree Removal Permits and Tree Protection during Construction. For projects involving creekside properties, the CASP EIR cited SCAs for Creek Protection Plans and Creek Landscaping. The CASP EIR also recommended additional mitigation measures to replace and/or supersede certain provisions of the City's SCAs because of the special sensitivity and extended nesting and migratory period associated with Ridgeway's rails, California black rails and raptors. The CASP EIR determined that impacts to special status species resulting from the majority of construction activity and operations pursuant to the CASP would be reduced to less than significant levels with implementation of regulatory permits and authorizations

(e.g., NPDES permits or Waste Discharge permits from RWQCB, Streambed Alteration Agreements from California Department of Fish & Wildlife, , 404 permits from the U.S. Army Corps of Engineers, and Biological Opinions from the U.S. Fish & Wildlife Service) implementation of applicable City of Oakland SCAs, and additional mitigation measures identified in the CASP EIR to further address direct and indirect impacts to special status species and habitat.[42]

Project Analysis

According to the Biology Assessment prepared for the Project (Environmental Collaborative, 2023 - see **Appendix D**), the Project would directly affect a highly disturbed area that has very little potential for presence of any special-status species. While special-status species may occur in the nearby tidal marsh and aquatic habitats of San Francisco Bay, the Project site (including the wetlands/Waters of the State as described below) are not directly adjacent to these habitats and do not provide suitable habitat for any special-status species due to past and current land use (including a high degree of anthropogenic disturbance including repeated fill, grading, homeless encampments, trash, etc.). The dense development surrounding the Project site effectively cuts the Project site off from in-migration of sensitive species from populations occurring outside Oakland further to the north, east and south.[43]

However, the Project site's proximity to Damon Marsh could result in indirect impacts on known occurrences of Ridgeway's rail, California black rail, and other special-status birds and mammals. **Figure 17** shows the location of the Project site in relation to the surrounding existing development and natural habitat of Damon Marsh, open waters of the Bay and nearby creek corridors.

Applicable Standard Conditions of Approval

As concluded in the CASP EIR, implementation of City of Oakland SCAs that require erosion and sedimentation control plans, Best Management Practices for soil and groundwater hazards and Creek Protection Plans would serve to address any potential indirect effects of Project construction on water quality and aquatic-dependent special-status species associated with the nearby habitat of the Bay and creeks. Potential impacts on nesting birds and roosting bats would generally be addressed through SCAs that call for preconstruction surveys as part of tree removal requirements during breeding season and construction controls required as part of operational noise controls, limitations on pile driving and other extreme noise generators, and controls of night-time lighting through preparation of a lighting plan.

A number of the biological-related SCAs identified in the CASP EIR due to the proximity of future development to highly sensitive habitat areas such as Damon Marsh would apply to the Project. These include controls on pile driving and other construction related disturbance, and controls on night lighting. Controls would also be required as part of building design to limit the risk of bird collision, which is of particular concern given the proposed height and proximity of the Project's office building to Damon Marsh and open waters of the Bay. The risk of bird collision with new structures applies to both special-status species and more common bird species. Exterior treatment and night lighting issues are to be addressed as part of the Bird Collision Reduction Plan called for in the City's SCAs. Additional analysis of the risk of bird collision associated with the proposed Project is provided below under Species Movement, Migration, or Nursery Sites.

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42 The CASP EIR also found that impacts related to the CASP-proposed Bay Inlet cut, and fill and development of the Edgewater Seasonal Wetland to be significant and unavoidable. Due in part to these findings as well as regulatory agency comments on the efficacy of these CASP proposals, the Bay Inlet cut and fill, and development of the Edgewater Seasonal Wetland were not carried forward in local (City and Port) approvals of the CASP.

43 First Carbon Solutions, *Supplemental Information and Alternatives Analysis for the Report of Waste Discharge for the Supplybank.Org Offices & Distribution Facility*, April 3, 2022, page 5

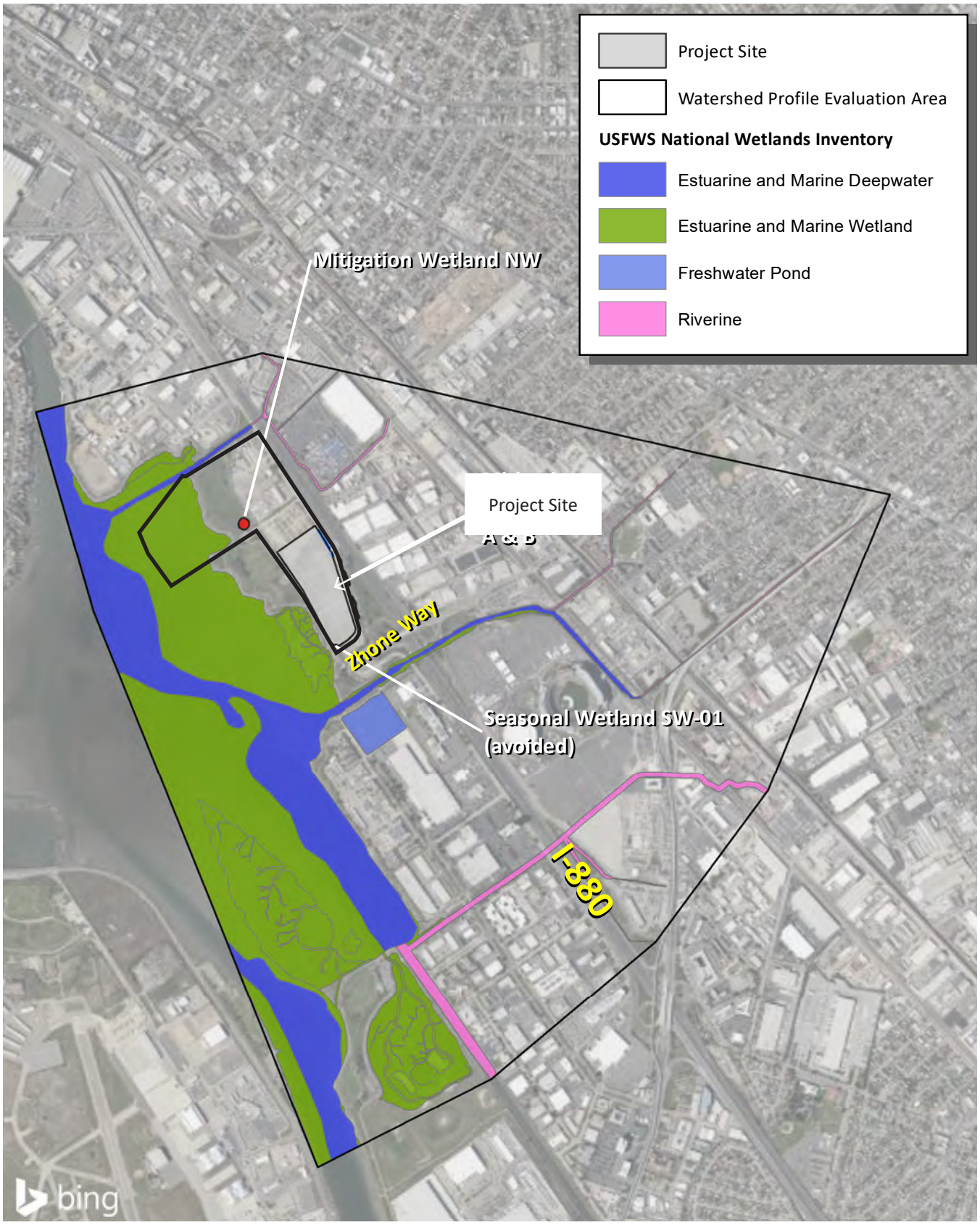


Figure 17
Watershed Profile and Habitat Types

Source: FirstCarbon Solutions, *Draft Compensatory Mitigation and Monitoring Plan*, April 1, 2022

The following City of Oakland SCAs (as updated) are cited in the CASP EIR as an effective means for addressing direct and indirect impacts to special-status species and their habitat, and would apply to the Project.

- ***SCA General-1, Regulatory Permits and Authorizations from Other Agencies***: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service and Army Corps of Engineers, and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.
- ***SCA Bio-1, Tree Removal during Breeding Season***: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird-breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats).
    a) If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval.
    b) If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife and will be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
- ***SCA Bio-2: Bird Collision Reduction*** (see sub-section pertaining to Species Movement, Migration, or Nursery Sites, below)
- ***SCA Bio-3: Tree Removal Permit*** (see sub-section pertaining to Consistency with Tree Protection Ordinance, below)
- ***SCA Aesthetics-1: Lighting Plan*** (see Aesthetics section of this Checklist)
- ***SCA Geo-4: Erosion and Sedimentation Control Plan*** (see Geology section of this Checklist)
- ***SCA Haz-2, Hazardous Materials Related to Construction*** (see Hazards Section of this Checklist)
- ***SCA Hydro-2, Creek Protection Plan*** (see Hydrology section of this Checklist)
- ***SCA Hydro-4, Vegetation Management on Creekside Properties*** (see Hydrology section of this Checklist)
- ***SCA Noise-3, Extreme Construction Noise*** (see Noise Section of this Checklist)
- ***SCA Noise-6, Operational Noise*** (see Noise Section of this Checklist)

<u>CASP EIR Mitigation Measures</u>

The CASP EIR recommended specific mitigation measures in addition to City SCAs because of the sensitivity and extended nesting and migratory period associated with Ridgeway's rails, California black rails and raptors. Given the proximity of the Project site to Damon Marsh, the following CASP EIR mitigation measures apply to the

Project and serve to further address potential adverse impacts on special-status species. The following mitigation measures would further minimize or avoid potential adverse impacts on special-status species associated with Damon Marsh and the remaining natural habitat in the vicinity of the Project site.

- ***CASP EIR MM Bio 1A-1, Pre-construction Nesting Bird Surveys and Buffers***: The following mitigation measures are recommended to address potential impacts to special status birds and nesting birds:

  a) A qualified biologist shall conduct pre-construction surveys for construction activities between February 15 and September 30 to identify and subsequently avoid nesting areas for special status and migratory bird species. Surveys shall be designed and be of sufficient intensity to document rail and raptor nesting within 500 feet of planned work activities and within 50 feet for passerine nesting activity.

  b) Construction activities within 500 feet of Damon Marsh and Arrowhead Marsh shall be conducted during the period from August 1 to January 31 to protect potentially nesting Ridgeway's rail, California black rail, Alameda song sparrow and San Francisco saltmarsh common yellowthroat.

  c) If Ridgeway's rails, California black rails or raptors are found to be nesting within or adjacent to the planned work area, a minimum 100-foot wide buffer shall be maintained between construction activities and the nest location.

  d) For Alameda song sparrow, San Francisco saltmarsh common yellowthroat and all other protected birds, a 50-foot buffer shall be maintained.

  e) Buffer zones may be reduced in consultation with a qualified biologist.

  f) Buffers shall be maintained until the young have fledged and are capable of flight, or by September 30.

To address potential impacts on special status terrestrial mammals, the CASP EIR recommended the following additional mitigation measure:

- ***CASP EIR MM Bio 1A-3, Salt Marsh Protection***: All core habitat areas for salt marsh harvest mouse (i.e., pickleweed-dominated salt marsh habitat within Damon Marsh and Arrowhead Marsh) shall be avoided and protected. If construction activities are within 100 feet of these areas, site-specific buffers shall be established in coordination with a qualified biologist, approved by USFWS or CDFW as appropriate.

  a) Buffers shall be designed to preclude changes to water and soil salinity and flooding/inundation regime. The buffers shall be at least 100 feet wide or extend to the current boundary of existing roads or development (includes vacant but graded lots and filled building pads). The qualified biologist may modify these buffers depending on site conditions.

  b) The construction work area shall be fenced on the side closest to salt marsh habitat to delineate the extent of construction, preclude construction personnel and equipment from entering non-work areas, and prevent debris from entering avoided habitats. The construction boundary fencing may also inhibit movement of species such as the salt marsh harvest mouse and salt marsh wandering shrew into the construction area.

  c) The qualified biologist shall be present during work on-site until the construction barrier fencing is installed, instruction of workers has been conducted, and any direct habitat disturbance has been completed. After that time, the contractor or permittee shall designate a person to monitor on-site compliance with all minimization measures.

  d) The monitor and qualified biologist shall have the authority to halt construction that might result in impacts that exceed anticipated levels

- ***CASP EIR MM Bio 1A-4, Public Access Design***: All new or additional public access to San Francisco Bay, the Bay shoreline, Damon Marsh and San Leandro Creek shall be implemented in a manner consistent with the San Francisco Bay Conservation and Development Commission's Public Access Design Guidelines for the San Francisco Bay, in particular its recommendations for avoiding adverse effects on wildlife. These Design Guidelines include the following:

    a) Preparation of individual site analyses to generate information on wildlife species and habitats existing at the site, and the likely human use of the site

    b) Employing appropriate siting, design and management strategies (such as buffers or use restrictions) to reduce or prevent adverse human and wildlife interactions

    c) Planning public access in a way that balances the needs of wildlife and people on an areawide scale, where possible

    d) Providing visitors with diverse and satisfying public access opportunities to focus activities in designated areas and avoid habitat fragmentation, vegetation trampling and erosion

    e) Evaluating wildlife predator access and control in site design

    f) Retaining existing marsh and tidal flats and restoring or enhancing wildlife habitat, wherever possible

As noted above, the CASP EIR MM Bio 1A-1 calls for a restriction on construction activities within 500 feet of Damon Marsh during the period from August 1 to January 31, to protect nesting Ridgeway rail and other salt marsh bird species. The CASP EIR concluded that with implementation of City SCAs and the proposed mitigation measures, potential impacts to special status species and their habitats would be reduced to a level of less than significant. The City did not receive any comments from the USFWS or other relevant agencies regarding this mitigation measure and thus the conclusions reached in the CASP EIR receive a conclusive presumption of validity. However, in conducting a Biological Resource Assessment for the Project, Environmental Collaborative noted that the USFWS typically considers any disturbance within 700 feet direct line of sight of occupied nesting habitat to be a potential take of the federally endangered Ridgeway's rail. Some low growing trees and shrubs occur along the western edge of the Project site and could serve as partial screening between construction activities and suitable nesting habitat in Damon Marsh. But unless further consultation is provided with the USFWS to confirm any adjustments to standard setback requirements, the 500-foot distance specified in CASP EIR MM Bio 1A-1 could be determined insufficient by USFWS. As a result, this document recommends that the City increase this restriction to 700 feet for purposes of this Project through the imposition of a condition of approval to adhere to current USFWS considerations.

- ***Project Recommendation related to CASP EIR MM Bio-1A-1***:

    a) Construction activities within <u>700</u> feet of Damon Marsh and Arrowhead Marsh shall be conducted during the period from August 1 to January 31 to protect potentially nesting Ridgeway's rail, California black rail, Alameda song sparrow and San Francisco saltmarsh common yellowthroat.

SCA General-1 calls for obtaining all necessary regulatory permits and authorizations from applicable resource agencies, including but not limited to the U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers. As addressed below (see Wetlands, Riparian Habitat and other Sensitive Natural Communities), the U.S. Army Corps of Engineers has determined that no federally regulated wetlands or waters would be affected by the Project (i.e., the Project does not require a federal permit from the Corps). Without such a federal permit (or nexus), the Corps would not engage in Section 7 consultation with the U.S. Fish and Wildlife Service to ensure that actions the Corps may fund, authorize, permit or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats.

Separately, Section 10 of the Endangered Species Act (ESA) is designed to regulate a wide range of activities affecting plants and animals designated as endangered or threatened, and the habitats upon which they

depend. The ESA prohibits activities that would adversely affect protected species and their habitats. The mitigation measures identified in CASP EIR Mitigation Measures Bio 1A-1 and Bio 1A-3 call for pre-construction surveys, construction period limitations, and construction activity buffers (such as the recommended 700-foot disturbance setback during the Ridgeway's rail's nesting season) that are consistent with typical USFWS standards for avoiding impacts to sensitive species. With implementation of these measures and recommended buffer distance, the Project would avoid impacts to protected species and their habitats, such that regulatory permits and authorizations from resource agencies would not be applicable.

Consistent with the conclusions of the CASP EIR, the Project's effects related to special status species and their habitat will be fully addressed through implementation of City SCAs and existing regulations, as well as CASP EIR mitigation measures, and this impact would be reduced to less than significant.

Wetlands, Riparian Habitat and other Sensitive Natural Communities

CASP EIR Conclusions

The CASP EIR (Impact Bio-2B) found that future development pursuant to the CASP could have a substantial adverse effect on wetlands, riparian habitat, Waters of the State and other sensitive natural communities as identified in local or regional plans, policies and regulations.

The original version of the CASP envisioned a development concept within the Oakland Airport Business Park (Sub-Area B) that would result in the removal (fill) of the Edgewater Seasonal Wetland to accommodate new waterfront residential use. It also envisioned creation of a new Bay inlet that would create approximately 12 acres of open water within San Leandro Bay by excavating/dredging other portions of Sub-Area B to create new waterfront edge as an attraction and amenity for new development. The CASP Draft EIR found that these development concepts would have substantial adverse effects on sensitive species, wetlands, riparian habitat and other sensitive natural communities. As part of a broad mitigation plan to address these impacts, the CASP's Draft EIR identified a potential land exchange involving the current Project site that could create up to 15 acres of new wetland habitat in exchange for development of the 8-acre Edgewater Seasonal Wetland. The CASP Draft EIR noted that, "before implementation of such a land swap could occur, EBMUD would need to become a willing partner in this concept, in exchange for financial or real estate considerations." [44] The Draft EIR also noted that the Edgewater Seasonal Wetland was already a wetland mitigation site established by the Port of Oakland, with ownership transferred to the East Bay Regional Park District (EBRPD), and that the EBRPD would need to be a willing partner. Such a land exchange would also be, "subject to numerous subsequent permitting and regulatory requirements of other regional, state and federal agencies with jurisdiction. Not until such time as the details of the project elements are known, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies specific to these Project elements are fully known, can any determination be made as to the efficacy of this mitigation strategy."[45]

In response to comments from numerous public agencies, the Final version of the CASP was revised to indicate alternative plans, both with and without fill and development of Edgewater Seasonal Wetland and a Bay inlet. The Final CASP also provided a revised development assumption for Sub-Area E, assuming it would not be used as a wetland mitigation site. This revised development assumption was that the existing vacant lot fronting Oakport Street at 66th Avenue (i.e., the area generally encompassing the Development Area of the Project site) would be re-zoned as a Commercial Mix District-6 Industrial Zone (D-CO-6), and "*utilized in a manner that creates and maintains an attractive frontage along Oakport Street*". The CASP's Final EIR acknowledged that,

[44] City of Oakland, CASP Draft EIR, page 3-57

[45] City of Oakland, CASP Draft EIR, page 4.3-56

"*Until such time as the details of a potential land exchange are known, the parties to such a potential exchange express an interest, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies are fully known, no determination can be made as to the efficacy of this mitigation strategy*." Therefore, impacts to special status species and wetland habitat resulting from the proposed filling and development of Edgewater Seasonal Wetland were considered significant and unavoidable. The City's CEQA process concluded that only if a potential applicant were to invest the effort necessary to prepare a fully detailed and complete mitigation plan as required pursuant to MM Bio 1A-2, and all required steps including agreements, agency permits and approvals were obtained to the satisfaction of all responsible agencies, will any future development of the Edgewater Seasonal Wetland site be considered. Further, the Port of Oakland (which has land use jurisdiction at the Edgewater Seasonal Wetland site), did not certify the CASP EIR. Since the time that the CASP EIR was certified and the CASP was approved by the City in 2015, there have been no proposals or further suggestions regarding fill of Edgewater Seasonal Wetland to accommodate new waterfront residential use, and no proposals or suggestions for creating a new Bay inlet. No agencies have expressed any interest in a land exchange and no permits from responsible agencies have been sought. While still identified as an option in the CASP, it is reasonable to conclude that fill of Edgewater Seasonal Wetland, creation of a new Bay inlet, and use of the Project site for compensatory wetland mitigation is no longer a reasonably foreseeable scenario.

The CASP EIR also determined that potential impacts caused by other construction activities near sensitive communities along the edges of waterways would be fully addressed through implementation of City SCAs, which acknowledge the regulatory permits and authorizations needed from other regulatory agencies in addition to the City of Oakland, and requiring compliance with all conditions as may be issued by these applicable agencies including the Regional Water Quality Control Board (RWQCB). Other SCAs required of construction at or near the edges of waterways or Waters of the State require implementation of Best Management Practices (BMPs) for soil and groundwater hazards, and preparation and implementation of Creek Protection Plans.

The CASP Final EIR also acknowledged the role of the Regional Water Quality Control Board's independent authority to regulate the discharge of fill material to wetlands outside the jurisdiction of the Corps.[46] The CASP Final EIR also recognized the Bay Conservation and Development Commission's jurisdiction over dredging, filling and public access within 100 feet of the mean high tide line within San Francisco Bay, and over open water, marshes, mudflats, and the first 100-feet inland from the shoreline, as well as portions of most creeks, rivers, sloughs and tributaries that flow into San Francisco Bay.[47]

[46] The CASP Final EIR cited the Porter-Cologne Water Quality Control Act as, "implementing the federal Clean Water act (CWA), and providing a mechanism for protecting the quality of the State's waters, providing independent authority to the RWQCB to regulate the discharge of fill material to wetlands outside the jurisdiction of the Corps. The RWQCB protects all waters in its regulatory scope, but has special responsibility for isolated wetlands and headwaters. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. If a proposed project does not require a federal license or permit, but does involve activities that may result in a discharge of harmful substances to Waters of the State, the RWQCB has the option to regulate such activities under its State authority in the form of Waste Discharge Requirements or Certification of Waste Discharge Requirements."

[47] The CASP EIR also acknowledged that "the Bay Conservation and Development Commission (BCDC) regulates dredging, filling and public access within 100 feet of the mean high tide line within San Francisco Bay, and has jurisdiction over open water, marshes, mudflats, and the first 100-feet inland from the shoreline, and portions of most creeks, rivers, sloughs and tributaries that flow into San Francisco Bay. BCDC permits will be required for all work within their jurisdictional boundaries. BCDC's Bay Plan policies to maximize public access opportunities also seek to minimize potentially significant adverse impacts upon wildlife. All proposed new or additional public access to San Francisco Bay and the Bay shoreline must be implemented in a manner consistent with the BCDC's Public Access Design Guidelines, in particular its recommendations for avoiding adverse effects on wildlife."

Project Analysis

Several wetland delineation have been conducted, and several wetlands-related documents have been prepared for the Project, addressing a Study Area that includes the proposed Development Area, the broader Project site and the immediately surrounding area generally south of Peppermint Gate Access Road. The following section of this CEQA Checklist relies on these delineations and documents, as are cited and referenced below.

Federally Jurisdictional Wetlands

The 1972 amendments to the Clean Water Act established federal jurisdiction over "waters of the United States". The Clean Water Act provides authority for the US EPA and the U.S. Department of the Army to define "waters of the United States" in regulations. Since the 1970s, the EPA and the Department of the Army have defined "waters of the United States" by regulation, and those regulations have been amended multiple times, and have been subject to three Supreme Court decisions. In its most recent rule of December 30, 2022, the EPA and Department of the Army affirmed that, "*waters of the United States generally include the territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide; tributaries; lakes and ponds, and impoundments of jurisdictional waters; and adjacent wetlands*." They also determined that federal jurisdiction for tributaries, adjacent wetlands, and additional waters must meet either a 'relatively permanent' standard (i.e., relatively permanent, standing or continuously flowing waters, or waters with a continuous surface connection to such relatively permanent waters) or a 'significant nexus' standard (if the waterbody (alone or in combination) significantly affects the chemical, physical or biological integrity of traditional navigable waters, the territorial seas or interstate waters). The 2022 rule also codifies eight exclusions from the definition of "waters of the United States", including ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water; water-filled depressions created in dry land incidental to construction activity; and swales and erosional features (e.g., gullies, small washes) that are characterized by low volume, infrequent or short duration flow.[48]

WRA Environmental Consultants prepared an Aquatic Resources Delineation Report in October of 2019 (see **Appendix E**). The 2019 delineation concluded there was an estimated 0.24 acres of construction-related depressions, 0.03 acres of wetland drainage ditch, and a 0.02-acre potentially Corps-jurisdictional wetland on the Project site.[49] In July of 2020 and on behalf of SupplyBank.org, First Carbon Solutions submitted the WRA Delineation Report's Wetland Delineation and Preliminary Jurisdictional Determination map to the U.S. Army Corps of Engineers, requesting an approved jurisdictional determination of the extent of waters of the United States. In the Corps' response of March 8, 2021 (see **Appendix F**), the Corps found that the seasonal wetland, wetland drainage ditch and construction-related depressions, "*accurately depict the extent and location of wetlands and ditches within the boundary area of the site that are **not** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. These particular water bodies are non-jurisdictional waters pursuant to 33 C.F.R. §§ 328.3(b) (1) and 328.3(b) (5).*" This approved determination of no waters of the U.S. (see **Figure 18**) was based on the conditions of the site as verified during a field investigation of March 4, 2020, a review of available digital photographic imagery, and a review of other data included in the applicant's submittal. This approved jurisdictional determination will expire in five years from the date of the Corps' determination, unless new information or a change in field conditions warrants a revision to the delineation map prior to the expiration date.[50]

48 US EPA, as cited at: https://www.epa.gov/wotus/revising-definition-waters-united-states

49 WRA, Inc., *Aquatic Resources Delineation Report*, October 29, 2019

50 Department of the Army, SF District of the US Army Corps of Engineers, Subject: File Number 2020-00081S, March 8, 2021

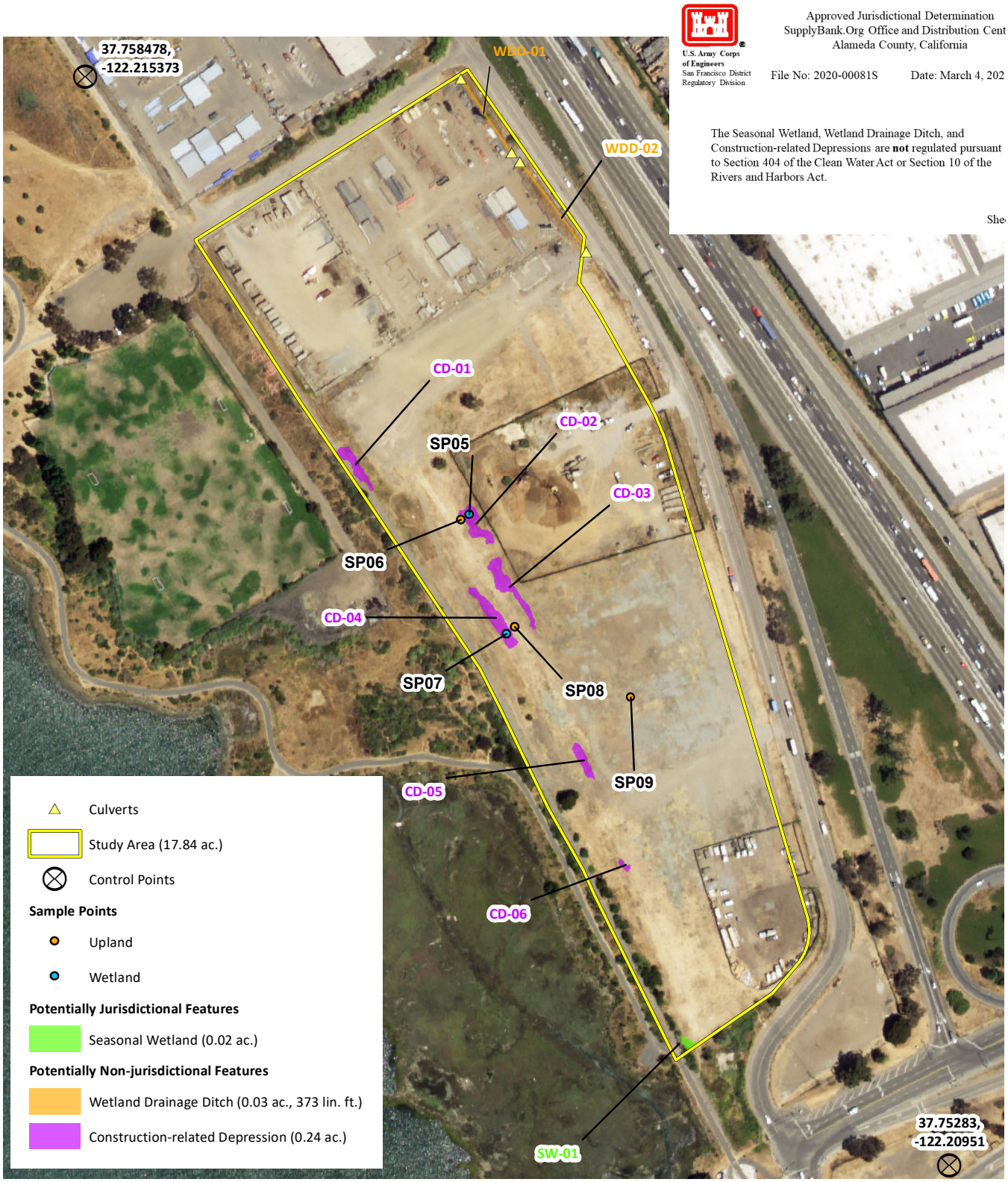


Figure 18
Wetland Delineation and US Army Corps Jurisdictional Determination

Source: WRA 2019, US Army Corps of Engineers, March 2021

The Corp's jurisdictional letter of March 2020 also notes that, "The current absence of jurisdictional waters of the United States within the boundary area of the site does not obviate any requirement to obtain other federal, State or local approvals necessitated by law", and that, "If waters of the State" are potentially present, the site may be subject to regulation by the California Regional Water Quality Control Board, San Francisco Bay Region, under the Porter-Cologne Water Quality Control Act".[51]

RWQCB Jurisdiction – Waters of the State

The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board and its Regional Water Quality Control Boards (Water Boards) to regulate discharges of waste, which includes discharges of dredged or fill material that may affect the quality of waters of the state. It also defines "waters of the state" broadly to include "*any surface water or groundwater within the boundaries of the state*." Waters of the state includes all waters of the U.S. (as defined above), plus natural wetlands, wetlands created by modification of a surface water of the state, and artificial wetlands that meet any of the following criteria: a) approved by an agency as compensatory mitigation for impacts to other waters of the state; b) specifically identified in a water quality control plan as a wetland or other water of the state; c) resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or d) greater than or equal to one acre in size, unless they were constructed, and currently used and maintained for a variety of purposes including industrial or municipal wastewater treatment or disposal; settling of sediment; detention, retention, infiltration or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial stormwater permitting program; treatment of surface waters; agricultural crop irrigation or stock watering; fire suppression; industrial processing or cooling; active surface mining; log storage; treatment, storage, or distribution of recycled water; maximizing groundwater recharge; or fields flooded for rice growing.[52] The Water Boards' permitting authority relies on wetland delineations as verified by the U.S. Army Corps of Engineers, and/or a delineation of wetland areas potentially impacted by a project not delineated or verified by the Corps, but using the methods described in the three federal documents (collectively referred to as "1987 Manual and Supplements") to determine whether the area meets the State definition of a wetland.

Following the Corps' verification delineating no waters of the U.S., several additional delineations were conducted and reports prepared at the RWQCB's request, to more accurately represent conditions for potential seasonal wetlands and waters of the State. These additional reports include First Carbon Solutions (FCS) in February 2021 (see **Appendix G**),[53] First Carbon Solutions in April 3, 2022[54] (see **Appendix H**), LSA in August 2022 [55] (see **Appendix I**) and LSA in October 2022[56] (see **Appendix J**).

These subsequent efforts captured potential jurisdictional waters of the State along the Oakport Street right-of-way that were outside the study area limits of the previous wetland delineations. Potential jurisdictional wetland boundaries were mapped based on a combination of the limits of hydrophytic vegetation, evidence of wetland hydrology, and hydric soil indicators. The results of these delineations and reports was summarized in

51 Ibid

52 State Water Resources Control Board, *State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*, April 2, 2019 and revised April 6, 2021

53 First Carbon Solutions, *Delineation of Aquatic Resources of Additional Areas at the Oakport Street Project and Regulatory Considerations*, February 1, 2021

54 First Carbon Solutions, *Supplemental Information and Alternatives Analysis for the Report of Waste Discharge for the Supplybank.Org Offices & Distribution Facility*, April 3, 2021

55 LSA, *Request for Verification of Jurisdictional Delineation, SupplyBank.Org/Oakport Street Study Site*, August 4, 2022

56 LSA, Section 404(B) (1) Alternatives Analysis, October 2022

LSA's Request for Verification of Jurisdictional Delineation letter of August 2022 (see **Appendix I**), which identifies the following potentially jurisdictional Waters of the State:

- *Seasonal Wetland SW-01:* In 2019, WRA mapped SW-01 in the southwestern corner of the Study area. The vegetation cover meets the hydrophytic vegetation criterion, but there are no hydric soil indicators or wetland hydrology indicators other than tire ruts. The second sample point is located along the northern edge of a larger basin that likely seasonally ponds and appears to have ponded after an October atmospheric river storm. This basin meets jurisdictional wetland criterion as waters of the State, and is mapped as Seasonal Wetland 01, with a potential jurisdictional area of 1,290 square feet (0.030 acre).
- *Seasonal Wetland D*: This feature consists of a small basin that drains to a storm drain culvert. The vegetation at this location meets the hydrophytic vegetation criterion and the soil contained common redoximorphic mottling, but there was no evidence of wetland hydrology. The feature containing hydrophytic plant cover is mapped as Seasonal Wetland D, with a potential jurisdictional area of 170 square feet (0.004 acre). This feature is located off of the Project site, along the easterly side of Oakport Street.
- *Seasonal Wetland E*: This feature is a small basin situated further north of Seasonal Wetland D along the easterly Oakport Street frontage, and meets the three criteria as a jurisdictional wetland. It occupies an area of 865 square feet (0.020 acre). This feature is also located off of the Project site, along the easterly side of Oakport Street.
- *Construction Depression CD-01*: This construction-generated depression is located at the western edge of the Project site, near Damon Marsh. The elevation within this depression is slightly lower than the maintained graded pad to its east and the abandoned gravel railroad bed to its west. This feature is mapped as a potential jurisdictional area of 2,840 square feet (0.065 acre).
- *Oakport Street Drainage Ditches*: Located along the easterly boundary of the Project site adjacent to Oakport Street, there are a series of swales, culverts and rough ditch segments that extend from the Peppermint Gate Road access drive all the way down to an access gate at about the center of the Development Area. The larger of these features is mapped as Seasonal Wetland Puddle C. This swale is a constructed drainage underlain by a gravel base and covered by a layer of sediment washed in from the graded area to the west. The swale shows clear evidence of ponding. The swale has a potential jurisdictional area of 3,310 square feet (0.076 acre). Other segments of the Oakport drainage ditch are individually mapped as WDD-01 (nearest the Peppermint Gate Road access drive) through WDD-06 (leading into Seasonal Wetland SW-01 in the southwestern corner of the Project site near the Oakport Street/Zhone Way intersection). The full extent potential jurisdictional waters along this drainage consists of an area of 0.217 acre.
- *Construction Depressions CD-02 – CD-06*: These consist of construction-related depressions that were mapped in the 2019 WRA delineation, but are no longer present. The interior area of the Project site has been bladed as part of routine maintenance, and no longer has vegetation nor topographic evidence of these construction-related depressions. In 2019, the vegetation included both hydrophytic and non-hydrophytic species, but total vegetation cover was only about 1 percent and there was no evidence of hydric soils or wetland hydrology. The extent of these previous construction depressions was estimated at 0.240 acre.
- *RWQCB-Determined Channel*: During the applicant's discussions and permitting process with the RWQCB (see further discussion, below), the RWQCB also indicated that there is sufficient evidence to identify a drainage channel that extends from the previously identified Wetland Drainage Ditch WDD-05

to the separate WDD-06, making a connection of 0.024 acres of drainage channels that qualify as Waters of the State.

By 2022, the Project site had been scraped and vegetation was cut shortly in advance of the field survey effort, obscuring and eliminating some of the seasonal wetland features observed during the 2019 delineation. Based on the conditions observed in 2022, the 2022 delineation determined that SW-01 occupied an estimated 0.03 acre, and is a "potential waters of the United States". It concluded that in total, an estimated 0.221 acres of waters of the State were present on the Project site.

As documented in LSA's October 2022 Alternatives Analysis, which was submitted as part of the permit application to the RWQCB (see **Appendix J**), the Study Area currently supports 0.244 acres of seasonal wetlands and 0.027 acre of other waters of the State, with a total potential jurisdictional area of 0.271 acre. In addition, approximately 0.240 acre of potential seasonal wetlands that were located in the central portion of the site but likely removed during maintenance activities on the spring of 2022. As specified by the RWQCB during permitting negotiations with the applicant, these features are to be included in the assessment of the Project's impact on waters of the State. Therefore, the overall total potential jurisdictional area of Waters of the State is 0.511 acre (see **Figure 19**).

Project Impacts

The Project as originally proposed would result in approximately 0.455 acre of permanent impacts to wetlands and other waters of the State, as indicated in **Table 7**. Permanent impacts would result from placement of fill and grading on the Project site, installation of retaining walls, and from construction of covered materials bins and construction of City-required improvements to Oakport Street (including street widening, street frontage planter, curb and gutter, and concrete sidewalk). Impacts to the estimated 0.240 acre of former potential seasonal wetlands in the central portion of the Project site that were graded away during prior maintenance activities are also included in the permanent impact total shown in Table 7.

Figure 19
Potential Waters of the State, at Development Area and Vicinity

Source: LSA, *Section 401(B)(1) Alternatives Analysis*, Figure 4: Potential Waters of the State, October 2022

Table 7: Potential Project Impacts to Waters of the State

	Area (acres)	Retained with Proposed Project	Impacted Wetlands/ Waters of the State
Wetland Features			
Seasonal Wetland SW-01	0.030	0.030	
Construction Depression CD-01	0.065		0.065
Seasonal Wetland E	0.020	0.020	
Seasonal Wetland D	0.004	0.004	
Seasonal Wetland Ditch WDD-01 and WDD-02	0.026		0.026
Seasonal Wetland Ditch WDD-03 through WDD-06 and Puddle C	0.099		0.099
Wetland Features Subtotal:	**0.244**	**0.054**	**0.190**
Other Waters of the State			
Culverts-01, -02 and -03	0.003	0.002	0.001
RWQCB-Determined Channel	0.024		0.024
Other Waters, subtotal:	**0.027**	**0.002**	**0.025**
Additional Potential Seasonal Wetlands Removed			
Graded Seasonal Wetlands	0.240		0.240
Total Wetlands and Other Waters of the State:	**0.511**	**0.056**	**0.455**

Source: LSA, *SupplyBank.org Office & Distribution Center Project, Section 404 (B)(1) Alternatives Analysis*, October 2022 (**Appendix J**J

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR, and are standard requirements for projects that may have an adverse effect on resources within the jurisdiction of other agencies (specifically including the RWQCB and Waters of the State), and apply to the Project.

- ***SCA General-1, Regulatory Permits and Authorizations from Other Agencies***: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies. These regulatory agencies include, but are not limited to the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers. The project applicant shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.
- SCA Geo-4: Erosion and Sedimentation Control Plan (see Geology section of this Checklist)
- SCA Haz-2, Hazardous Materials Related to Construction (see Hazards Section of this Checklist)
- SCA Hydro-2, Creek Protection Plan (see Hydrology section of this Checklist)

With implementation of SCA Geo-4, Haz-2 and Hydro-2, the Project would not result in a discharge of harmful substances to Waters of the State.

Project Plans pursuant to City SCAs

Consistent with CASP EIR requirements and SCA General-1, the Project sponsor has sought permits and authorizations from the RWQCB pursuant to the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (*Procedures*).

Alternatives Analysis

LSA's October 2022 *Alternatives Analysis* was prepared to analyze the Project's compliance with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Procedures) administered by the RWQCB, which went into effect on May 28, 2020. The purpose of the analysis was to analyze the Project's compliance with the *Procedures*, and to identify the "Least Environmentally Damaging Practicable Alternative" (LEDPA).[57] The *Alternatives Analysis* identifies two alternatives in addition to the Project. One of those alternatives (Alternative 3) is described as a Partial Avoidance along the Western and Southern Property Boundaries. It was prepared to test the practicability of avoiding impacts to seasonal wetlands CD-01 and SW-1 in the western and southern areas of the Project site by modifying and relocating Project improvements. This alternative includes completion of improvements to the Oakport Street frontage along the Development Area, including street widening, street frontage planter, curb and gutter, and a concrete sidewalk. Alternative 3 also includes the following:

- The grading plan for the Project nearest to the proposed office building and adjacent to the seasonal wetland identified as SW-01 near Oakport Street would be adjusted to include a retailing wall that would hold back the proposed fill at this location and avoid impacting this wetland feature (see **Figure 20)**.
- A portion of the Materials Bin and the proposed bio-retention area along the westerly property line would be adjusted to the east, such that fill of the wetland feature identified as CD-01 (approximately 0.065 acres) can be avoided (see also **Figure 20**).
- Alternative 3 also includes construction of street widening, street frontage planters, curbs and gutters, and concrete sidewalks along the Development Area frontage of Oakport Street (see **Figure 21**). These improvements would result in an unavoidable impact to the wetlands and Other Waters features of the drainage ditch along Oakport Street.
- All other components of the Project would remain, including the construction of the Office building, Warehouse building, Workshop and pipe and materials storage facilities, as well as internal circulation, landscaping and parking.

[57] LSA, *Supplybank.org Office & Distribution Center Project, Section 404 (B)(1) Alternatives Analysis*, October 2022

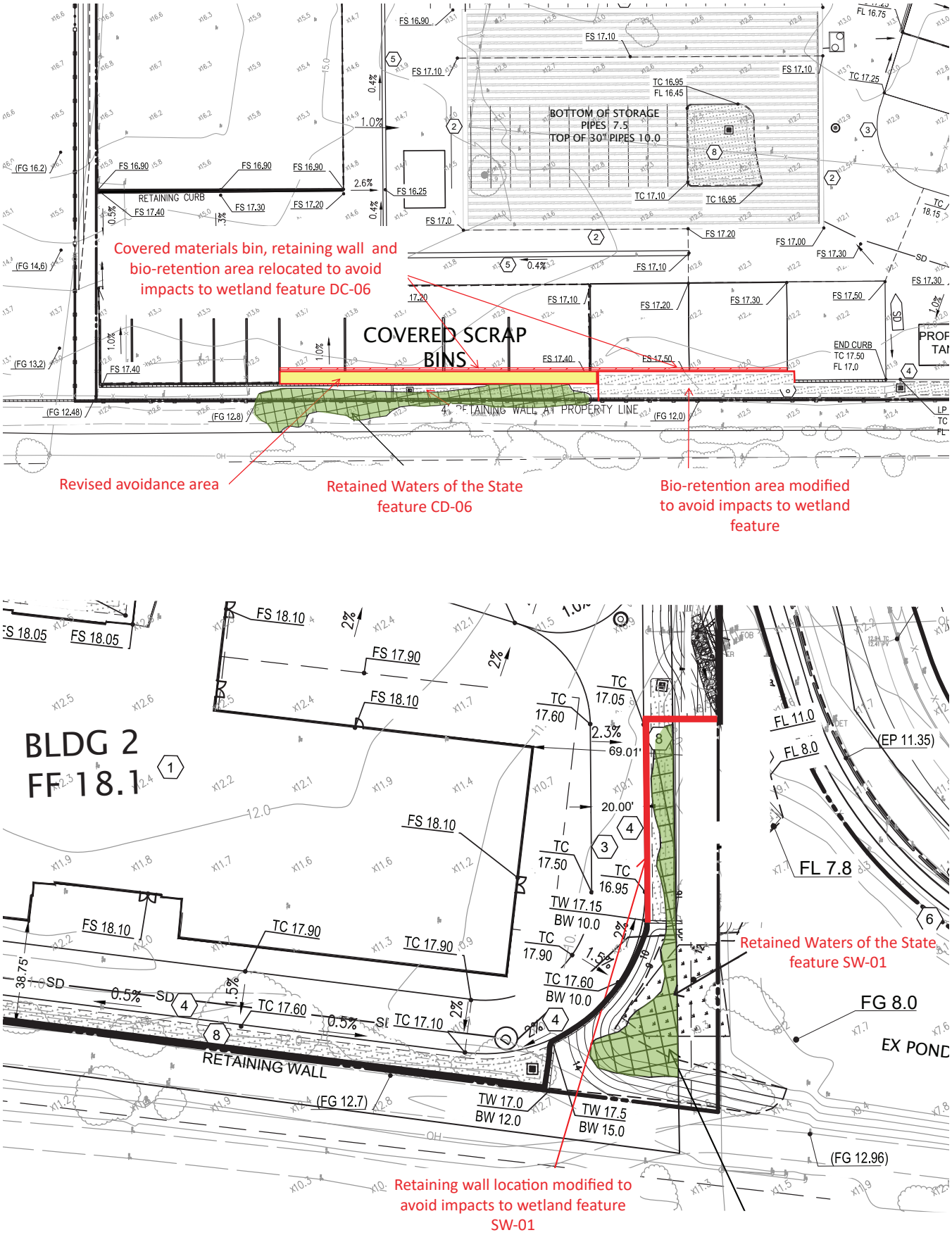


Figure 20
Partial Avoidance of Waters of the State, SW-02 and CD-06

Source: LSA, Section 404(B)(1) Alternatives Analysis, Figure 6b, October 2022 and Ware Malcomb

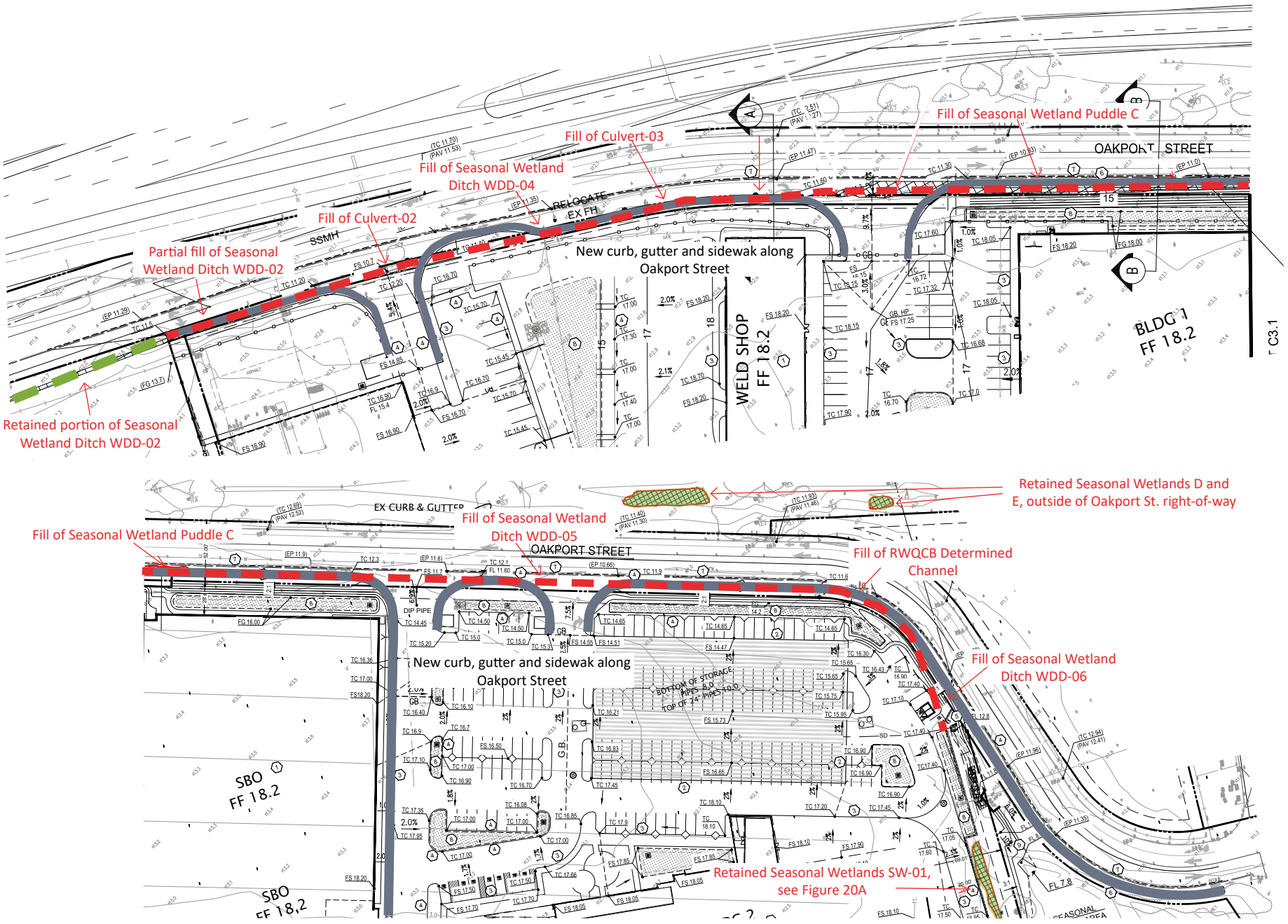


Figure 21
Partial Avoidance of Waters of the State, Fill at Oakport Frontage

Source: LSA, Section 404(B)(1) Alternatives Analysis, Figure 6b, October 2022 and Ware Malcomb

Alternative 3 was found to result in permanent impacts to 0.371 acres of wetlands and other Waters of the State due to completion of improvements to Oakport Street frontage at the Development Area (0.131 acre) and accounting for the previously delineated seasonal wetlands that were graded during maintenance activities (0.240 acre). Compared to the applicant's proposed Project, Alternative 3 would result in an 18 percent reduction in impacts to Waters of the State as compared to the Project. The LSA *October 2022 Alternatives Analysis* found that Alternative 3 was practicable in terms of cost, technology and logistics, and that it would reduce impacts to seasonal wetlands CD-01 and SW-1 with relatively minor revisions to the Project's site plan. All other components of the Project as proposed would remain. Because Alternative 3 would result in a reduction of impacts as compared to the original Project, Alternative 3 was found to be the Least Environmentally Damaging Practicable Alternative to the Project, and is now the proposed Project as reflected in the current application, and would presumably be implemented as a refined Project design as a permit requirement by the RWQCB.

However, Alternative 3 did not fully contemplate City-required frontage improvements for the entire Project site, from the 66th Avenue interchange to East Creek Slough, which the City has indicated to be a likely requirement of the Project. These additional improvements would result in an additional increment of approximately 0.021 acres of impacts to Waters of the State, as shown in **Table 8**.

Table 8: Potential Impacts to Waters of the State, with Modified Alternative 3 Scenario

	Area (acres)	Retained with Alternative 3 / Full City-Required Improvements	Impacted Wetlands/ Waters of the State with Alternative 3 / Full City-Required Improvements
Wetland Features			
Seasonal Wetland SW-01	0.030	0.030	0.000
Construction Depression CD-01	0.065	0.065	0.000
Seasonal Wetland E	0.020	0.020	0.000
Seasonal Wetland D	0.004	0.004	0.000
Seasonal Wetland Ditch WDD-01 and WDD-02	0.026	0.019 / 0.00	0.007/ 0.026
Seasonal Wetland Ditch WDD-03 through WDD-06 and Puddle C	0.099	0.000	0.099
Wetland Features Subtotal:	**0.244**	**0.138 /0.119**	**0.106 / 0.125**
Other Waters of the State			
Culverts-01, -02 and -03	0.003	0.002 / 0.000	0.001 / 0.003
RWQCB-Determined Channel	0.024		0.024
Other Waters, subtotal:	**0.027**	**0.002 / 0.000**	**0.025 / 0.027**
Additional Potential Seasonal Wetlands Removed			
Graded Seasonal Wetlands	0.240	0.000	0.240
Total Wetlands and Other Waters of the State:	**0.511**	**0.140 / 0.119**	**0.371 / 0.392**
Original Project Impacts to Wetlands and Other Waters of the State (see Table 7, above):		0.056	0.455
Relative Reduction in Impacts			-18.5% / -13.8%

Source: LSA, SupplyBank.org Office & Distribution Center Project, Section 404 (B)(1) Alternatives Analysis, October 2022, see Appendix J)

Compensatory Mitigation

Although Alternative 3 (with or without full improvements to Oakport Street) provides for avoidance of certain wetland features and other Water of the State, it still results in the loss of approximately 0.371 to 0.392 acres of wetlands and other Waters of the State. Accordingly, the Project applicant is proposing to provide compensation for the loss of permanent impacts and temporary wetland functions, including the previous loss of the estimated 0.24 acre of seasonal wetland features on the Project site. The proposed wetland mitigation consists of a 1.1-acre compensatory mitigation area where a seasonal wetland of higher quality would be established, located northwest of the Project site on the Westerly Area lands owned by EBMUD (see **Figure 22**).

Figure 22
Wetlands Compensatory Mitigation Site

Source: Ware Malcomb, December 2022

This compensatory mitigation provides for a replacement ratio of 3:1 for the loss of graded seasonal wetlands previously removed, and a replacement ratio of between 2.5:1 and 3:1 for the loss of wetland features and other Waters of the State from the drainage along the Development Area / full Project site frontage along Oakport Street.

Pursuant to SCA General-1, RWQCB approval is a condition of any City approvals, to be completed prior to grading permit issuance. Detailed engineering plans for the proposed compensatory wetland mitigation site would be prepared if this conceptual mitigation approach is approved by the RWQCB. Design measures associated with the proposed compensatory mitigation shall include:

- Native wetland and riparian species would be planted/seeded in coordination with a qualified restoration ecologist to maximize revegetation success. Woody riparian plantings may include live woodcuttings, container plants, or nursery stock.
- Native trees that are not considered riparian but that thrive in the vicinity of the project site (i.e., oak (Quercus spp.) may be planted to increases the probability for success of native riparian species establishment.
- Irrigation shall be provided for the first 2 years, as necessary depending on rainfall. However, watering shall be kept to the minimum amount needed to keep the cuttings and seedlings alive and in a relatively vibrant condition. This will encourage root growth and adaptation to the California climate, as the intent is to establish self-sustaining native habitat.
- Browse protection cages shall be installed and maintained as needed. Browse protection cages shall be removed after the trees have become well established and tolerant of browse damage.
- If current naturally vegetated upland areas adjacent to the mitigation site are impacted by construction of these wetlands, these areas will be revegetated with a native upland seed mix.

Consistent with the CASP EIR and SCA General-1: Regulatory Permits and Authorizations from Other Agencies, the Project applicant has coordinated with the RWQCB and other agencies to initiate necessary regulatory permits and authorizations for the Project. If the RWQCB accepts the avoidance strategies of Alternative 3 (or as modified based on City-required street frontage improvements) and the proposed off-site compensatory mitigation of new wetlands creation, as evidence by approved permits and/or authorizations from the RWQCB (including a deed restriction on the compensatory mitigation site), potential impacts of the Project on wetlands and identified Waters of the State would be off-set and reduced to a less than significant level.

Species Movement, Migration, or Nursery Sites

CASP EIR Conclusions

CASP EIR (Impact Bio-3) found that future development pursuant to the CASP could substantially interfere with the movement of native resident or migratory fish or wildlife species, could interfere with established native resident or migratory wildlife corridors, or could impede the use of native wildlife nursery sites. These include the following potential impacts on wildlife movement in the CASP planning area.

- San Leandro Bay is identified as an important habitat for listed fish and marine mammal species (i.e., Central California Coast Steelhead, Pacific harbor seals and California sea lions). Potential indirect impacts to these migratory aquatic species could be anticipated.
- Suitable habitat for nesting birds is found throughout and adjacent to the CASP planning area at East Creek Slough, Damon Slough, Elmhurst Creek, San Leandro Creek, Edgewater Seasonal Wetland and at the Oakland Estuary/San Leandro Bay. Numerous special status bird species (notably Ridgeway's rail and

burrowing owl) have the potential to occur within or adjacent to the CASP planning area. Common bird species also have the potential to breed at the CASP planning area, including red-tailed hawk, killdeer, Anna's hummingbird, mallard and American crow.

- The CASP planning area was also found to possibly support occurrences of three special-status bat species and two special status salt marsh mammals, salt marsh harvest mouse and salt marsh wandering shrew, and future development could affect movement or access to breeding habitat for these species.

The CASP EIR determined that disturbance to birds from construction activities during the breeding season could result in nest abandonment and direct impacts to eggs or nestlings. Direct construction disturbance could include physically altering a nest or the substrate where a nest is located. Indirect disturbance could include noise, night lighting, altering of surrounding habitat through vegetation removal, and flight path obstruction. Increased noise could prevent birds from receiving acoustic signals for nest exchanges, feeding and predator alarm. Many of the bird species currently using the area are capable of tolerating these existing factors, and although an increase in all of these pressures is anticipated, the CASP EIR found no standard metrics by which to quantify potential impacts. New development pursuant to the CASP was found to result in daily noise from construction equipment and activities, and a minor increase in long-term noise from increased recreational use of trails.

The CASP EIR found that birds living or flying through urban areas are subject to numerous hazards including collisions with buildings, power lines and bridges, and that bird collisions with buildings are a significant threat to bird populations. Clear glass is invisible to birds and poses both a daytime and nighttime hazard. Songbirds are vulnerable to collisions with structures as many songbird species migrate at night, fly at low altitudes, and they tend to become disoriented by night-time illumination. Transparent glass can also reflect the surrounding environment, and birds that attempt to fly through this reflected habitat collide with the glass. Night-time illumination also has a potential to interfere with bird migrations. For seabirds, water birds and marsh birds, lamplight-reflecting surfaces such as wet roads can be mistaken for water at night, causing birds to land in these areas. Since many of these species have difficulty taking off from land, this can put them at risk of predation and exhaustion.

The CASP EIR determined that potential interference with the movement of migratory fish and marine mammals would be substantially reduced through implementation of City of Oakland SCAs. These SCAs provided for erosion and sedimentation control plans, best management practices for soil and groundwater hazards, and compliance with regulatory permits and authorizations. For projects involving creekside properties, the CASP EIR also cited City of Oakland SCA related to creek protection plans, creek monitoring, creek dewatering and aquatic life, and creek dewatering and diversion. disturbance from construction activities during the breeding season that may impact nesting migratory bird and bat species was found to be reduced through implementation of SCAs related to tree removal during breeding season (including consulting biologist's recommendations), tree removal permits, and tree replacement plantings. For impacts of increased noise on migratory birds, implementation of SCAs related to operational noise and pile driving and other extreme noise generators would reduce operational and construction-related noise impacts to a less than significant level. For impacts of potential avian collisions with buildings and night lighting on migratory birds, the CASP EIR determined that implementation of SCAs related to lighting plans and bird collision reduction would include provisions to reduce bird strikes. These measures include night lighting recommendations and restrictions, and building maintenance guidelines. To ensure maximum effectiveness of these SCAs throughout the CASP planning area, the CASP EIR recommended additional lighting features be implemented pursuant to SCA Lighting Plan to minimize the potential negative effects of artificial light from future trails and walkways on migratory birds, specifically the Ridgeway's rail, and salt marsh harvest mouse.

CASP EIR Mitigation Measures

The CASP EIR concluded that there is a direct relationship between special species habitats and movement of fish or wildlife species' migratory wildlife corridors, and wildlife nursery sites. Because of this direct relationship, those mitigation measures that are recommended to reduce and avoid impacts to sensitive species and sensitive habitat types are also equally applicable to reducing or avoiding impacts to migratory movement, migratory corridors and nursery sites (see prior discussion of Special-Status Species, above). In addition, because of increase development along the Bay shoreline, the CASP EIR recommended mitigation measures to further reduce potential impacts, including MM Bio 3-2: Herbicide / Pesticide Control. The CASP EIR concluded that implementation of City of Oakland SCA, together with the recommended mitigation measures would reduce impacts related to migratory movement, migratory corridors and nursery sites to a less than significant level.

Project Analysis

The Project would affect largely ruderal habitat with only limited value to wildlife, but would be located in close proximity to the sensitive marshland habitat of Damon Marsh and could affect opportunities for wildlife movement, disrupt breeding and nesting habitat, and could result in loss of individual birds from inadvertent collisions with the new structure. Of particular concern is the proposed Office Building which would have a height of 85 feet and include considerable glass treatment along the facade facing the marsh and open waters of the Bay, which could obstruct bird movement or cast new light into the nearby marsh.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs and additional mitigation measures were cited in the CASP EIR as an effective means for addressing impacts related to migratory movement, migratory corridors and nursery sites, and would apply to the Project.

- ***CASP EIR MM Bio 1A-1, Pre-construction Nesting Bird Surveys and Buffers*** (see sub-section pertaining to Sensitive Species, above)
- ***CASP EIR MM Bio 1A-3: Salt Marsh Protection*** (see sub-section pertaining to Sensitive Species, above)
- ***CASP EIR's Further Recommendations Pursuant to SCA Aesthetics-1***: In addition to the standard provisions of the City SCA Lighting Plan requirements, lighting plans for properties within the CASP planning area and near the Bay include the following:
    a) Acorn-style lights that are International Dark Sky Association approved "Dark Sky Friendly" will be installed. This type of lighting ensures 0 percent light above 90 degrees, directs light downward and minimizes the amount of backward and side lighting, thereby reducing light pollution on habitat and animals in the surrounding area.
    b) Use only the lowest luminaire wattage that still provides safe conditions for vehicular traffic, bicyclists, and pedestrians.
    c) If possible, correlated color temperature (an indication of how "warm" or "cool" the light source appears) ranges of the light source to be between 3800 and 4000 Kelvins. This range corresponds to "warm" light that would be less disturbing to animals.
    d) Lights shall be directed away from and/or screened from Damon Marsh and Arrowhead Marsh.
- ***CASP EIR MM Bio 3-2, Herbicide / Pesticide Control:*** Maintenance shall require preparation and implementation of a drift control plan for herbicide/pesticide use.
- ***SCA Bio-1, Tree Removal during Bird Breeding Season*** (see sub-section pertaining to Sensitive Species, above)

- ***SCA Bio-2, Bird Collision Reduction Measures***: The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable Project-specific Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include all of the following:

  a) For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three-second flash instead of solid red or rotating lights.

  b) Minimize the number of and co-locate rooftop-antennas and other rooftop structures.

  c) Monopole structures or antennas shall not include guywires.

  d) Avoid the use of mirrors in landscape design.

  e) Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).

  f) Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following:

     i. Use opaque glass in windowpanes instead of reflective glass.

     ii. Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).

     iii. Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).

     iv. Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.

     v. Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.

     vi. Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).

     vii. Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.

     viii. Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage.

  g) Reduce light pollution. Examples include the following:

     i. Extinguish nighttime architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30).

     ii. Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.

     iii. Reduce perimeter lighting whenever possible.

     iv. Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass.

v. Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration.

h) Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:

i. Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.

ii. Distribute educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.

iii. Asking employees to turn off task lighting at their workstations and draw office blinds, shades, curtains, or other window coverings at end of workday.

iv. Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs.

v. Schedule nightly maintenance during the day, or so that it concludes before 11 p.m., if possible.

Other SCAs with benefit to migratory movement, migratory corridors and nursery sites, and that would apply to the Project include:

- **SCA General-1, Regulatory Permits and Authorizations from Other Agencies** (see Wetlands section of this Checklist, above)
- ***SCA Aesthetics-1, Lighting Plan*** (see Aesthetics section of this Checklist)
- ***SCA Bio-3, Tree Removal Permit*** (see Conflicts with Tree Protection Ordinance section of this Checklist, below)
- ***SCA Geo-4, Erosion and Sedimentation Control Plan*** (see Geology section of this Checklist)
- ***SCA Haz-2, Hazardous Materials Related to Construction*** (including Best Management Practices for soil and groundwater hazards, see Hazards section of this Checklist)
- ***SCA Hydro-2, Creek Protection Plan*** (see details in the Hydrology section of this CEQA Checklist)
- ***SCA Noise-3, Extreme Construction Noise*** (see Noise section of this Checklist), and
- ***SCA Noise-6, Operational Noise*** (see Noise section of this Checklist)

Project Plans pursuant to City SCAs

Consistent with CASP EIR requirements, the Project sponsor has prepared a Lighting Plan (see prior Figure 15) which demonstrates that light cast by proposed new light fixtures of the Project will not exceed 0.5 foot-candles at grade level beyond the westerly property line along the Development Area adjacent to Damon Marsh. Further details pertaining to each luminaire as to "Dark Sky Friendly" design, luminaire wattage and correlated color temperatures will be subject to further review pursuant to subsequent building permit requirements.

The Project applicant has not yet prepared a complete Bird Collision Reduction Plan or a Building Operation and Management Manual that promotes bird safety for City review and approval (which are required prior to approval of construction-related permits). However, the following information relative to bird collision reduction is known for the Project:

- None of the Project's buildings is so tall as to require FAA safety lighting.
- The Project does not indicate any rooftop-antennas and other rooftop structures that might otherwise require guywires.

- The Project's landscape plans do not suggest use of any mirrors in landscape design.
- The Project intends to apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground by using opaque glass in windowpanes instead of reflective glass.

As concluded in the CASP EIR, implementation of SCAs calling for a Lighting Plan and Bird Collision Reduction would address the potential disruption of night lighting and reduce the risk of bird strikes. The Bird Collision Reduction Plan called for in the City's SCA would further define building treatments, exterior lighting, and management activities that would serve to reduce bird strikes and disturbance to nearby marsh habitat. Together with other SCAs and the additional mitigation measures called for in the CASP EIR that serve to protect nesting habitat and minimize disturbance to sensitive habitat, potential impacts on wildlife movement opportunities associated with the proposed Project would be less than significant.

Conflicts with Tree Protection Ordinance

CASP EIR Conclusions

The CASP EIR (Impact Bio-5) found that future development pursuant to the CASP would not fundamentally conflict with the City of Oakland Tree Protection Ordinance. Prior to removal of any protected tree within the CASP planning area, the City's tree permit criteria for tree removal will be reviewed and a tree removal permit approved with the City of Oakland. Pursuant to SCAs, tree removal permit requirements shall be implemented before and during removal of protected trees, and removal of protected trees will be replaced by new trees that will contribute to the visual framework of the CASP planning area.

Project Analysis

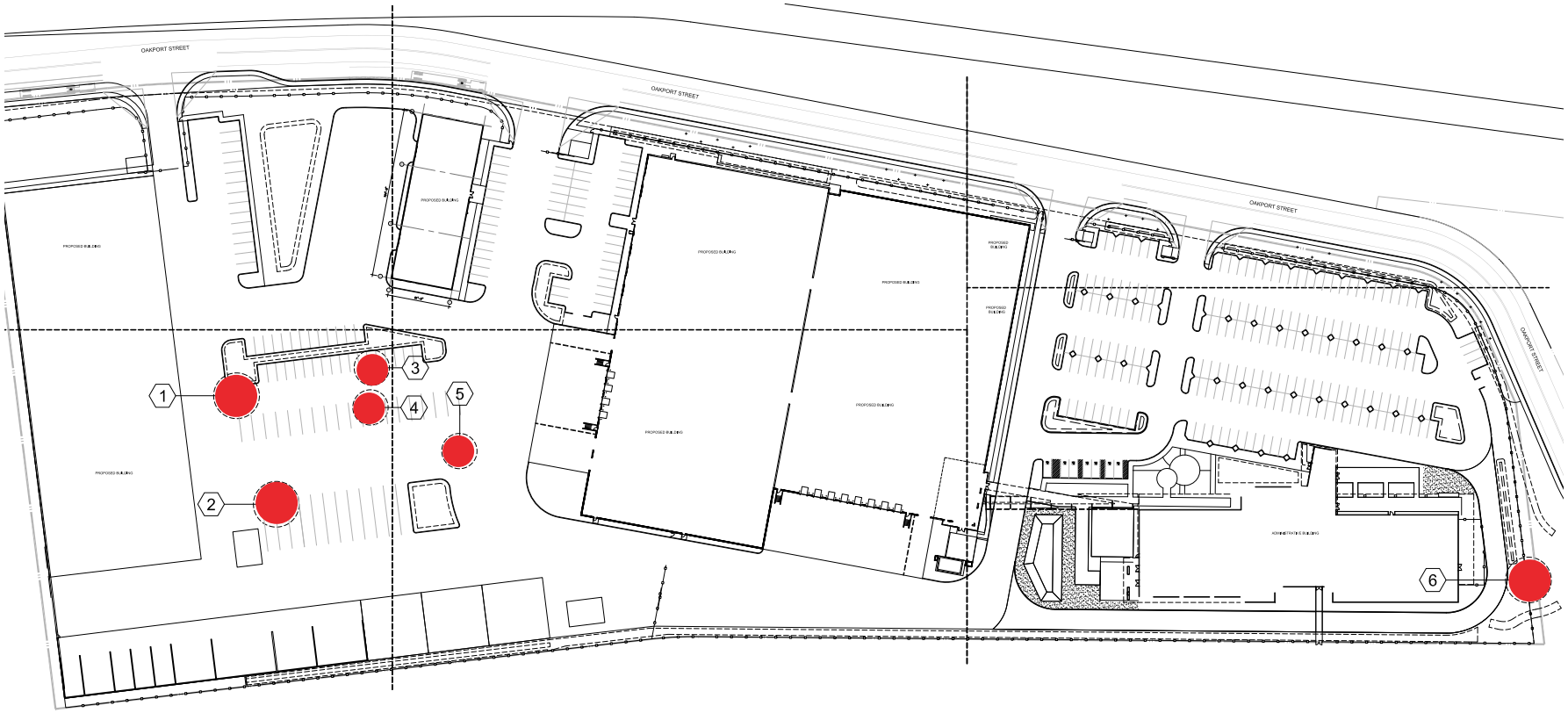
The Development Area of the Project site includes only six existing trees, five located generally within the central portion of the Development Area, and one tree along the southerly property line near Oakport Street (**see Figure 23**). These trees include:

- Tree #1, a 28-inch diameter eucalyptus
- Tree #2, a 48-inch diameter date palm
- Tree #3, a 12-inch diameter olive tree
- Tree #4, a 12-inch diameter olive tree
- Tree #5, a 10-inch diameter olive tree
- Tree #6, a 48-inch diameter date palm

All of these trees are located in the Project's proposed development area and/or where grading and fill are proposed to occur, and each of these trees are proposed to be removed. All of the other vegetation along the Project site's westerly boundary (adjacent to Damon Marsh) would remain.

Applicable Standard Conditions of Approval

The following City of Oakland SCA is cited in the CASP EIR as an effective means for addressing the City's tree permit policies and ordinance, and would apply to the Project. Protected trees under the City's Tree Protection Ordinances are Coast live oak of four inches or larger in diameter, or any other species nine inches in diameter or larger (but not Eucalyptus or Monterey Pine trees). Based on species and trunk diameter, five of the trees on within the Development Area qualify as protected under the City's Tree Protection Ordinance, and a permit would be required for their removal.



WATER EFFICIENT LANDSCAPE WORKSHEET

REFERENCE EVAPOTRANSPIRATION (ETo): 41.8

HYDROZONE / PLANTING DESCRIPTION	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY (IE)	ETAF (PF / IE)	LANDSCAPE AREA (sq. ft.)	ETAF x AREA	ESTIMATED TOTAL WATER USE (ETWU)
REGULAR LANDSCAPE AREAS:							
LOW WATER USE	0.2	DRIP	0.81	0.2469135	72444	17887.40159	463569.8
MEDIUM WATER USE	0.5	BUBBLER	0.81	0.61728395	2007	1238.888889	32107.2
HIGH WATER USE	0.7	DRIP	0.81	0.86419753	10491	9066.292287	234962.1
HIGH WATER USE	0.7	SPRAY	0.75	0.9333333	15782	14729.86614	381739.2
				TOTALS:	100724	42922	
SPECIAL LANDSCAPE AREAS:							
REC. AREA				1	0	0	0
WATER FEATURE 1				1	0	0	0
WATER FEATURE 2				1	0	0	0
				TOTALS:	0	0	
						ETWU TOTAL:	1,112,378
						MAXIMUM ALLOWED WATER ALLOWANCE (MAWA):	1,174,663

ETAF CALCULATIONS:

REGULAR LANDSCAPE AREAS:

TOTAL ETAF x AREA	42,922
TOTAL LANDSCAPE AREA	100,724
AVERAGE ETAF	0.43

NOTE: AVERAGE ETAF FOR REGULAR LANDSCAPE AREAS MUST BE 0.55 OR BELOW FOR RESIDENTIAL AREAS, AND 0.45 OR BELOW FOR NON-RESIDENTIAL AREAS.

ALL LANDSCAPE AREAS:

TOTAL ETAF x AREA	42,922
TOTAL LANDSCAPE AREA	100,724
SITEWIDE ETAF	0.43

NOTES:
1. ALL PLANTING SHALL BE WATERED BY A FULLY AUTOMATIC RECYCLED WATER IRRIGATION SYSTEM WITH WEATHER-BASED CONTROLLER OPERATION.
2. ALL PLANTING (EXCEPT LAWNS) SHALL RECEIVE A 3" DEEP LAYER OF FIR BARK MULCH DRESSING.

EXISTING TREE SURVEY

SYMBOL	TREE COMMON NAME	CALIPER DIAMETER	STATUS
TREES:			
1	EUCALYPTUS	28"Ø	REMOVE
2	DATE PALM	48"Ø	REMOVE
3	OLIVE	12"Ø	REMOVE
4	OLIVE	12"Ø	REMOVE
5	OLIVE	10"Ø	REMOVE
6	DATE PALM	48"Ø	REMOVE

STREET TREE REQUIREMENTS:

PER CITY OF OAKLAND LANDSCAPING AND SCREENING STANDARDS, ONE STREET TREE IS REQUIRED FOR EVERY 25 FEET OF PROJECT STREET FRONTAGE (NOT NECESSARILY EVEN 25 FT. SPACING).

TOTAL PROJECT STREET FRONTAGE ALONG RIGHT OF WAY: 1,442 FT.
TOTAL NUMBER OF (15 GALLON) STREET TREES REQUIRED: 58
TOTAL NUMBER OF (15 GALLON) STREET TREES PROVIDED: 58

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

TREE SURVEY PLAN

Thomas Baak & Associates, LLP
Landscape Architects
1620 North Main Street, Suite 4
Walnut Creek, CA 94596
Ph: 925.933.2583

Figure 23
Tree Survey - Proposed Tree Removal

Source: Thomas Baak & Assoc., Ware Malcomb, Sheet L1.9, April 2019

- ***SCA Bio-3, Tree Permit***: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

  a) *Tree Protection during Construction*: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

     i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

     ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

     iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

     iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

     v. If any damage to a protected tree should occur during, or resulting from work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

     vi. All debris created by any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

  b) *Tree Replacement Plantings*: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

     i. No tree replacement shall be required for the removal of non-native species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.

ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.

iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

iv. Minimum planting areas must be available on site as follows: a) for Sequoia sempervirens, three hundred fifteen (315) square feet per tree; b) for other species listed, seven hundred (700) square feet per tree.

v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

❖ ***SCA Bio-1, Tree Removal during Breeding Season***: (see sub-section pertaining to Sensitive Species, above)

Project Plans Pursuant to SCAs

Other than the eucalyptus tree (Tree #1), removal of the other 5 olive and date palm trees from the Project site requires approval of a Tree Removal Permit. Although common throughout California and the East Bay, neither the olive nor the date palms are native trees that would require replacement plantings.

Per the City of Oakland landscape and screening standards, the Project is required to provide street trees along the Oakport Street frontage at a spacing of 25 feet on center (average). With approximately 1,450 linear feet of frontage, the Project is required to provide 58 street trees along Oakport Street. The Project's proposed Landscape Plan does include 58 new trees along Oakport Street frontage, as a mix of Trident Maple, Red Alder, Scarlet Oak and Chinese Pistache trees. Internal parking lot planting islands include an additional mix of California Sycamores and Water Gum. Along the Project's westerly boundary near Damon Marsh, additional tree planting include primarily Red Alder and California Sycamores.

Additional Recommendations

Based on City Watershed staff's review of the Project's proposed Landscape Plans, the following additional recommendations are intended to address the appropriateness of proposed tree species for the site, and are intended to apply as conditions to the Project's proposed Tree Permit and/or Creek Permit:

❖ ***Recommendation Pursuant to SCA Bio-3: Landscape Plan Species***: Pursuant to the Project's Tree permit and/or Creek permit, the Project applicant shall reconsider the proposed plant palette to incorporate the following recommendations:

a) The Project's landscape plan should provide for a greater component of native trees, especially along the Project's westerly edge near Damon Marsh.

b) The selection of Chinese Pistache trees within the landscape should be limited to male variety of this species, as the female variety produces berries that are attractive to birds.

Consistent with the conclusions of the CASP EIR, the Project's effects related to consistency with the City's Tree Protection Ordinance will be fully addressed through implementation of City SCAs and existing regulations, including obtaining a Tree Removal permit prior to grading or construction activities, and planting of new street trees and landscape screening. With issuance of a Tree permit and implementation of the Project's proposed landscape plans, including the recommendations pursuant to SCA Bio-3, impact related to inconsistency with the City's Tree Protection Ordinance would be reduced to less than significant.

Conflicts with Creek Protection Ordinance

CASP EIR Conclusions

The CASP EIR (Impact Bio-6) found that new development pursuant to the CASP would not fundamentally conflict with the City of Oakland Creek Protection Ordinance. All future work conducted within areas subject to the Creek Protection Ordinance will require a City of Oakland Creek Protection Permit, to be implemented in accordance with detailed performance requirements. By obtaining the required Creek Protection Permit(s) and conducting the work in accordance with those permits, any impacts were found to be less than significant.

Project Analysis

All creekside properties in Oakland must obtain a Creek Protection Permit to perform construction or other work. "Creekside property" means those properties located in Oakland having a creek or riparian corridor crossing the property and/or are contiguous to a creek or riparian corridor. Pursuant to OMC section 13.16.120, "no person shall commit or cause development or work within the boundaries of a creekside property, or within the public right-of-way fronting a creekside property, unless a Creek Protection Permit has first been obtained."

Although the Project site is split among three separate APNs, each of these APNs comprise one large lot (or property) of 66.4 acres, owned by EBMUD. Although the Project involves different types of activities on each of these APNs, the provisions of the City Creek Protection Ordinance apply to the entire property, based on the property's relationship to the following creeks and waterways (see **Figure 24**).

- *San Leandro Bay*: The City of Oakland's Creek Protection Ordinance (OMC Chapter 13.16) addresses potential water quality impacts from stormwater and other discharges into identified "waterways". According to the City of Oakland's Creek Protection Ordinance, the Oakland Estuary, including San Leandro Bay, is considered a waterway. The Development Area is inclusive of lands that are within 100 feet of the shoreline of San Leandro Bay, and a portion of the larger Project site is either submerged lands within the Bay, or uplands that almost entirely within 100 feet of the shoreline.
- *East Creek Slough*: East Creek Slough is clearly defined as a "creek" based on City criteria. East Creek Slough forms the northerly boundary of the Project site.
- *Damon Slough*: Damon Slough is also a clearly defined "creek" based on City criteria. The nearest portion of the Project site (the southerly extent of the Development Area) is approximately 640 feet to the north of Damon Slough, separated by the Oakport Street/Zhone Way interchange. The Project site's property is well distant from the Damon Slough.

Figure 24
Oakland Creek Permit Locational Criteria

Source: BCDC Bay Shoreline Flood Explorer, acessed at:
https://explorer.adaptingtorisingtides.org/explorer

- *On-Site Drainages*: According to the City's Creek Protection Ordinance, the definition of a "creek" includes a continuous waterway that is hydrologically connected to a waterway above and below the site, or connected to a spring, headwaters, lake, the Estuary or the Bay. As described in detail above (see discussion of Waters of the State), there are a series of swales, culverts, rough ditch segments and a RWQCB-defined drainage channel located along the easterly boundary of the Project site adjacent to Oakport Street. These features generally extend from the Peppermint Gate Road access drive all the way down to Seasonal Wetlands-01 at the southerly end of the Project site and qualify as Waters of the State. However, each of these features are artificial, small and have little to no habitat value. Seasonal Wetland-01 at the southerly end of the Project site is separated from the Bay by a former railroad berm, and these features do not appear to have a hydrological surface connection to the San Francisco Bay, except potentially under extreme rainfall conditions. Accordingly, although these features do qualify as Waters of the State, they are isolated features and do not meet the City definition of a creek.

The Creek Permit category that is the appropriate fit for activities pursuant to the Project (i.e., development associated with the Development Area) is a Category III Creek permit, for exterior work that includes earthwork and is located within 100 feet from the waterway. As shown on Figure 24, the southwesterly portion of the Development Area, including a portion of the proposed new office building, is within 100 feet of the shoreline and would include earthwork. Therefore, the Project is required to comply with the Category III provisions of the Creek Protection Ordinance, and prepare a Creek Protection Plan (see detailed discussion under the Hydrology section of this CEQA Checklist).

The activities proposed as part of the Project outside of the Development Area are limited to demolition of several smaller sheds and other structures within the Northerly Area. These sheds and small structures are located well beyond 100 feet from the centerline of East Creek Slough, and no grading or earthwork is required or proposed for removal of these buildings. Whereas these elements of the Project may, by themselves, qualify for a Category II Creek permit, these activities will likely be subject to the overall Category III Creek permit for the overall property. Similarly, the proposed compensatory mitigation of new wetlands creation within the Westerly Area of the Project site will include a certain amount to earthwork, and will likely be subject to the same Category III Creek permit for the overall property.

Applicable Standard Conditions of Approval

The Creek Permit category that is the best fit for activities at the Project site property is a Category III Creek permit for exterior work that includes earthwork and is located within 100 feet from the waterway. Category III Creek Permits require preparation and implementation of a Creek Protection Plan that includes Best Management Practices ("BMPs") to be implemented during construction and after construction to protect the waterways (East Creek Slough and San Leandro Bay).

❖ ***SCA Hydro-2, Creek Protection Plan*** (see details in the Hydrology section of this CEQA Checklist)

Consistent with the conclusions of the CASP EIR, the Project's effects related to consistency with the City's Creek Protection Ordinance will be fully addressed through implementation of City SCAs and existing regulations, including obtaining a Creek Permit prior to grading or construction activities, and complying with the conditions of that permit throughout the construction period. With issuance of a Creek Permit and implementation of the conditions of that permit during the Project's grading operations, impact related to inconsistency with the City's Creek Protection Permit would be reduced to less than significant.

Applicable Conservation Plans

CASP EIR Conclusions

The CASP EIR (Impact Bio-4) determined that future development pursuant to the CASP would not fundamentally conflict with an applicable habitat conservation plan or natural community conservation plan. The CASP EIR focused its analysis on the BCDC San Francisco Bay Plan (Bay Plan) and the East Bay Regional Park District's MLK Regional Shoreline Master Plan. The CASP EIR analysis was focused primarily on the implications of the proposal included in the original draft CASP to fill and develop the Edgewater Seasonal Wetlands and to create a new Bay cut. The CASP EIR found that these preliminary CASP proposals could conflict with applicable local policies or ordinances protecting biological resources, but that implementation of the City of Oakland SCAs and the mitigation measures as included in the CASP EIR described above would ensure that these proposals would be built in a way that would be supportive of the goals of the BCDC Bay Plan and the East Bay Regional Park District Master Plan.

The CASP EIR (Impact Land-10) found that the CASP would not fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan. The CASP planning area was not found to be located within or in proximity to an area guided by a Habitat Conservation Plan or Natural Community Conservation Plan, other than the Bay Plan and the MLK Regional Shoreline Master Plan, addressed above. The CASP EIR concluded that adoption and development of the CASP would not conflict with any such plans.

Project Analysis

As has been clarified in several of the sections of this Checklist above, there is no current or reasonable foreseeable plan for filling and developing the Edgewater Seasonal Wetlands, for creating a new Bay cut, or for using EBMUD property (i.e., the Project site) to create compensatory wetland mitigation for either of these previously envisioned projects. The Project will be subject to BCDC review for consistency with the Bay Plan, but has no bearing on the EBRPD MLK Regional Shoreline Master Plan. Prior to reaching its own independent conclusions as to whether or how to issue a shoreline development permit, BCDC will consider the environmental effects of the Project as shown in this CEQA document, and may require mitigation for those direct or indirect environmental effects of those parts of the Project for which it has authority to address.

As was concluded in the CASP EIR, the Project site (as part of the CASP planning area) is not within or in proximity to an area guided by any other Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the Project would not conflict with such plans.

CEQA Conclusion Pertaining to Biological Resources

The analysis presented above examines whether there are any Project-specific significant effects to biological resources that are peculiar to the Project or its site, finding none. The Project would have no impacts to biological resources that were not previously analyzed in the CASP EIR, would have no off-site or cumulative biology impacts not discussed in the prior CASP EIR, and would not result in any impacts to biological resources that are more severe than as discussed in the prior CASP EIR. There are no biology-related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to biological resources. The biological resource analysis presented above provides minor technical additions related to the specific biology and wetlands effects of the Project, and these minor technical additions to the CASP EIR that are specific to the Project are appropriately disclosed in this Addendum to the CASP EIR.

Cultural Resources

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Regulations	Resulting Level of Significance
a) Cause a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5?	LTS with SCAs	■	□	-	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	LTS with SCAs	■	□	SCA Cultural-1, Archaeological and Paleontological Resources - Discovery during Construction	LTS with SCA
c) Disturb any human remains, including those interred outside of formal cemeteries?	LTS with SCAs	■	□	SCA Cultural-2, Human Remains - Discovery during Construction	LTS with SCA
d) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	LTS with SCA	■	□	SCA Cultural-1, Archaeological and Paleontological Resources – Discovery during Construction	LTS with SCA

Information related to the Project and the Project site as included in the following Cultural Resources section of this CEQA Checklist has been derived from the following primary source:

- SWCA Environmental Consultants, *Cultural Resources Inventory Report for the SupplyBank Project*, September 2022 (**Appendix K**)

Historic Resources

CASP EIR Conclusions [58]

The CASP EIR (Impact Cultural-1B) found that, other than the proposed demolition of the Oakland Coliseum and the potential demolition of the Arena, future development pursuant to CASP buildout did not specifically propose to demolish or materially alter any other historic or potentially historic resources. Any subsequent development project that may propose demolition or alteration of a current or future-defined historic resource would be required to undergo subsequent and individual environmental review, and would be subject to all applicable City of Oakland's standard conditions of approval, Planning Code requirements and General Plan policy considerations relevant to historic resource preservation.

The CASP EIR did indicate that the CASP planning area contained many older buildings and other structures with Oakland Cultural Heritage Survey (OCHS) ratings of lower than "A" or "B". During a 2013 reconnaissance survey, many commercial or light industrial buildings, bridges and channelized creeks or sloughs over 45 years old were

[58] City of Oakland, CASP Draft EIR page 4.4-37

noted, and the OCHS rates several mid-twentieth century buildings along Edgewater Drive, Capwell Drive, Swan Way and Roland Way as "*3" (i.e., they were too recent to rate and were assigned the field notation of "F3"). To further assess these structures, a records search, background research and consultation was conducted, which identified three buildings of potential historic interest, each of which is located within Sub-Area D:

- the Oakland Fire Station Engine No. 27 at 8501 Pardee Drive
- the UPS building at 8400 Pardee Drive, and
- the Warehouse Union Local 6 building at 99 Hegenberger Road (which was noted as a PDHP of future interest)

Of these buildings of potential current interest, only the Warehouse Union Local 6 building was of age to be considered a historic resource, had a contingency rating (based on its age) that enabled it to be considered a resource of secondary importance, and was identified as a PDHP. Based on these factors, the Warehouse Union Local 6 building was considered a historical resource. However, no change to the Warehouse Union Local 6 building was proposed pursuant to the CASP, and potential impacts to historic resources was found to be less than significant.

The CASP EIR also noted that new information or new context may be discovered, altered properties may be found to have been restored, and other properties not 50 years old at the time they were last surveyed may become potentially eligible for listing in the California Register or the Local Register. Such properties may be considered historic resources in the future, even though not considered historical resources at the time of preparation of the CASP EIR. Accordingly, the CASP EIR determined that, if it is later determined that demolition or substantial alteration of historically-significant resources would occur pursuant to CASP buildout, the impact of such development would need to be considered under a subsequent CEQA analysis. Any such resources would be subject to all of the City of Oakland's SCAs, Planning Code requirements and General Plan policy considerations relevant to historic resource preservation.

Project Analysis

According to the U.S. Bureau of Land Management (BLM) General Land Office 1870 survey map, the Project site is located within Lot Number 37 and is depicted as part of the Rancho San Antonio land claim, an extensive claim comprising 43,000 acres of land that encompasses the cities of San Leandro, Oakland, Alameda, Emeryville, Piedmont, Berkeley, and Albany. It extends from the Pacific coastline inland to the Oakland Hills summit. The land grant extends north to Cerrito Creek and southeast to San Leandro Bay.

Based on topographic maps of the area, the entirety of the Project site and surrounding area was marshland until the late 1940s.

- Sometime between 1947 and 1949, most of the marshland comprising the Project site and surrounding area was reclaimed, except for the western extent.
- In 1958, a portion of Highway 17 was rerouted to just east of the Project site, and renamed the Nimitz Freeway. The nearest paved road to the Project site is Oakport Street, which appears to have been constructed sometime between 1956 and 1960, based on topographic maps of those dates.
- By 1958, at least one large warehouse and several other smaller facilities had been constructed along Oakport Street near East Creek Slough at the northeast extent of the Project site.
- Much of the remaining infrastructure surrounding the Project site appears to have been constructed sometime between 1966 and 1969.
- Development at the proposed Development Area does not appear to have begun until at least 1980.

This historical imagery suggests that the Project site and its immediate vicinity have experienced extensive previous disturbance due to reclamation and construction activities, all of which occurred after World War II.

Currently, there are no remaining structures of any type within the Development Area, and this review of historic maps and aerial photographs failed to indicate the presence of any other historic structures or features within the Project site. There are several sheds and outbuildings on the Project Site outside the Development Area (on the Northerly Area) that are owned and used by EBMUD, but these sheds and outbuildings are not listed in, or formally determined eligible for listing in the California Register of Historic Resources (CRHR), they are not included in the local register of historical resources (the Oakland Cultural Resources Survey), and are not identified as significant in any other identified historic resources survey. Although some of these sheds and outbuildings may have been constructed between 1958 and 1969 and are now more than 50 years old, they do not appear to be associated with any events that have made a significant contribution to the broad patterns of California's history and cultural heritage. They are not associated with the lives of persons important in our past; do not embody distinctive characteristics of a type, period, region or method of construction; do not represents the work of an important creative individual, or possesses high artistic values; and are not likely to yield information important in history or prehistory. [59]

Consistent with the conclusions of the CASP EIR, the Project site has been reviewed for the presence of historic resources, no such resources were identified, and no City of Oakland's SCAs, Planning Code requirements or General Plan policy considerations relevant to historic resource preservation apply to the Project. This potential impact is considered less than significant.

Archaeological Resources and Human Remains

CASP EIR Conclusions [60]

The CASP EIR (Impact Cultural-2) found that future development pursuant to the CASP could directly or indirectly destroy unique paleontological resources or sites, cause a substantial adverse change in the significance of currently undiscovered archaeological resources, or disturb human remains. However, with implementation of City of Oakland SCAs, this impact would be reduced to less than significant.

Per the CASP EIR, archaeological resources are not anticipated at or near the surface within the entire CASP planning area due to historic development and the extent of existing artificial fill covering the planning area. The surface of the entire CASP planning area was found to consist of a layer of historic and modern artificial fill that was placed to raise the elevation of the Bay margin for development. The fill consists of a mix of local and imported material, and considered to have very low sensitivity for archaeological resources. At the base of the fill, at the interface or contact with Quaternary Young Bay Mud, the CASP EIR found the sensitivity for prehistoric cultural deposits to be high, especially deposits associated shell mounds at previously recorded sites of Native American settlement along the edge of the historic shoreline (see **Figure 25**). The Bay Mud strata that is in contact with terrestrial deposits has the potential to contain sealed human remains associated with Native American habitation of the area. Thus, archaeological sensitivity is considered moderate to high within marsh deposits when they are situated at the interface of terrestrial deposits, and where the marsh may have been exposed as a land surface long enough to have been available for human use.

[59] SWCA Environmental Consultants, September 2022

[60] City of Oakland, CASP Draft EIR page 4.4-40

Figure 25
Historic (1855) Shoreline

Source: City of Oakland, Coliseum Area Secific Plan EIR, Figure 44-3, original source Garcia & Associates 2014

The CASP EIR reached the conclusion that, whether an individual development project is within an archaeologically sensitive area will depend on both its location and the depth of proposed disturbance:

- Almost the entire CASP planning area is covered with artificial fill. This artificial fill has a low sensitivity for prehistoric archeological resources, but a very high sensitivity for such resources at its base (or at the interface with Quaternary Young Bay Mud). Encountering this base material would involve excavation deep enough to pass through the depth of the fill. Therefore, if a development project does not excavate to or below the fill, it is not within an archaeologically sensitive area.
- There is also potential for the presence of historic-period resources within the fill. Although such resources are not expected to be comprised of intact, discrete or potentially significant resources, the possibility remains that historic period deposits could be identified that may require additional investigations.
- If development results in excavation deeper than the fill, it then encounters an archaeologically sensitive area.

The CASP EIR determined that the CASP planning area does not contain any known locations of human remains. However, construction-related subsurface disturbance could result in the inadvertent discovery of human remains.

Given the sensitivity of the area, the CASP EIR recommended that any new development project throughout the CASP planning area that involves excavation should be subject to City SCAs. Specifically, the SCAs that require pre-construction surveys to verify the presence or absence of archaeological sensitivity, or preparation and implementation of a construction ALERT sheet and training of construction contractors, construction period monitoring, and avoidance and recovery measures.

In the event of an unanticipated discovery of prehistoric or historic-period archaeological resources during development, other City SCAs are required. These SCAs require that excavations within 50 feet of the find be temporarily halted or diverted until the discovery is examined by a qualified archaeologist or paleontologist, documented and evaluated for significance, and procedures established to consider avoidance of the resource or preparation of an excavation plan if avoidance is unfeasible. With required implementation of City SCAs, impacts on archaeological resources and human remains were concluded to be less than significant.

Project Analysis

A records search from the California Historical Resources Information System (CHRIS) Northwest Information Center (NWIC) at Sonoma State University was conducted to identify known cultural resources and previous cultural resource studies within 0.25 mile of the Project site. The CHRIS search identified 31 previously conducted cultural resource studies, and portions of 22 of these studies intersect the Project site. Of those, only two reports included archaeological field studies. The Project site has not been subject to other recent, location-specific archaeological survey. The CHRIS records search did not identify any previously recorded resources within the Project site or within the 0.25-mile radius.

Similar to most of the entire CASP planning area, archaeological resources are not anticipated at or near the surface of the Project site due to historic development and the amount of artificial fill that covers the site. The surface of the entire Project site (other than submerged lands within the Westerly Area) consists of historic and modern artificial fill that was placed to raise the elevation of Bay margin for development. Based on the geology reports for the Project, there is approximately 5½ to 11 feet of undocumented fill that blankets the site. This artificial fill is considered to have very low sensitivity for prehistoric or historic-period archaeological resources. The artificial fill is underlain by an additional 3 to 7½ feet of young Bay Mud varying from 12½ to 17 feet below the ground surface, which formed the pre-1855 historic Bay shoreline. The interface or contact between the

artificial fill and Bay Mud is considered to have a high sensitivity for prehistoric cultural deposits. The Project's grading plan does not propose any deep mass excavation work. Selected excavations of up to 4 feet are anticipated to facilitate the office elevator pit and warehouse loading dock construction, and over-excavation to a depth of 2 feet is planned for areas below anticipated pavement and hardscape areas. These excavations are not extensive across the site and are not expected to be deeper than the artificial fill that covers the site. Accordingly, it is unlikely that any paleontological resources would be discovered during Project construction.

An intensive pedestrian survey of the Project site was conducted on August 25, 2022. The survey was conducted using pedestrian transects spaced 5 to 15 meters apart where vegetation conditions and safety considerations allowed. Periodic boot scrapes were employed to expose soils when vegetation obscured the ground surface. The entirety of the Project site was subject to this intensive pedestrian survey. More than three-quarters of the Project site consists of a considerably disturbed and fenced dirt lot southeast of the EBMUD facility, and ground visibility in this portion of the site was 100 percent. The remainder of the Project site, just southwest of the fence line, is bisected along its length by a graveled path that trends northwest/southeast through the entire Project area. Approximately halfway along the length of the Project area, the graveled path is bounded on the outside by a paved pedestrian trail approximately 15 feet to the southwest. The area between these two paths is heavily vegetated with grasses and coastal scrub. Ground visibility in this portion of the Project area was between five and 10 percent. Boot scrapes were employed in open areas where vegetation was not as dense to expose soils. No archaeological resources, artifacts, or features were observed within the Project area. [61]

Although no cultural resources were noted on the ground surface during this pedestrian survey, the possibility of encountering cultural resources during excavation remains. The discovery of human remains during the course of the Project is also a possibility.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs (as updated) are cited in the CASP EIR as an effective means for addressing potential discovery of undiscovered archaeological resources or human remains, and would apply to the Project.

- ***SCA Cultural-1, Archaeological and Paleontological Resources - Discovery during Construction***: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards.

  a) If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

  b) In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource

[61] SWCA Environmental Consultants, September 2022

and the data class the resource is expected to possess, and how the expected data class would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods.

c) Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

d) In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

❖ ***SCA Cultural-2, Human Remains - Discovery during Construction***: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner.

a) If the County Coroner determines that an investigation of the cause of death is required, or if the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made.

b) In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant

Consistent with the conclusions of the CASP EIR, the Project's effects related to inadvertent discovery of currently unknown cultural resources or human remains will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Paleontological Resources

CASP EIR Conclusions [62]

The CASP EIR (Impact Cutural-2) found that paleontological resources are not anticipated at or near the surface within the CASP planning are due to historic development and the extent of artificial fill that has been placed over the planning area. The surface stratum throughout the CASP planning area consists of a, "variable veneer of historic and modern artificial fill, which is considered to have very low sensitivity for paleontological resources". However, the deposits below the artificial fill may date to the late Pleistocene era and earlier, when the coast was 25 to 50 kilometers to the west. Due to the position on the landscape and the age of certain underlying deposits, they are considered to have high paleontological sensitivity." More specifically, the CASP EIR finds that, beneath the artificial fill, "there is a higher potential for the identification of paleontological resources, where there are Late Pleistocene and Pliocene aged strata, far below the artificial fill and the Bay Mud. These areas of

62 City of Oakland, CASP Draft EIR page 4.4-40

sensitivity are situated deep beneath the ground surface (e.g., within the Quaternary Old Bay Mud at depths of 75 to 115 feet below sea level, or the Quaternary Alameda Formation at depths of 75 to 130 feet below sea level). These sensitive sub-surface areas are located beneath the surface of the CASP planning area and are not precisely mapped.

The CASP EIR found that development, including construction-related subsurface disturbance such as mass excavation, could destroy fossils by cutting into geological formations where they are located. Since the potential presence and significance of fossils is unknown, such excavations could cause a significant impact to paleontological resources.

The CASP EIR recommended that, given the paleontological sensitivity of the area, any new development project throughout the Project Area that involves excavation be subject to SCAs for archaeological resources at sensitive sites. This SCA requires intensive pre-excavation surveys (such as continuous geotechnical coring) to verify the presence or absence of archaeological sensitivity, or preparation and implementation of a construction ALERT sheet and training of construction contractors, construction period monitoring, and avoidance and recovery measures. In the event of an unanticipated discovery of unique paleontological resources, SCAs require that excavations within 50 feet of the find be temporarily halted or diverted until the discovery is examined by a qualified archaeologist or paleontologist, documented and evaluated for significance, and procedures established to consider avoidance of the resource or preparation of an excavation plan if avoidance is unfeasible.

The CASP EIR concluded that, with implementation of applicable SCAs, impacts on paleontological resources would be less than significant. No additional mitigation is required.

Project Analysis

As indicated in the CASP EIR, if a development project does not excavate to or below the on-site fill, it is not within a paleontological sensitive area. At the Project site there is approximately 5½ to 11 feet of undocumented fill that blankets the site, underlain by 3 to 7½ feet of young Bay Mud to depths varying from 12½ to 17 feet bgs.

The Project's grading plan does not propose any deep mass excavation work. Other than selected excavations of up to 4 feet to facilitate the office elevator pit and warehouse loading dock construction, over-excavation of the undocumented fill below anticipated pavement and hardscape areas to a depth of 2 feet, and excavations for utility trenches, the Project does not propose any mass excavation work. Accordingly, it is unlikely that any paleontological resources would be discovered during Project construction.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR to address as effective means addressing an event whereby a paleontological resource may be discovered during an excavation, which would apply to the Project.

- ***SCA Cultural-1, Archaeological and Paleontological Resources – Discovery during Construction*** (see above)

Consistent with the findings of the CASP EIR, with full compliance with SCA Cultural-1 as applies to a potential discovery of paleontological resources during ground disturbing activities, the Project's potential effects would be reduced to a level of less than significant, and no additional mitigation is required.

CEQA Conclusion Pertaining to Cultural Resources

The analysis presented above examines whether there are any Project-specific significant effects related to cultural resources that are peculiar to the Project or its site, finding none. The Project would have no impacts to cultural resources that were not previously analyzed in the CASP EIR, would have no off-site or cumulative cultural resources impacts not discussed in the prior CASP EIR, and would not result in any impacts to cultural

resources that are more severe than as discussed in the prior CASP EIR. There are no impacts related to cultural resources that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to cultural resources. The cultural resource analysis presented above provides technical additions related to specific cultural resource conditions at the site, and these minor technical additions to the CASP EIR that are specific to the Project are appropriately disclosed in this Addendum to the CASP EIR.

Energy

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings: Equal or Less Severe	Relationship to CASP EIR Findings: New or Substantial Increase in Severity	Project Conclusions: Applicable Standards and Requirements	Project Conclusions: Resulting Level of Significance
a) Result in potentially significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources, during project construction or operation?	LTS	■	□	SCA Energy-1: Green Building Requirements SCA Transportation-2, TDM SCA Transportation-4, Plug-In Electric Vehicle (PEV) Charging Infrastructure	Less than Significant
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?					

Note: The thresholds of significance presented above represent the City of Oakland's current energy related thresholds. At the time the CASP EIR was prepared, the City's thresholds were:

Would the project violate applicable federal, state and local statutes and regulations relating to energy standards? and

Would the project result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects?

Energy Resources

CASP EIR Conclusions[63]

The CASP EIR (Impact UTIL-5) found that new development pursuant to the CASP would not violate applicable federal, state and local statutes and regulations relating to energy standards, nor would such new development result in a determination by the energy provider that it does not have adequate capacity to serve projected energy demands in addition to the providers' existing commitments, requiring construction of new energy facilities or expansion of existing facilities. New development will result in an incremental increase in the demand for gas and electrical power, and sub-station improvements or new substations, and service line upgrades may be needed to fully service projected new development. However, the CASP EIR found no known capacity limitations within the existing electrical system or gas system. The CASP EIR concluded that, with implementation of City of Oakland SCAs (Compliance with the Green Building Ordinance, and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist, all new development pursuant to the CASP will be required comply with mandatory Title 24 energy efficiency standards for buildings,

63 City of Oakland, CASP Draft EIR page 4.14-26

CALGreen regulations, and City of Oakland Green Building Ordinance requirements and sustainability programs, which would reduce energy consumption. Cumulative impacts related to energy service were found to be less than significant.

Project Analysis

The Project will not cause the need for additional natural gas or electrical energy-producing facilities. Consistent with the City's December 2020 Building Electrification Ordinance, the Project does not include any new natural gas connections, and each of the buildings are designed as all electric.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs, as updated since certification of the CASP EIR, are now a standard conditions of approval that apply to all projects, including new construction of non-residential building over 25,000 sq. ft. of total floor area (i.e., the Project):

- ***SCA Energy-1, Green Building Requirements***: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

  a) The following information shall be submitted to the City for review and approval with the application for a building permit:
     i. Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards
     ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit
     iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit
     iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below
     v. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance
     vi. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit
     vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance

  b) The set of plans in subsection (i) shall demonstrate compliance with the following:
     i. CALGreen mandatory measures
     ii. Green building point level/certification requirements per the appropriate checklist approved during the Planning entitlement process
     iii. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
     iv. The required green building point minimums in the appropriate credit categories

c) The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project. The following information shall be submitted to the City for review and approval:
   i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit
   ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance
   iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance

d) Compliance with Green Building Requirements after Construction Requirement: Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

- ***SCA Transportation-2, TDM*** (see Transportation section of this CEQA Checklist)
- ***SCA Transportation-4, Plug-In Electric Vehicle (PEV) Charging Infrastructure*** (see Transportation section of this CEQA Checklist)
- ***SCA Utilities-3, Construction and Demolition Waste Reduction and Recycling*** (see Utilities section of this CEQA Checklist)
- ***SCA Utilities-4, Recycling Collection and Storage Space***: (see Utilities section of this CEQA Checklist)

Consistent with the findings of the CASP EIR, the Project is required to comply with CALGreen Building Energy Efficiency Standards as applicable at the time of building permit application, is required to provide EV infrastructure, and is required to achieve TDM performance that achieves a 20 percent reduction in commuter single-occupant vehicle use. These requirements would achieve compliance with local policies and ordinances pertaining to energy use, comply with state and local plans for energy efficiency, and substantially lower overall energy demands of the Project such that the Project would not result in wasteful, inefficient or unnecessary consumption of energy. The Project's impacts related to energy use would be less than significant and no additional mitigation is required.

CEQA Conclusions Pertaining to Energy

The analysis presented above examines whether there are any Project-specific significant effects related to energy use that are peculiar to the Project or its site, finding none. The Project would have no impacts related to energy use that were not previously analyzed in the CASP EIR, would have no off-site or cumulative energy impacts not discussed in the prior CASP EIR, and would not result in any energy impacts that are more severe than as discussed in the prior CASP EIR. There are no impacts related to energy that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to energy. The energy analysis presented above provides technical additions related to current requirements of the California Green Building Standards (CALGreen) and the applicable requirements of the City of Oakland Green Building Ordinance (Chapter 18.02 of the OMC) that are now applicable to the Project, and this updated information is appropriately disclosed in this Addendum to the CASP EIR.

Geology and Soils

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death, involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault? ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse? iv. Landslides?	LTS with SCAs	■	□	SCA Geo-1: Construction-Related Permit(s) SCA Geo-2, Soils Report SCA Geo-3, Seismic Hazards Zone (Landslide/Liquefaction) Terracon recommendations to address seismic hazards through design	LTS with SCA
b) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence , liquefaction or collapse? Or - be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	LTS with SCAs	■	□	SCA Geo-2: Soils Report Terracon recommendations to address earthwork	LTS with SCAs
c) Result in substantial soil erosion or the loss of topsoil?	LTS with SCAs	■	□	SCA Geo-4, Erosion and Sedimentation Control Plan for Construction	LTS with SCA
d) Have soils that are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No Impact	■	□	-	No Impact

Information related to the Project and the Project site as included in the following Geology section of this CEQA Checklist has been derived from the following primary source:

- Terracon Consultants, Inc., *Geotechnical Engineering Report for Oakport Buildings in Oakland, Alameda, California*, June 15, 2018 (**Appendix L**)

The 2018 Terracon Report presents the results of subsurface explorations and geotechnical engineering services performed for the Project's proposed warehouses, office building, workshop/butler building, and associated

parking and drive aisles. The purpose of these services was to provide information and geotechnical engineering recommendations relative to the following:

- seismic site classification and design parameters per the 2016 California Building Code (CBC)
- liquefaction potential
- subsurface soil conditions
- foundation design and construction
- groundwater conditions
- floor slab design and construction
- site preparation and earthwork
- lateral earth pressures
- soil corrosivity
- pavement design and construction, and
- site infiltration rates

The geotechnical engineering scope of services included advancement of 28 test borings to depths ranging from approximately 5 to 51½ feet below existing site grades. Additionally, two cone penetrometer test (CPT) soundings were advanced to a depth of 100 feet below ground surface (bgs). The results of the laboratory testing performed on soil samples obtained from the site during the field exploration are included on boring logs and/or graphs provided in Appendix L.

Seismic Hazards

CASP EIR Conclusions [64]

Fault Rupture

The CASP EIR (Impact Geo-1) found that there are no active faults that cross anywhere within the CASP planning area and the nearest active fault is more than two miles away. Therefore, the potential for fault rupture to affect development pursuant to the CASP was found to be very low.

Strong Seismic Ground Shaking and Seismic-Related Ground Failure

The CASP EIR also found that, if development pursuant to the CASP is not properly designed or constructed, it has the potential to increase the exposure of people to injury or harm during a large regional earthquake. The entire CASP planning area could be subject to very strong ground shaking, capable of causing damage to structures and underground utilities.

The majority of the CASP planning area is located over soils susceptible to liquefaction, which could increase the damages incurred by structures and utility lines in the event of an earthquake. These hazards must be properly evaluated and mitigated as individual projects are implemented.

The CASP EIR concluded that development pursuant to the CASP would be required to comply with the Seismic Hazards Mapping Act (in liquefaction hazard zones) and with the California Building Code. These laws require development projects to demonstrate that soil conditions are known, and that foundations have been designed

[64] City of Oakland, CASP Draft EIR page 4.5-16

according to the proper seismic design category. The risk of liquefaction and other ground failures must be evaluated, and appropriate mitigation measures, if necessary, must be incorporated into project design. Since the entire CASP planning area is located within a Seismic Hazard Zone for liquefaction, development pursuant to the CASP would be required to comply with California Geologic Survey (CGS) guidelines for evaluating and mitigating seismic hazards (Special Publication 117A) (CGS, 2008).

Landslides

The CASP EIR found that the entire CASP planning area does not contain slopes that are susceptible to landslides or slope failure. The gentle sloping topography of the area puts the potential for landslides or slope failure to affect any of proposed development as very low.

To ensure compliance with the Seismic Hazards Mapping Act and the California Building Code, as well as the seismic requirements of the City of Oakland Building Code, the City requires owners/developers to prepare a soils report (**SCA Geo-1**) and geotechnical report (**SCA Geo-2**) for proposed development. Those reports must include generally accepted and appropriate engineering techniques for determining the susceptibility of a site to various geologic and seismic hazards. These requirements are implemented through SCAs. The geotechnical report would include an analysis of ground shaking effects and liquefaction potential, and provide recommendations to address these hazards through design. Owners/developers would be required to submit an engineering analysis accompanied by detailed engineering drawings to the City of Oakland Building Services Division prior to excavation, grading or construction activities. Geotechnical and seismic design criteria must conform to engineering recommendations consistent with the seismic requirements set forth in the California Code of Regulations, Title 24 of the California Building Standards Code in effect at the time of permit application.

The CASP EIR concluded that application of current geotechnical design criteria as required under the CBC and pursuant to applicable SCAs would reduce the potential impacts associated with seismic hazards such as liquefaction and ground shaking to a less than significant level.

Project Analysis

Fault Rupture

Consistent with the conclusions of the CASP EIR, the 2018 Terracon Report finds that the Project site is not located within an Alquist-Priolo Earthquake Fault Zone, based on a review of the State Fault Hazard Maps.[65] The potential for fault rupture to affect the Project is less than significant.

Strong Seismic Ground Shaking and Seismic-Related Ground Failure

The Project site is located in a high seismicity region where the type and magnitude of seismic hazards affecting the site are dependent on the distance to causative faults, the intensity, and the magnitude of the seismic event. Segments of the Hayward-Rogers Creek Fault, which is located approximately 5 kilometers from the Project site, are considered to have the most significant effect at the site from a design standpoint. Based on the ASCE 7-10 Standard, the peak ground acceleration (PGAM) at the Project site is approximately 0.644g, which generally correlates with ‘’severe” groundshaking potentially resulting in moderate to heavy damage to buildings and infrastructure.

The 2018 Terracon Report also finds that the Project site is located in an area identified as a liquefaction hazard zone, having a very high susceptibility to earthquake-induced liquefaction. Terracon conducted a liquefaction

[65] California Department of Conservation Division of Mines and Geology (CDMG), “*Digital Images of Official Maps of Alquist-Priolo Earthquake Fault Zones of California, Southern Region*”, 2012

potential analysis from a depth of 3 to 50 feet bgs. Potentially liquefiable layers were encountered at multiple depths, with the largest liquefiable layer being located between 15 and 30 feet bgs. The anticipated total liquefaction-induced settlements across the Project site vary between 2 to 4½ inches, and the differential liquefaction-induced settlement across proposed building footprints may be up to 2 inches, based on the varying lithology of the site.[66]

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR as effective means for reducing potential seismic hazards for new development, and are standard conditions of approval that would apply to the Project.

- ***SCA Geo-1: Construction-Related Permit(s)***: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.
- ***SCA Geo-2, Soils Report***: The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.
- ***SCA Geo-3, Seismic Hazards Zone (Landslide/Liquefaction)***: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended). The geotechnical report shall be prepared by a registered geotechnical engineer for City review and approval, and shall contain, 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. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

Project Recommendations pursuant to City SCAs

Consistent with CASP EIR requirements, and **SCA Geo-1, SCA Geo-2 and SCA Geo-3**, the project sponsor retained Terracon to prepare a soils report and geotechnical report for the Project. This report provides the following recommendations to address seismic hazards through design:

- *Seismic Considerations*: The seismic design requirements for buildings and other structures of the Project are based on the site's Seismic Design Category. Site Classification is required to determine the Seismic Design Category for a structure, and the Site Classification is based on the upper 100 feet of the site profile, in accordance with Section 20.4 of ASCE 7-10. Site Classes range from A to F based on the average conditions present within 100 feet of the ground surface, with hard rock considered an 'A', down to potentially collapsible soils which get an 'F'. The Project site qualifies as a Site Class F due to the presence of liquefiable soils.[67] The Site Classification at the Project site could be improved from a Site Class F to a Site Class D by performing ground improvements (see below) that improve the stiffness/density and strength of the very-soft to soft Bay Mud and loose, potentially liquefiable sands.

66 Terracon Consultants, Inc., *Geotechnical Engineering Report for Oakport Buildings*, June 15, 2018

67 Per Terracon 2018, "A site class E was used to develop the listed seismic design parameters due to the presence of the very soft to soft Bay Mud with low shear strength and high moisture contents. Structures may use the listed design parameters provided they have a period of 0.5s or less.

- *Ground Improvement Option*: The 2018 Terracon Report identifies ground improvements (known as Deep Soil Mixing, or DSM) as an appropriate option to mitigate the combined effects associated with the liquefaction, undocumented fill and compressible Bay Mud concerns at this site. DSM is achieved through a process of in-situ mixing of the subsurface soils with cement or a lime-cement combination. This results in physiochemical stabilization of the soils to increase the compressive and shear strength of the material, and to decrease settlement. DSM is accomplished by either a wet mixing method using primarily cement, or a dry mixing method using lime-cement. The wet mixing method should be used for the Project site based on the subgrade soils and groundwater conditions. This method would significantly improve the stiffness/density and strength of the very soft, to soft Bay Mud and loose sands that underlay the site. By improving the stiffness/density and strength of the very soft, to soft Bay Mud and loose sands, DSM would also help improve the Seismic Site Class required for design at the site, and would provide an added assurance against lateral spreading to occur by stabilizing potentially liquefiable soils.
- *Deep Foundations*: As an alternative to the DSM option, steel piles driven into firm native soil below the Bay Mud and liquefiable soil layers can be used to support the Project's proposed Office, Warehouse and Workshop buildings and retaining walls. This would involve steel sections driven through the very soft Bay Mud and liquefiable soils to their design capacity. The preliminary design capacities for individual steel pipe piles to provide an adequate factor of safety for the load carrying capacity requires that steel piles be driven to a depth of 65 to 100 feet (with a preliminary recommendation of 70 to 80 feet below existing grade). Driven piles should be spaced at least three pile widths apart (center-to-center) if side friction is used for compressive loads. If desired, pre-drilling of oversized holes could be conducted prior to pile driving (with filling the resulting annular space with bentonite slurry), casing sleeves could be provided around the piles to separate the piles from direct contact with settling soils, and/or the piles could be coated with bitumen to allow slippage.
- *Rammed Aggregate Piers*: As another alternative to the DSM option, the existing undocumented fill and compressible Bay Mud under these areas could be reinforced with a Rammed Aggregate Pier (RAP) system installed on a grid pattern. This option would allow for the placement of stockpiled materials and retaining wall foundations directly atop the RAP-reinforced subgrade. The RAP system would serve to stiffen the existing undocumented fill and Bay Mud. Piers would be constructed by advancing a drill or mandrel to design depths, then building a bottom bulb of clean, open-graded stone. The pier is built on top of the bottom bulb, using graded aggregate placed in thin lifts (12 to 24 inches compacted thickness). Shafts are anticipated to extend to depths of 20 feet or less for this site. The result of construction is a reinforced zone of soils directly under the stockpiled materials and footings, which allows of the construction of shallow spread footings sized for relatively higher bearing pressures and with lower anticipated settlements.
- *Floor Slabs*: Due to anticipated settlements from liquefaction and consolidation settlement, the building floor slabs should be entirely structurally supported by deep foundations, or alternative floor slab options may be considered if the subgrade in the area of the buildings is improved by DSM.
- *Vapor Barrier*: The use of a vapor retarder should be considered beneath those concrete slabs on grade that are to be covered with moisture sensitive or impervious coverings, or when the slab will support equipment sensitive to moisture.

Pursuant to SCA Geo-2: Soils Report and SCA Geo-3: Seismic Hazards Zone (Landslide/Liquefaction), the Project applicant is required to implement the recommendations contained in the approved report during project design and construction. Consistent with the findings of the CASP EIR, with full compliance with the CBC building standards and recommendations of the 2018 Terracon Report, the effects of strong ground shaking and liquefaction in the event of a likely earthquake scenario would be reduced to levels considered acceptable by

professional engineers, and therefore considered under CEQA to be less than significant. No additional mitigation is required.

Soil Settlement and/or Expansive Soil

CASP EIR Conclusions [68]

The CASP EIR (Impact Geo-3) found that new development within the CASP planning area might be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property. Expansive soils can damage foundations of above-ground structures, paved roads and streets, and concrete slabs. The Bay Mud that underlies much of the CASP planning area, as well as areas underlain by artificial fill, could potentially be subject to shrink-swell behavior, and larger buildings may put loads on underlying geologic layers of mud and silt that could compress. Locations mapped as artificial fills may be underlain by historic bay sloughs, old foundations, and former marsh areas. These areas may experience some degree of differential settlement, and site-specific geotechnical investigations should be conducted prior to construction at a given location.

The City of Oakland imposes SCAs requiring proposed developments to conduct a soil reports (SCA Geo-1) and geotechnical studies (SCA Geo-2). The CASP EIR determined that these SCAs would provide for construction methods and building designs to address problematic soil (such methods typically involve soil removal and replacement, soil improvement, or special foundation design). SCAs would also provide for design methods to protect structures from expansive soil and settlement concerns.

The CASP EIR concluded that application of current geotechnical design criteria required under the CBC and the SCAs would reduce the potential impacts associated with expansive soils, subsidence, seismically-induced settlement and differential settlement to less than significant.

Project Analysis

Undocumented Fill

Approximately 5½ to 11 feet of undocumented fill consisting of sand with variable amounts of clay, silt, and gravel and clay with variable amounts of sand and gravel blanket the Project site. Debris consisting of wood fragments, concrete, and refuse was encountered throughout the fill. The density/consistency of the undocumented fill encountered in borings varied from very loose to medium dense and soft to very stiff. Such undocumented fill can result in differential settlement and damage to proposed structures relying on the fill for structural support. As a result, this fill is not suitable to support the proposed buildings and retaining walls.

Compressible Bay Mud

The undocumented fill blanketing the Project site was underlain by 3 to 7½ feet of Bay Mud, to depths varying from 12½ to 17 feet bgs. The underlying Bay Mud is a largely unconsolidated and compressible geologic unit. The undocumented fill was placed in the early 1960's over tidal marshland. Laboratory testing indicated the Bay Mud is slightly over-consolidated, indicating primary settlement due to the existing fill placement is likely complete. The Project proposes to elevate existing site grades by up to 4 feet in some areas across the site to accommodate development, which may trigger new consolidation and settlement of the Bay Mud.

[68] City of Oakland, CASP Draft EIR page 4.5-17

Moderately Plastic/Expansive Soil

The surface soils across the Project site are generally moderately plastic (expansive). These plastic clays are prone to volume change with changes in moisture, which may lead to excessive shrinking and swelling of pavements and hardscapes.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR as effective means for reducing potential seismic hazards for new development, and are standard conditions of approval that would apply to the Project.

- ***SCA Geo-2, Soils Report***: (see above)

Project Recommendations pursuant to City SCAs

Consistent with CASP EIR requirements, and **SCA Geo-1 and Geo-2**, the project sponsor retained Terracon to prepare a soils report and geotechnical report for the Project. This report provides the following recommendations to address earthwork (clearing and grubbing, excavations and fill placement) as necessary to render the site ready for foundations, floor slabs and pavement.

- *Site Preparation*: Prior to placing fill, existing vegetation and root mat, debris, stockpiled soil and any otherwise unsuitable material should be removed. Complete stripping of the topsoil should be performed in proposed building and parking/driveway areas. The subgrade should be proof-rolled with an adequately loaded vehicle such as a fully loaded tandem axle dump truck. Any areas excessively deflecting under the proof-roll should be delineated and separately addressed by either further soil removal or stabilization (see below). Excessively wet or dry materials should be removed or moisture conditioned and re-compacted. Exposed surfaces should be free of mounds and depressions which could prevent uniform compaction.
- *Subgrade Preparation*: After clearing, any required cuts should be made. The undocumented fill below pavement and hardscape areas should be over-excavated to a minimum depth of 2 feet. The presence of over-sized debris or a high volume of organic material may warrant additional over-excavation at the time of grading operations. If needed, a geotextile fabric may be utilized as a separator between the undocumented fill and engineered fill. This over-excavation requirement is not required in areas improved by ground improvement methods (see above) or below slabs in buildings supported by deep foundations (also, see above).
- *Scarification and Compaction*: After any required cuts have been made but prior to placement of any engineered fill, the subgrade soil should be scarified and compacted. If construction occurs during the winter or spring when the subgrade soils are typically already in a moist condition, scarification and compaction may only be 12 inches. If construction occurs during the summer or fall when the subgrade soils have been allowed to dry out, deeper depth of scarification and moisture conditioning (as much as 18 inches) may be needed. Due to the shallow groundwater, the sub-grade soil at the over-excavated depth is likely to be in an elevated moisture condition, and will likely require some drying before it can be compacted.
- *Backfill/Fill*: Following scarification and compaction of the subgrade, the over-excavated areas may be backfilled with compacted structural fill and any additional fill may be placed and compacted. The moisture content and compaction of subgrade soils should be maintained until foundation slab or pavement construction. Very soft Bay Mud conditions may be encountered in the bottom of excavations. Dry crushed rock or clean granular fill material placed over a geotextile may be needed to stabilize wet subgrade materials in the bottom of excavations prior to backfill. Fill placed on Bay Mud or in areas where Bay Mud is covered with less than 3 feet of soil can cause failure within the mud if large

amounts of fill are placed too quickly. In order to help reduce the potential for mud waves during fill placement, the first layer of fill should be placed slowly and in as thin a layer as possible without allowing the grading equipment to sink into the mud. In these areas, lightweight equipment should be used to help minimize the required thickness of the first layer. The amount of the fill placed on a daily basis may need to be limited to help minimize pore pressure build up and subsurface failure.

- *Fill Material Types*: Fill required to achieve design grade should be classified as structural fill and general fill. Structural fill is material used below, or within 5 feet of structures or pavements. General fill is material used to achieve grade outside of these areas. Earthen materials used for structural and general fill should meet the material property requirements as specified in the 2018 Terracon Report.
- *Exterior Hardscape*: In order to address the effects of the moderate to high volume change soils, exterior hardscapes should be underlain by a minimum of 24 inches of low volume change (LVC) material. The LVC zone would help to reduce the potential for subgrade volume changes.
- *Utility Design*: In addition, special design details should be considered for underground utility lines, for hardscape, entrances and pavement adjacent to pile or DSM-supported structures, and site drainage. It is recommended that utilities and piping be designed with flexible connections and/or other means to accommodate soil movement and to reduce the potential for damage. Utility and drain lines designed for gravity flow should consider and account for anticipated settlements.

Pursuant to SCA Geo-1: Construction-Related Permit and SCA Geo-2: Soils Report, the Project applicant is required to implement the recommendations contained in the approved report during project design and construction. Consistent with the findings of the CASP EIR, with full compliance with the recommendations of the 2018 Terracon Report, the effects of soil settlement and/or expansive soil would be reduced to levels considered acceptable by professional engineers, and therefore considered under CEQA to be less than significant. No additional mitigation is required.

Soil Erosion

CASP EIR Conclusions [69]

The CASP EIR (Impact Geo-2) found that construction activity within the CASP planning area could result in substantial soil erosion that could create substantial risks to property or creeks/waterways, given the potential for excessive or accelerated erosion to undermine building foundations.

The City of Oakland imposes SCAs to reduce soil erosion during construction for water quality purposes, which would also effectively prevent excessive riling, rutting or erosion of soil on construction sites. These SCAs include SCA Hydro-1: Erosion and Sedimentation Control Plan. The CASP EIR concluded that implementation of erosion control measures pursuant to SCA Hydro-1 would reduce the potential for substantial erosion during construction to less than significant.

Project Analysis

Approximately 5½ to 11 feet of undocumented fill, consisting of sand with variable amounts of clay, silt, and gravel and clay with variable amounts of sand and gravel, blanket the site. Particularly given the extent of earthwork that is proposed/required for the Project, fill soils are susceptible to erosion during construction.

[69] City of Oakland, CASP Draft EIR page 4.5-17

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR as effective means for reducing potential erosion concerns during construction, and is a standard conditions of approval that would apply to the Project.

❖ ***SCA Geo-4, Erosion and Sedimentation Control Plan for Construction***

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

b) *Erosion and Sedimentation Control during Construction*: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

Project Recommendations pursuant to City SCAs

Consistent with CASP EIR requirements and **SCA Geo-4**, the Project sponsor has prepared a preliminary Erosion Control Plan for the Project (see **Figure 26**), which includes the following elements, consistent with City requirements:

- a 3' to 4' retaining wall would be constructed along the westerly property line (between the Development Area and the Bay) as a means of retaining all stormwater runoff on-site
- a fiber roll/silt fence barrier would be placed around the entire perimeter of the Development Area
- stabilized construction entrances would be established at each construction entrance, using either a coarse aggregate base or ‘rumble strips’
- concrete wash out areas would be established near each of the two primary construction exists onto Oakport Street, and
- inlet protections would be placed around all existing storm drain inlets to prevent sediment and erosion form draining into the storm drain

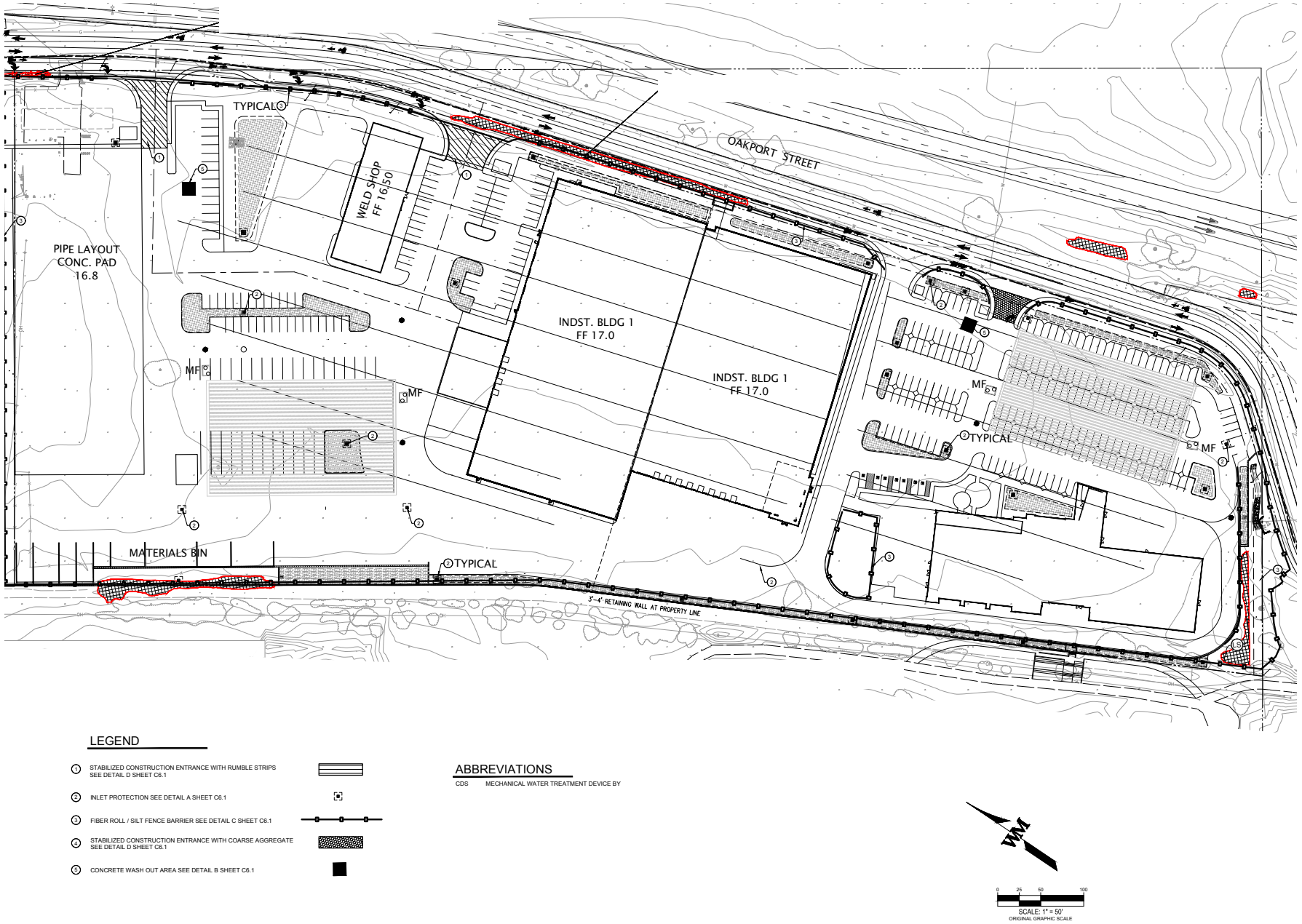


Figure 26
Preliminary Erosion Control Plan, Development Area

Source: Ware Malcomb, Sheet C5.0, December 2022

This preliminary Erosion Control Plan would be subject to subsequent review and approval by the City prior to issuance of any grading permits for the Project, but appears to be consistent with Erosion and Sedimentation Control Plan requirements of SCA Geo-4 (see further discussion of erosion and sedimentation issues in the Hydrology section of this CEQA Checklist). Pursuant to SCA Geo-4, Erosion and Sedimentation Control Plan for Construction, the Project applicant is required to implement the erosion and sediment control plan during construction. Consistent with the findings of the CASP EIR, with full compliance with the required erosion and sediment control plan, the effects of soil erosion during construction would be reduced to levels considered acceptable by professional engineers, and therefore considered under CEQA to be less than significant. No additional mitigation is required.

Septic System Capability

The CASP EIR (Impact Geo-6) concluded that the CASP planning area is fully served by sewers available for the disposal of wastewater, and therefore the capability of soils within the planning area to adequately support the use of septic tanks or alternative wastewater disposal systems is not relevant (No Impact). [70]

Similarly, the Project site is located within an urban area, and proposes to tie into existing wastewater infrastructure. Wastewater would be conveyed to, treated and disposed of at the EBMUD wastewater treatment plant. No septic tanks or alternative wastewater disposal systems are necessary or proposed. The Project would have no impact related to the capacity of local soils to adequately supporting the use of septic tanks or alternative wastewater disposal systems.

CEQA Conclusions Pertaining to Geology and Soils

The analysis presented above examines whether there are any Project-specific significant effects related to geology and soils that are peculiar to the Project or its site, finding none. The Project would have no impacts related to geology and soils that were not previously analyzed in the CASP EIR, would have no off-site or cumulative geology or soils impacts not discussed in the prior CASP EIR, and would not result in any geology or soils impacts that are more severe than as discussed in the prior CASP EIR. There are no impacts related to geology and soils that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to geology and soils. The geology and soils analysis presented above does provide additional details regarding geologic conditions at the Project site, and the Project provides additional detailed geotechnical recommendations prepared by a registered geotechnical engineer for best addressing these conditions, specific to the site and the proposed Project improvements. These additional details are new information pertinent to the Project that were not available or practical at the time of certification of the CASP EIR. However, as described above, these new details do not introduce any new significant impacts pertaining to geology or soils that were not previously identified in the CASP EIR, and do not substantially increase the severity of any significant impacts as previously disclosed in the CASP EIR. The detailed geotechnical recommendations for the Project are fully consistent with the Standard Conditions of Approval as cited in the CASP EIR. These new details that are specific to the Project and its site are appropriately disclosed in this Addendum to the CASP EIR.

[70] City of Oakland, CASP Draft EIR page 4.5-19

Greenhouse Gas Emissions

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	LTS with SCA	■	□	SCA GHG-1, Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist SCA Transportation-2, Transportation and Parking Demand Management SCA Energy-1, Green Building Requirements Transportation-4, Plug-In Electric Vehicle (PEV) Charging Infrastructure SCA Utilities-3: Construction and Demolition Waste Reduction and Recycling SCA Bio-3, Tree Permit	LTS with SCAs
b) For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO2e annually?	LTS	■	□	-	LTS
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	LTS with SCA	■	□	SCA GHG-1, Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist	LTS

Note: At the time the CASP EIR was certified, the threshold for determining whether a land use development project would have a significant impact on the environmental was a project that produced total emissions of more than 1,100 metric tons of CO2e annually and more than 4.6 metric tons of CO2e per service population annually. In December of 2020 and following the City's adoption of the Equity and Climate Action Plan, this threshold was changed to demonstration of consistency with the 2030 Equitable Climate Action Plan by committing to all of the GHG emissions reductions strategies described on the ECAP Consistency Checklist, or complying with the GHG Reduction Standard Condition of Approval that requires a project-level GHG Reduction Plan quantifying how alternative reduction measures will achieve the same or greater emissions than would be achieved by meeting the ECAP Consistency Checklist. The current 2020 GHG threshold is relied on for analysis of the Project, below.

Greenhouse Gas Emissions

CASP EIR Conclusions

Operational and Construction Emissions [71]

The CASP EIR (Impact GHG-2B and Impact GHG-3) determined that new development pursuant to CASP buildout would not directly or indirectly generate greenhouse gas emissions that would have a significant impact on the environment.

As a planning document (as opposed to an individual project) the CASP EIR relied on Plan-level thresholds of significance for GHG impacts, which provided that CASP buildout would result in a significant GHG impact if it were to produce emissions of more than 6.6 metric tons of CO2e per service population annually. New development pursuant to CASP buildout was not found to produce emissions of more than the then-effective plan-level threshold of 6.6 metric tons of CO2e per service population annually, or more than the then-effective project-level threshold of 4.6 metric tons of CO2e per service population annually. The methodology used to estimate GHG emissions were calculated using CalEEMod. Operational emissions were calculated for two scenarios, the 2035 Plan Buildout scenario and the 2013 Plan Baseline scenario based on existing land use. The total change in GHG emissions was divided by the total change in service population between the two scenarios and compared to the thresholds. The operational GHG emissions estimated to be generated under CASP buildout were calculated to be 2.8 MT CO2e per service population per year, less than the effective plan-level threshold of 6.6 MT CO2e /service population/year, and less than the effective project-level threshold of 4.6 MT CO2e /service population/year. This impact was found to be less than significant.

The CASP EIR also cited SCA GHG-1, which required each subsequent development project within the Coliseum District and pursuant to Plan Buildout to assess whether that project may result in individually significant levels of GHG emissions. Projects exceeding pertinent screening criteria would be required to undergo project-specific GHG emissions forecasts and, as appropriate, implement project-specific GHG Reduction Plans intended to reduce project emissions levels below relevant thresholds.

Project Analysis

Since 2015 (when the City certified the CASP EIR) the City has adopted new GHG thresholds and several new policy documents and regulatory standards to further address issues related to GHG emissions. These new policy documents and regulations now apply to the Project, as summarized below.

City of Oakland 2030 Equitable Climate Action Plan

In 2018 and 2019, the Oakland City Council adopted several resolutions that formed the mandate and basis for the current 2030 Equitable Climate Action Plan (2030 ECAP), which replaced the city's 2020 Energy and Climate Action Plan and added an Equity lens to the measures and actions. The 2030 ECAP sets forth a detailed, equitable path toward cost-effectively reducing Oakland's local GHG emissions by a minimum of 56% below baseline 2005 GHG emissions levels by year 2030, transitioning away from fossil fuel dependence, removing carbon from the atmosphere through local projects, and ensuring that all of Oakland's communities are resilient to the foreseeable impacts of climate change by 2030. The current statewide goal pursuant to SB 32 is to reduce California's GHG emissions to 40 percent below 1990 levels by 2030, aligning with recommendations from the Intergovernmental Panel on Climate Change to achieve a level of climate stabilization that results in relatively minor consequences. Oakland's adopted 2030 reductions target of 56% below Oakland's 2005 GHG emission reaches beyond that of the State's 40% target. Concurrent with its adoption of the 2030 ECAP, Oakland City

[71] City of Oakland, CASP Draft EIR page 4.6-45

Council also adopted a resolution committing the city to achieve carbon neutrality by 2045. The 2030 ECAP contains not only deeper targets, but also qualitatively different and more focused Actions than those contained in the 2020 ECAP. Whereas the 2020 ECAP included a heavy focus on energy efficiency and solar energy, the 2030 ECAP includes a major focus on building de-carbonization and energy resilience - fully removing natural gas from the built environment and installing energy storage systems where appropriate and feasible. The City's 2030 ECAP does not have a numeric threshold for individual projects, but rather requires that every project applicant must demonstrate consistency with the 2030 ECAP.

Building Electrification Ordinance

In December 2020, the Oakland City Council adopted a new ordinance to the OMC (Chapter 15.37: All-Electric Construction in Newly Constructed Buildings). These regulations require all newly constructed buildings to meet the definition of an All-Electric Building. As a result, newly constructed buildings are required to be designed to use a permanent supply of electricity as the source of energy for all space heating, water heating, cooking appliances, and clothes drying appliances, and will be prohibited from having natural gas or propane plumbing installed in the building.

City of Oakland Standard Conditions of Approval - GHG

As part of its December 2020 actions to implement the 2030 ECAP, the City of Oakland Planning Commission also adopted new SCAs related to GHG emissions from land use development projects. If a development project completes an ECAP Checklist and qualitatively demonstrates compliance with the Checklist items as part of the project's design (or alternatively, demonstrates to the City's satisfaction why the item is not applicable), then the project will be considered in compliance with the City's CEQA GHG Threshold of Significance. If a development project cannot meet all of the Checklist items, the project will alternatively need to demonstrate consistency with the 2030 ECAP by complying with the City of Oakland GHG Reduction Plan Condition of Approval. If the project cannot demonstrate consistency with the 2030 ECAP in either of those two ways, the City will consider the project to have a significant effect on the environment related to GHG emissions.

Consistency with the 2030 Equitable Climate Action Plan

The Project applicant has committed to implementation of all of the GHG emissions reductions strategies described on the ECAP Consistency Checklist that are applicable to the Project, thereby demonstrating consistency with the 2030 Equitable Climate Action Plan and reducing its GHG emissions to a level of less than significant. The Project applicants have completed an ECAP Consistency Checklist (see **Appendix M**), which answers affirmatively to all applicable Checklist questions, fully demonstrating their intent to comply with the City's 2030 ECAP and agreeing to incorporate all 2030 ECAP Consistency Checklist items into the Project's design, construction and operation. The ECAP Consistency Checklist and respective answers (as further explained) is provided in **Table 9**.

Table 9: ECAP Consistency Checklist

Yes	No	
■		1. Is the proposed project substantially consistent with the City's over-all goals for land use and urban form, and/or taking advantage of allowable density and/or floor area ratio (FAR) standards in the City's General Plan?
The Project would develop a currently vacant and underutilized site for non-profit commercial (SupplyBank.org) and institutional (EBMUD) uses, consistent with the Project site's Business Mix General Plan land use designation. Pursuant to applicable zoning, the maximum non-residential FAR for the site is 4.0, whereas the Project seeks approval of a development at an FAR of 0.46. While this development intensity does not maximize the zoning allowance, it is fully consistent with the zoning, and the lower FAR results in less intrusion on the site's adjacent marsh habitat.		

Yes	No	
	N/A	2. For developments in "Transit Accessible Areas" as defined in the Planning Code, would the project provide: i) less than half the maximum allowable parking, ii) the minimum allowable parking, or iii) take advantage of available parking reductions?

The Project site is not located within a "Transit Accessible Area" as defined in the Planning Code. The Project site is not within one-half (1/2) mile of a BART Station, a BRT Station, or a designated rapid bus line. The Project is located about one mile from the Coliseum BART Station. The nearest bus stop to the Project site is on 66th Avenue at Coliseum Way, about 0.4 mile east of the Project site. This bus stop is served by AC Transit Line 98, which operates with 20-minute headways during the peak commute periods on weekdays.

Yes	No	
	N/A	3. For projects including structured parking, would the structured parking be designed for future adaptation to other uses? (Examples include, but are not limited to the use of speed ramps instead of sloped floors)

The Project does not propose to construct any structured parking at the site.

Yes	No	
■		4. For projects that are subject to a Transportation Demand Management Program, would the project include transit passes for employees and/or residents?

The Project applicant will require future tenants to provide free or reduced cost transit passes for employees to increase transit mode share. Additionally, the Project will include a privately funded shuttle that will loop between the Project's Office building and the Coliseum BART station, enabling full integration with local transit agencies (e.g. BART, AC Transit and Amtrak). Passes for the shuttle will be offered to individuals employed by SupplyBank.org, EBMUD, or any tenant of the Project, as well as visitors, free of charge during normal hours of operation.

Yes	No	
	N/A	5. For projects that are not subject to a Transportation Demand Management Program, would the project incorporate one or more of the optional Transportation Demand Management measures that reduce dependency on single-occupancy vehicles? (Examples include but are not limited to transit passes or subsidies to employees and/or residents; carpooling; vanpooling; or shuttle programs; on-site car-share program; guaranteed ride home programs)

The Project is subject to a Transportation Demand Management Program (see Required SCA's below).

Yes	No	
■		6. Does the project comply with the Plug-In Electric Vehicle (PEV) Charging Infrastructure requirements (Chapter 15.04 of the Oakland Municipal Code), if applicable?

The Project applicant has committed to comply with PEV Charging Infrastructure requirements of the Oakland Municipal Code, and the required EV chargers will be provided as part of the Project (see Required SCA's below).

Yes	No	
■		7. Would the project reduce or prevent the direct displacement of residents and essential businesses? (For residential projects, would the project comply with SB 330, if applicable? For projects that demolish an existing commercial space, would the project include comparable square footage of neighborhood serving commercial floor space)

The Project's proposed Development Area is a vacant site with perimeter fencing, but no internal improvements. Occasionally, EBMUD permits this site to be used for seasonal outdoor use and temporary overflow parking, but generally it remains vacant most of the time. The Project's proposed development within the Development Area would not directly or indirectly displace residents or essential businesses.

The Northerly Area of the Project site is actively used by EBMUD for a variety of purposes, principally as the site of the Oakport Wet Weather Treatment Facility (Oakport WWF), but also for EBMUD construction materials storage use includes eight small structures (4 sheds, 3 storage structures and a pipe storage structure). Development of the Project includes relocation of certain of these EBMUD construction materials storage uses from the Northerly Area to the Development Area, but would not directly or indirectly displace residents or essential businesses.

Yes	No	
■		8. Would the project prioritize sidewalk and curb space consistent with the City's adopted Bike and Pedestrian Plans? (The project should not prevent the City's Bike and Pedestrian Plans from being implemented. For example, do not install a garage entrance where a planned bike path would be, unless otherwise infeasible due to Planning Code requirements, limited frontage or other constraints)

The Project will prioritize bike and pedestrian conveyance in support of the City of Oakland's Bike and Pedestrian Plans. The Project's shuttle between the Project and the Coliseum BART station will provide a reliable option to access the Bay Trail directly from the shuttle stop at the Project. Bike storage lockers and on-site bicycle maintenance station(s) are planned as part of the development and the interface between the Project and the Bay Trail.

Yes	No	
■		9. Does the project not create any new natural gas connections/hook-ups?

The project is proposed with all electric power, and no new natural gas connections or hook-ups are proposed (see Required SCA's below).

Yes	No	
■		10. Does the project comply with the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code), if applicable?

The Project is required to meet the energy performance and other standards of the City's Green Building Ordinance (see Required SCA's below).

Yes	No	
N/A		11. For retrofits of City-owned or City-controlled buildings, would the project be all-electric, eliminate gas infrastructure from the building, and integrate energy storage wherever technically feasible and appropriate?

The Project is not a retrofit of City-owned or City-controlled buildings.

Yes	No	
■		12 Would the project reduce demolition waste from construction and renovation and facilitate material reuse in compliance with the Construction Demolition Ordinance (Chapter 15.34 of the Oakland Municipal Code)?

The Project would comply with the Construction Demolition Ordinance by requiring the Project contractor reduces demolition waste and facilitates material reuse as required (see Required SCA's below).

Yes	No	
NA		13. For City projects: Have opportunities to eliminate/minimize fossil fuel dependency been analyzed in project design and construction?

The Project is not a City project, it is a private commercial development project with additional improvements for a private utility service (EBMUD).

Yes	No	
N/A		14. For new projects in the Designated Very High Wildfire Severity Zone: Would the project incorporate wildfire safety requirements such creation of defensible space around the house, pruning, clearing and removal of vegetation, replacement of fire resistant plants, as required in the Vegetation Management Plan?

The Project site is well outside of any areas classified as a Very High Fire Hazard Severity Zone, which are identified throughout the East Bay Hills and more than 3 miles east of the Project site.[72]

Yes	No	
■		15. Would the project replace a greater number of trees than will be removed in compliance with the Tree Preservation Ordinance (Chapter 12.36 of the Oakland Municipal Code) and Planning Code if applicable and feasible given competing site constraints?

[72] California Department of Forestry and Fire Protection (CalFire), VHSZ Viewer, accessed at: https://egis.fire.ca.gov/FHSZ/

Based on the Tree Survey conducted for the Project, the Development Area includes six existing trees that are proposed to be removed; 1 eucalyptus, 2 date palms and 3 olive trees. All of these trees are located in the Project's proposed development area and/or where grading and fill are proposed. All of the other vegetation along the Project site's westerly boundary (adjacent to Damon Marsh) would remain. [73]

Other than the eucalyptus tree, removal of the other 5 olive and date palm trees from the Project site require approval of a Tree Removal Permit. Although common throughout California and the East Bay, neither the olive not the date palms are native trees that would require replacement plantings. However, per the City of Oakland landscape and screening standards, the Project is required to provide street trees along the Oakport Street frontage at a spacing of 25 feet on center, resulting in a required 58 street trees along Oakport Street. The Project's proposed Landscape Plan includes 58 new trees along Oakport Street frontage, with a mix of Trident Maple, Red Alder, Scarlet Oak and Chinese Pistache trees. Internal parking lot planting islands include an additional mix of California Sycamores and Water Gum. Along the Project's westerly boundary near Damon Marsh, additional tree planting include primarily Red Alder and California Sycamores.

Yes	No	
■		16. Does the project comply with the Creek Protection, Stormwater Management and Discharge Control Ordinance (Chapter 13.16 of the Oakland Municipal Code), as applicable?

A Creek Protection Plan will be prepared for City approval, to be submitted to the City at the time of site improvement applications. The Project will implement the Creek Protection Plan and will incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the Oakland Estuary waterway.

The Project sponsor has prepared a preliminary Stormwater Control Plan (SWCP) that addresses stormwater management measures for Parcel #1. This preliminary SWCP shows 17 Drainage Management Areas (or DMAs). For each DMA, C.3 stormwater quality treatment is primarily addressed through the incorporation of integrated bio-retention facilities with underdrains, distributed throughout the site or along the perimeter. These bio-retention facilities would provide water quality treatment via filtration, removing pollutants and sediment prior to discharge. These bio-retention facilities appear to be sized appropriately, exceeding the minimum treatment area that would be required pursuant to NPDES c.3 criteria for treatment capacity for each DMA area.

An additional goal of the preliminary SWCP design is to maintain pre-developed outflow characteristics by temporarily detaining the increased storm runoff caused by the increased impervious surfaces of the proposed development, and releasing it at the pre-developed rate but for a longer duration. Per this preliminary SWCP, stormwater will flow via underdrains into one of two on-site underground stormwater storage facilities that consist of a series of large (24-inch and 30-inch) inter-connected solid pipes that are buried below the on-site parking lots. The stormwater storage facilities will retain stormwater runoff from the site within these pipes until the stormwater flows in the surrounding storm drain system recede, at which point the stormwater will be released for the storage pies and into the storm drain system, which drains to the Bay.

Consistent with the requirements of the CASP EIR, the Project is required to assess whether it may result in individually significant levels of GHG emissions. The Project applicants have implemented SCA GHG-1, demonstrating full compliance with the ECAP Consistency Checklist, which provides an adequate indication of the Project's GHG emissions, demonstrates that the Project does not exceed currently applicable thresholds for GHG emissions, and therefore is not required to implement a project-specific GHG Reduction Plan.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are requirements of the Project and help fulfill the requirements of the City's 2030 ECAP, and apply to the Project.

- ***SCA GHG-1, Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist***: The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase.
  a) For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction- related permits.

[73] Ware Malcomb, et.al., Project Application Submittal Materials, April 4, 2019

b) For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction.

c) For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents

- ***SCA Transportation-2, Transportation and Parking Demand Management*** (see Transportation section of this CEQA Checklist)
- ***SCA Energy-1, Green Building Requirements***: (see Energy section of this CEQA Checklist)
- ***SCA Transportation-4, Plug-In Electric Vehicle (PEV) Charging Infrastructure*** (see details in the Energy section of this CEQA Checklist)
- ***SCA Utilities-3: Construction and Demolition Waste Reduction and Recycling***: (see details in the Utilities section of this CEQA Checklist)
- ***SCA Bio-3, Tree Removal Permit*** (see Biology section of this CEQA Checklist)

Whereas the Project is a development project and the Project applicants have completed the ECAP Consistency Checklist that qualitatively demonstrates compliance (or required compliance through implementation of applicable City of Oakland SCA) with the Checklist items as part of the Project's design, or alternatively demonstrates to the City's satisfaction why certain items are not applicable, the Project is considered in compliance with the City's CEQA GHG threshold of significance, and its GHG impacts would be less than significant. Accordingly, implementation of the City of Oakland's SCA GHG-2 pertaining to the preparation of a subsequent GHG Reduction Plan is not required.

Stationary Sources of GHG Emissions

CASP EIR Conclusions[74]

The CASP EIR (Impact GHG-1) found that new development pursuant to the CASP would not generate, either directly or indirectly, greenhouse gas emissions from stationary sources that would produce total emissions of more than 10,000 metric tons of CO2e annually. No specific stationary sources of air pollution were proposed pursuant to the CASP, but California building codes require back-up diesel generators for all buildings in excess of 70 feet in height for elevator safety, and other emergency generators were expected for back-up electricity requirements in the event of an emergency. The CASP EIR estimated the GHG emissions from one generator would be approximately 87 MT CO2e per year, and that as many as 114 emergency generators could be installed before exceeding the threshold of 10,000 MT CO2e per year. The CASP EIR did not expect that as many as 114 diesel generators would be installed, that the cumulative GHG emissions from emergency generators would not exceed the stationary source threshold of 10,000 MT CO2e per year, and this impact was found to be less than significant.

[74] City of Oakland, *CASP Draft EIR* page 4.6-32

Project Analysis

The Project's architectural drawings indicate that the proposed office building will include a bank of elevators, and back-up emergency power will be required for these elevators. It is currently unknown but possible that the warehouse may also rely on back-up power for hoists or lifts as may be used for stacking material within the warehouse.[75] These generators would be tested periodically and they would provide back-up power only in the event of a power failure. CARB and BAAQMD requirements limit these engine operations to 50 hours each, per year of non-emergency operation. These engines would be required to meet CARB and EPA emission standards and consume commercially available California low-sulfur diesel fuel. GHG emissions from this equipment would be well below the BAAQMD threshold of 10,000 MTCO2e/yr, and these GHG emissions would be less than significant.

Conflicts with Plans, Policies or Regulations

CASP EIR Conclusions [76]

The CASP EIR (Impact GHG-3) determined that new development pursuant to the CASP would not fundamentally conflict with an applicable plan, policy or regulation adopted for the purposes of reducing greenhouse gas emissions. The CASP EIR found that the City's then-applicable numeric significance thresholds were formulated based on AB 32 reduction strategies, and that the numeric GHG significance thresholds were intended to serve as interim levels during implementation of AB 32 and SB 375. Until AB 32 has been fully implemented in terms of adopted regulations, incentives and programs, and until the Sustainable Communities Strategy or Alternative Planning Strategy required by SB 375 have been adopted or the California Air Resources Board (ARB) adopts a recommended threshold, the City's significance thresholds represented substantial compliance with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions. Since new development anticipated under CASP buildout did not exceed the numeric service population thresholds, at the plan or at the project level, the CASP was found not in conflict with applicable plans, policies and regulations adopted to reduce GHG emissions.

In addition to meeting the numeric threshold, the CASP includes several site characteristics, design features and regulatory conformance requirements that were found effective in reducing GHG emissions on an area-wide basis, and as individual development projects are incrementally proposed and developed. These design features and project characteristics help implement reduction strategies identified in AB32 and the City of Oakland's Energy and Climate Action Plan, and included the following:

- compliance with the City Construction and Waste Reduction Ordinance submittal of a Construction and Demolition Waste Reduction Plan
- development facilitated by the CASP would reduce transportation-related GHG emissions compared to emissions from the same level of development elsewhere in the outer Bay Area, due to the Planning Area's proximity and access to transit and its transit-oriented development pattern
- development under the CASP would be required to comply with applicable local, state and federal regulations related to energy conservation, including California Energy Efficiency Standards for Residential and Nonresidential Buildings, Cool Roof Coatings performance, CALGREEN, and the City's Green Building Ordinances

[75] The Project's proposed warehouse is not intended to store or distribute materials that require refrigeration, so no back-up power is needed for refrigeration in the warehouse in the event of a power emergency.

[76] City of Oakland, CASP Draft EIR page 4.6-46

- all new development pursuant to the CASP will be reviewed for consistency with numerous relevant General Plan policies that directly or indirectly result in reduced levels of GHG emissions, including the promotion of compact and transit-oriented development, alternatives to single-occupancy vehicle transportation, energy efficiency in building design and site planning, landscaping, and other measures that would individually and collectively reduce the energy usage of new developments
- all new development facilitated by the CASP is also expected to be required to comply with the applicable requirements of the City's Energy and Climate Action Plan (ECAP)

Relevant City of Oakland SCAs cited in the CASP EIR apply to subsequent individual development projects, including the following:

- SCAs requiring each subsequent development project within the CASP to assess whether that project may result in individually significant levels of GHG emissions. Projects exceeding pertinent screening criteria will be required to undergo project-specific GHG emissions forecasts and, as appropriate, implement project-specific GHG reduction plans intended to reduce project emissions levels below relevant thresholds
- SCAs requiring compliance with the Green Building Ordinance, OMC Chapter 18.02
- SCAs that require projects of a certain type and size submit for review and approval a Transportation Demand Management (TDM) Plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel
- SCAs for waste reduction and recycling
- several SCAs regarding landscape requirements and tree replacement which help to create a cooler climate, reduce excessive solar gain and absorb CO2e emissions
- several SCAs regarding stormwater management which could affect the ability of new development to address potentially increased storms and flooding associated with climate change

The CASP EIR concluded that development pursuant to the CASP would not be in conflict with then-current plans or policies adopted for the purpose of reducing GHG emissions, finding that all new development pursuant to the CASP would be required to comply with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions as compared to a baseline business-as-usual approach, and the impact was found to be less than significant.

Project Analysis

The current statewide goal pursuant to SB 32 is to reduce California's GHG emissions to 40 percent below 1990 levels by 2030, aligning with recommendations from the Intergovernmental Panel on Climate Change to achieve a level of climate stabilization that results in relatively minor consequences. Oakland's adopted 2030 reductions target of 56% below Oakland's 2005 GHG emission reaches beyond that of the State's 40% target. Concurrent with its adoption of the 2030 ECAP, Oakland City Council also adopted a resolution committing the city to achieve carbon neutrality by 2045. The 2030 ECAP contains not only deeper targets, but also qualitatively different and more focused actions than those contained in the 2020 ECAP. Whereas the 2020 ECAP included a heavy focus on energy efficiency and solar energy, the 2030 ECAP includes a major focus on building de-carbonization and energy resilience - fully removing natural gas from the built environment and installing energy storage systems where appropriate and feasible.

Whereas the Project's ECAP Checklist demonstrates that the Project will be consistent with the City's 2030 ECAP, and the City's 2030 ECAP has been shown to be consistent with, and even reaches beyond the State's GHG reduction targets of SB 32, the Project is therefore consistent with City and state plans and policies adopted for

the purpose of reducing GHG emissions and this impact is less than significant. As indicated above and in addition to complying with the City's Equitable Climate Action Plan (ECAP) Consistency Checklist, the Project will also be subject to the following SCAs, which further reduce GHG emissions:

- ***SCA Transportation-2, Transportation and Parking Demand Management*** (see Transportation section of this CEQA Checklist)
- ***SCA Energy-1, Green Building Requirements***: (see Energy section of this CEQA Checklist)
- ***SCA Transportation-4, Plug-In Electric Vehicle (PEV) Charging Infrastructure*** (see details in the Energy section of this CEQA Checklist)
- ***SCA Utilities-3: Construction and Demolition Waste Reduction and Recycling***: (see details in the Utilities section of this CEQA Checklist)
- ***SCA Bio-3, Tree Removal Permit*** (see details in the Biology section of this CEQA Checklist)

CEQA Conclusions Pertaining to GHG Emissions

The analysis presented above examines whether there are any Project-specific significant effects related to GHG emissions that are peculiar to the Project or its site, finding none. The Project would have no impacts related to GHG emissions that were not previously analyzed in the CASP EIR, would have no off-site or cumulative impacts related to GHG emissions not discussed in the prior CASP EIR, and would not result in GHG emissions that are more severe than as discussed in the prior CASP EIR.

There are no impacts related to GHG emissions that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to GHG emissions. The analysis presented above does provide new information specific to the City's current GHG reduction strategy at outlined in the 2030 ECAP, and additional information pertaining to the Project's consistency with these GHG reduction strategies. This additional information pertinent to the Project was not available or practical at the time of certification of the CASP EIR. However, as described above, these new details do not introduce any new significant impacts pertaining to GHG emissions that were not previously identified in the CASP EIR, and do not substantially increase the severity of any significant GHG emission impacts as previously disclosed in the CASP EIR. The detailed information regarding the Project's consistency with the City's 2030 ECAP Checklist is fully consistent with the Standard Conditions of Approval as cited in the CASP EIR. These new details that are specific to the Project and its site are appropriately disclosed in this Addendum to the CASP EIR.

Hazards and Hazardous Materials

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	LTS with SCAs	■	□	SCA Haz-1, Hazardous Building Materials and Site Contamination	LTS with SCA
b) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? c) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	LTS with SCA	■	□	SCA Haz-2, Hazardous Materials Related to Construction SCA Haz-3, Hazardous Materials Business Plan	LTS with SCAs
d) Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors? e) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	LTS	■	□		LTS
f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	LTs	■	□	-	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? h) Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions?	LTS	■	□	-	LTS

i) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	See Wildfire section of this CEQA Checklist

Cortese List / Presence of Chemicals of Concern

CASP EIR Conclusions [77]

The CASP EIR (Impact Haz-5B) found that future development pursuant to the CASP could be located on sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List") and, as a result, could create a significant hazard to the public or the environment. [78] Specifically, the CASP EIR found that the site defined under this document as the Northerly Area of the Project site, identified by the Water Board as "the EBMUD site at 5597 Oakport Drive" was identified as a GeoTracker LUST Cleanup site, with a cleanup status of "Completed - Case Closed". The CASP EIR noted that, "future activities at this site . . . could encounter residual contamination". The CASP EIR also identified several buildings located within Sub-Area E that were constructed in the 1950s and 1960s, where soils should be evaluated for potential asbestos containing materials and lead based paint.

The CASP EIR determined that any future development of any site that has a documented release of hazardous materials and that is listed in a regulatory database is subject to site clean-up regulations, as required by the designated regulatory agency (not including sites with a 'Case Closed' determination). The CASP EIR also found that demolition of existing structures may expose construction workers, the public, or the environment to hazardous materials such as lead-based paint, asbestos and PCBs. Potential exposure to these hazardous building materials would be reduced to less than significant levels with appropriate identification, removal and disposal according to applicable regulations.

The CASP EIR determined that future development pursuant to the CASP will be required to implement all applicable City of Oakland Standard Conditions of Approval, as well as implementation of all other relevant federal, state and city regulations will reduce these impacts to a less than significant level.

Project Analysis

A current review of the DTSC's EnviroStor database does not identify any sites or facilities at the Project site, and a current review of the SWRCB GeoTracker database does not identify any current environmental cases located within the Development Area or the Westerly Area, at Parcels 1 or 3, but that a Case Closure letter has been issued for a prior leaking underground storage tank at the Northerly Area, as more fully described below.[79]

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77 City of Oakland, CASP Draft EIR page 4.7-44

78 The Cortese List includes properties listed as Hazardous Waste and Substances sites on DTSC's EnviroStor database, Leaking Underground Storage Tank Sites from the SWRCB GeoTracker database, solid waste disposal sites identified by SWRCB, "active" Cease and Desist Order and Cleanup and Abatement Order (CAO) sites from the SWRCB, and hazardous waste facilities subject to corrective action and listed on the EnviroStor database.

79 DTSC's EnviroStor database and SWRCB GeoTracker database accessed March 23, 2023 at: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Oakport+Street%2C+Oakland and https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Oakport+Street%2C+Oakland

Northerly Area at Oakport WWF

According to Water Board records, the Case Closure determination for former leaking underground storage tanks at the Oakport Wet Weather Facility Parcel 2 of the Project (at 5597 Oakport Drive, in the Northerly Area) was issued in March of 1996. In their Case Closure letter, the Alameda County Department of Environmental Health confirmed, "*the completion of site investigation and remedial action for the three underground fuel tanks (1-1000 gallon unknown fuel, 1-2000 gallon diesel and 1-7500 gallon gasoline) at the above described location. Based upon the available information and with provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the underground tank release is required*." According to the Case Closure Summary, no additional site management actions were applicable.[80] As a closed case, the Northerly Area of the Project site is no longer considered to be on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Development Area

A Phase 1 Environmental Site Assessment (Phase 1 ESA) was prepared in May of 2018 for the proposed Development Area of the Project site, at address of 5801 Oakport Street (see **Appendix N**).[81] This Phase 1 ESA concluded that this portion of the Project site was not listed on any regulatory databases that identify sites with suspected and/or confirmed releases of hazardous materials to the subsurface soil and/or groundwater. Accordingly, the Development Area is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., not on the Cortese List). The Phase 1 ESA did identify the following recognized environmental concerns:

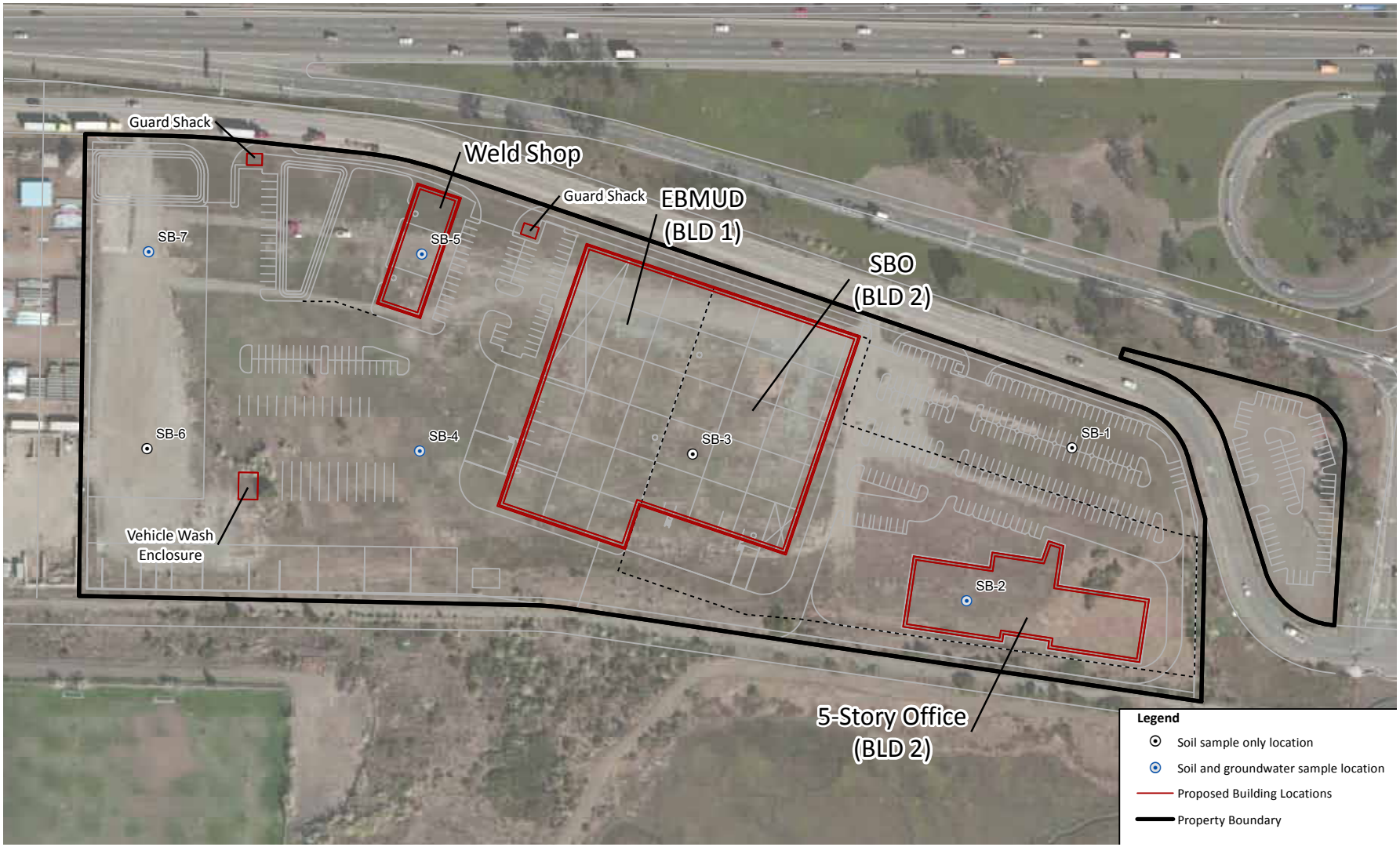
- Artificial fill brought on-site in the late 1950s or early 1960s from unknown sources
- Undocumented soil and construction debris stockpiles located throughout the site
- Slurry disposal area
- Trichloroethene (TCE) in groundwater (In 1999, EBMUD conducted a groundwater storage pilot test, which included the installation of 13 groundwater monitoring wells. As part of this study, elevated concentrations of TCE were detected in two wells screened in the middle aquifer zone (260 feet to 350 feet below ground surface). Three of these 13 groundwater monitoring wells remain on-site.

Based on the results of the Phase 1 ESA, a Phase II ESA was also conducted (see **Appendix O**).[82] The Phase II investigation included collection of soil and groundwater samples at the site to understand subsurface conditions. Seven soil borings were advanced and 14 soil samples were collected and submitted for laboratory analysis (see **Figure 27**). Groundwater samples were also collected from four of the seven soil borings.

[80] Alameda County Department of Environmental Heath, letter to EBMUD re: *EBMUD Oakport Wet Weather Facility*, 5597 Oakport, Oakland, dated March 7, 1996, accessed at SWRCB Geotracker website https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0600100493

[81] TerraCon Consultants, Inc., Phase I Environmental Site Assessment for the Property Located at 5801 Oakport Street in Oakland, California, May 2018

[82] Terraphase Engineering Inc., Phase II Environmental Site Investigation of a 14-acre Portion of the Property Located at 5801 Oakport Street in Oakland, California, February 1, 2019



Note: This basemap relies on an early, preliminary site plan for the Project that is no longer proposed (e.g., no proposed parking area on the northeast side of Oakport Street). The locations of soil and groundwater samples are accurate relative to the site and the Office, Warehouse and Weld Shop structures.

Figure 27
Soil and Groundwater Sampling Locations

Source: Terraphase Engineering, Phase II Investigation, February 2019

Analytical results from the soil samples were compared to the health-based screening levels and waste characterization criteria of the RWQCB's Commercial/Industrial Shallow Soil Exposure Environmental Screening Levels (ESLs); RWQCB Construction Worker Soil ESLs; DTSC Recommended Screening Levels for Commercial/Industrial Soil (DTSC-SLs); and California and Federal hazardous waste toxicity criteria. Analytical results from the groundwater samples were compared to conservative screening levels of the RWQCB Groundwater Odor Nuisance Non-Drinking Water ESLs; RWQCB Groundwater Gross Contamination ESLs; RWQCB Commercial/Industrial Groundwater Vapor Intrusion Human Health Risk Levels for Shallow Groundwater; and the California State Water Resources Control Board, Division of Drinking Water's Maximum Contaminant Levels (MCLs). These conservative risk-based screening levels were used to guide site investigations by segregating characterization data that indicate a higher potential for health significance from those that indicate a low potential. Generally, at sites where chemical concentrations are equal to or below relevant screening levels, no further action or study is warranted. Determinations regarding the need for risk management are based upon the results of risk assessments that account for and quantify potential risks associated with receptor exposure to site-related chemicals.

The analytic results include the following:

- Arsenic was detected above the screening levels in each of the fourteen soil samples collected. Soil in California commonly contains naturally occurring arsenic at concentrations significantly higher than the conservative generic risk-based screening levels. The maximum concentration of arsenic in soil at the site was 8.7 mg/kg, which is below the regional background concentration. As a result, site-related arsenic concentrations in soil would not pose an unacceptable risk to receptors at the site.
- Nickel was detected in soil from one boring above the ESL for construction worker exposure to soil. Construction worker exposure would involve contact with soil across the site over the exposure period. Assuming that all of the nickel is site-related, a conservative estimate of the nickel soil concentration that future construction workers could be exposed to is 62 mg/kg6. This concentration is below the conservative screening level of 86 mg/kg. Therefore, construction worker exposure to soil would not be expected to result in unacceptable risk.
- Lead was also detected in one boring above the DTSC-SL, Commercial/Industrial ESL, and Construction Worker Soil ESL. Given the proximity of the site to Interstate 880, it is suspected that lead has been aerially deposited from motor vehicles with leaded gasoline, and not site-related. Conservatively assuming that all of the lead is site-related, a conservative estimate of the lead soil concentration that future commercial/industrial workers could be exposed to is 305 mg/kg, below the conservative screening level of 320 mg/kg for commercial/industrial workers. Commercial/industrial worker exposure to lead in soil would not be expected to result in unacceptable risk. Similarly, a conservative estimate of the lead soil concentration to which potential future construction workers could be exposed to is 120 mg/kg, below the conservative screening level of 190 mg/kg for construction workers. Therefore, construction worker exposure to lead in soil would not be expected to result in an unacceptable risk.
- Given the municipal drinking water source and the proximity to the Bay, groundwater is not an anticipated source of drinking water. The primary purpose of the groundwater evaluation was to assess the potential for vapor intrusion from shallow groundwater given the presence of chlorinated VOC cleanup sites in the site vicinity. Chlorinated VOCs were not detected above reporting limits. Based on comparison of the groundwater data to vapor-intrusion screening levels, the groundwater would not pose an unacceptable vapor intrusion risk to receptors at the site.
- Arsenic, dichloromethane, TPH-mo and TPH-d were detected in groundwater samples above the MCLs, which are used as a screening level when setting cleanup goals for groundwater designated for use as a

domestic or municipal supply. The shallow aquifer in this area would not be a source of drinking water, and the exceedance of MCLs is not significant.

- Other metals and TPH-g were not detected above laboratory reporting limits in the samples for which these constituents were analyzed.

This investigation was performed to evaluate the environmental condition of the site. Specifically, the evaluation considered the relative risks of fill materials in the upper five feet and that may remain on-site (for commercial/ industrial user exposure), soils that may be excavated (for construction worker exposure), and soils that may be off-hauled during re-development (for waste characterization). The evaluation of potential for vapor intrusion was based on the proximity of the site to active chlorinated VOC cleanup sites. Based on these investigations, the Phase II ESA concluded the following:

- Existing soil at the site does not pose an unacceptable risk to future commercial or industrial receptors (i.e., future employees) at the site, nor does it pose an unacceptable risk to construction workers.
- The preliminary grading plan for the Project indicates substantial import of soil to the site, but no export or off-haul of soil from the site. If final grading plans do identify off-haul of any existing soil, this soil would then be characterized as 'waste' and subject to additional hazardous waste disposal requirements. Because concentrations of chromium, lead and mercury were detected above the hazardous waste screening criteria, any off-haul or soil export would be required to be further analyzed, evaluated and characterized to determine the appropriate waste disposal method (i.e., waste characterization) prior to off-haul and disposal.[83]
- Based on comparison of groundwater data to vapor-intrusion screening levels, groundwater at the site does not pose an unacceptable vapor-intrusion risk to receptors at the site.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs (as has been updated) are cited in the CASP EIR as an effective means for addressing site contamination concerns, and would apply to the Project.

❖ ***SCA Haz-1, Hazardous Building Materials and Site Contamination***

a) *Hazardous Building Materials Assessment*: The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

[83] Pursuant to California Code of Regulations, Title 27, Division 2, Subdivision 1, Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste, if development will result in soil excavation and off-site disposal as waste, these soils will be classified based on an assessment of the potential risk of water quality degradation associated with each category of waste. Waste classifications include nonhazardous municipal solid wastes (or Class III wastes) that can be disposed at a Class III landfill; Class II wastes that may be disposed of at a Class I or Class II landfill; or Class I wastes, which are further managed and regulated by the DTSC.

b) *Environmental Site Assessment*: The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state or federal regulatory agency.

c) *Health and Safety Plan*: 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.

d) *Best Management Practices (BMPs) Required for Contaminated Sites*: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:

   i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling, handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal requirements.

   ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building

Although there are no buildings on the Development Area, there are buildings proposed to be removed from the Northerly Area, part of the remaining EBMUD site outside of the Development Area. The assessment for presence or lack thereof of ACMs, lead-based paint, PCBs and any other building materials or stored materials classified as hazardous materials (per SCA Haz-1) will be required prior to demolition of these buildings. The Project applicant has conducted Phase I and Phase II investigations (as required by SCA Haz-1), and these investigations have not identified any remedial action as being necessary or appropriate for hazardous materials, nor any health and safety concerns for on-site construction workers. Certain on-site soils contain concentrations of heavy metals (chromium, lead and mercury) are above the hazardous waste screening criteria, and BMPs for further waste characterization of these soils must be conducted (pursuant to SCA Haz-1) prior to any off-site disposal.

Consistent with the conclusions of the CASP EIR, the Project's effects related to site contamination and the presence of chemical of concern have been/will be fully addressed through implementation of City SCAs and existing regulations, and this impact has been/will be reduced to less than significant.

Routine Transport, Use or Disposal of Hazardous Materials / Upset and Accident Condition

CASP EIR Conclusions [84]

The CASP EIR (Impact Haz-1) found that future development pursuant to the CASP would result in an increase in the routine transportation, use and storage of hazardous chemicals. Construction pursuant to the CASP could result in impacts from hazards or hazardous materials if construction-related activities were to result in hazards or the release of hazardous materials. Ongoing commercial, retail and residential activities pursuant to the CASP

[84] City of Oakland, CASP Draft EIR page 4.7-35

may also involve the use of chemical compounds and products that are considered hazardous materials and that could require the transportation, use and storage of additional quantities of hazardous materials for new businesses and entities. If not handled, stored, or transported appropriately, these impacts could be potentially significant.

The CASP EIR found that handling and use of hazardous materials and the disposal of the resulting hazardous wastes would be required to follow all applicable laws and regulations, and projects requiring the use and disposal of hazardous materials would be required to comply with project-specific hazards best management practices as required by SCAs. The CASP EIR concluded that required compliance with applicable regulatory requirements would minimize hazards to workers, visitors, the public and the environment from waste products. With implementation of these requirements, impacts resulting from hazardous materials and hazardous waste transport, use and disposal would be less than significant.

Project Analysis

Construction Effects

Construction activities pursuant to the Project will utilize hazardous chemicals such as fuels, oils and lubricants, paints and thinners, solvents, and other chemicals. Construction activities could generate chemical wastes that, if not properly managed, could flow into the storm drainage system or nearby surface water bodies including the San Francisco Bay.

Operational Effects

Ongoing operations at the SupplyBank.org office building and at the shared warehouse would involve the routine use of certain household chemicals and products that contain hazardous materials. Use of these products according to manufacturer's recommendation would ensure these chemicals do not become a hazard to people or the environment.

The EBMUD workshop and pipe storage area could require the transportation, use and storage of additional quantities of hazardous materials that are of greater consequence than typical household products. If not handled, stored and transported appropriately, these chemicals could result in hazards or the release of hazardous materials and would be considered significant.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR as effective means for addressing routine transport, use or disposal of hazardous materials during construction and operations, and would apply to the Project.

Construction-Related:

- ***SCA Haz-2, Hazardous Materials Related to Construction***: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:
  a) Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction
  b) Avoid overtopping of fuel gas tanks on construction equipment
  c) During routine maintenance of construction equipment, properly contain and remove grease and oils
  d) Properly dispose of discarded containers of fuels and other chemicals
  e) Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program), and

f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material. The area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

Consistent with the conclusions of the CASP EIR, the Project's effects related to routine transport, use or disposal of hazardous materials during construction will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Operational-Related

The following condition applies to all projects involving the handling, storage or transportation of hazardous materials during business operations:

- ***SCA Haz-3, Hazardous Materials Business Plan***: The project applicant shall submit a Hazardous Materials Business Plan (HMBP) for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:

  a) The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids
  b) The location of such hazardous materials
  c) An emergency response plan including employee training information
  d) A plan that describes the manner in which these materials are handled, transported, and disposed.

Consistent with the conclusions of the CASP EIR, the Project's effects related to routine transport, use or disposal of hazardous materials will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

To the extent that EBMUD operations at the Workshop or Pipe Storage facility will store or use hazardous materials, these materials would be stored according to the specifications of a project-specific Hazardous Material Management Plan and/or Hazardous Materials Business Plan (as may be needed or as may be relocated from their current location). As required, the hazardous materials would be stored in locations according to compatibility and in storage enclosures in accordance with applicable regulations. Hazardous materials would be handled and used in accordance with applicable regulations by personnel that have been trained in the handling and use of the material and that have received proper hazard-communication training. Hazardous materials reporting (i.e., California Hazardous Materials Business Planning, California Proposition 65 notification, and Emergency Planning and Community-Right-to-Know Act reporting) would be completed as required. All hazardous materials would be transported to the Project Area in accordance with applicable hazardous materials shipping regulations. Hazardous materials and waste would be delivered, stored and handled in accordance with the HMMP. The HMMP would also provide details on appropriate personal protective equipment, disposal procedures and spill response measures in the case of accidental upset conditions.

Required compliance with applicable regulatory requirements would minimize hazards to workers, visitors, the public and the environment from waste products. With implementation of these requirements, impacts resulting from hazardous materials and hazardous waste transport, use and disposal would be less than significant.

Emit Hazardous Emissions or Handle Hazardous Materials near Schools or Sensitive Receptors

CASP EIR Conclusions [85]

The CASP EIR (Impact Haz-4) found that development pursuant to the CASP could involve use of hazardous materials within 0.25 mile of a school. There are four schools located within the CASP's Sub-Area C, and two grade schools and one daycare center located outside but within ¼-mile of the CASP planning area.

The CASP EIR found that operations that involve handling of hazardous material within 1,000 feet of a school or other sensitive receptor would be required to comply with the City of Oakland's ordinances and General Plan policies that require such operations to prepare a Hazardous Materials Assessment Report and Remediation Plan (HMARRP). The HMARRP would disclose the use of hazardous materials at the site, would require an assessment of potential off-site risks, and would identify precautions to reduce identified risks. The HMARRP is subject to review and approval by the City of Oakland. Additionally, those handling or storing hazardous materials would be required to prepare a Hazardous Materials Management Plan (HMMP) and Hazardous Materials Business Plan (HMBP) as required by Alameda County and the City's SCA Haz-3. The CASP EIR concluded that completion of these requirements would reduce the potential for an unacceptable release of hazardous materials within 0.25 mile of a school to a less than significant level.

Project Analysis

There are no schools, daycare centers or other sensitive receptors located within ¼-mile (or within 1,000 feet) of the Project site (see prior Figure 16). The land uses surrounding the Project site include industrial and warehouse uses to the east, open space and the Bay to the west, the freeway interchange to the south and existing EBMUD operations to the west. The Project would not involve use of hazardous materials within 0.25 mile of a school, and this impact would be less than significant.

Airport-Related Safety or Excessive Noise Hazards

CASP EIR Conclusions [86]

The CASP EIR (Impact Haz-7) found that the entire CASP planning area is located within the Oakland International Airport Land Use Compatibility Plan (ALUCP) planning area, and within two miles of the Oakland Airport, but that the CASP would not result in a safety hazard for people residing or working in the CASP planning area. The ALUCP establishes land use safety compatibility criteria developed to minimize the risks to people and property on the ground, as well as those for people in an aircraft in the event of an accident or emergency landing. The ALUCP states that the risk that potential aircraft accidents pose to land around the airport shall be defined in terms of the geographic distribution of where accidents are most likely to occur. To define those risks the ALUCP identifies safety zones around the airport. The safety zone criteria that are applicable to a particular zone are largely a function of risk acceptability. The CASP EIR concluded that the CASP

[85] City of Oakland, CASP Draft EIR page 4.7-37

[86] City of Oakland, CASP Draft EIR page 4.7-48

complied with the land use safety and compatibility criteria of the ALUCP, and this potential impact was found to be less than significant.

Project Analysis

The Project site is located within the ALUCP Safety Zone 7: Other Airport Environs. Within this safety zone, there are no land use restrictions on residential development, office buildings, medium-sized businesses or eateries. The Project would comply with the land use safety and compatibility criteria of the ALUCP, and no impact related to airport safety hazards would occur (see also the Land Use section of this CEQA Checklist related to ALUCP consistency with building height, noise and lighting restrictions).

Interference with Emergency Response Plan or Emergency Evacuation Plan

CASP EIR Conclusions [87]

The CASP EIR (Impact Haz-9) found that development pursuant to the CASP could potentially impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Safety Element of the City's General Plan identifies Hegenberger Road, San Leandro Street and Edgewater Drive as evacuation routes. Other roadways near the Project Area designated as evacuation routes include International Boulevard, Seminary Avenue, Doolittle Drive and 98th Avenue. The CASP EIR determined that the CASP (especially new planned development within the Coliseum Sub-Area) would result in significant and unavoidable traffic congestion on many of these emergency routes, including during special events at the sports venues. However, the CASP EIR concluded that implementation of the CASP would not impair, re-route, reduce, or otherwise interfere with these evacuation routes. The CASP EIR concluded that any evacuation route would likely be congested in the case of an emergency and that additional peak hour traffic caused by the CASP would not impair an emergency evacuation plan, and this impact was determined to be less than significant.

Project Analysis

The Project site is directly accessible to I-880 from Oakport Street in the event of an emergency evacuation. The Project would not interfere with emergency evacuation routes on Hegenberger Road, San Leandro Street, Edgewater Drive, International Boulevard, or Seminary Avenue, Doolittle Drive or 98th Avenue. This impact is not considered significant.

CEQA Conclusion Pertaining to Hazard and Hazardous Materials

The analysis presented above examines whether there are any Project-specific significant effects related to hazards and hazardous materials that are peculiar to the Project or its site, finding none. The Project would have no impacts related to hazards or hazardous materials that were not previously analyzed in the CASP EIR, would have no off-site or cumulative impacts related to hazards or hazardous materials not discussed in the prior CASP EIR, and would not result in any hazards or hazardous materials impacts that are more severe than as discussed in the prior CASP EIR. There are no impacts related to hazards and hazardous materials that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to geology and soils. The hazards and hazardous materials analysis presented above does provide additional details regarding hazards and hazardous materials conditions specific to the Project site, and the Project provides additional detailed recommendations for best addressing

[87] City of Oakland, CASP Draft EIR page 4.7-48

these conditions specific to the site. These additional details are new information pertinent to the Project that were not available or practical at the time of certification of the CASP EIR. However, as described above, these new details do not introduce any new significant impacts pertaining to hazards and hazardous materials that were not previously identified in the CASP EIR, and do not substantially increase the severity of any significant impacts as previously disclosed in the CASP EIR. The detailed recommendations for the Project are fully consistent with the Standard Conditions of Approval as cited in the CASP EIR. These new details that are specific to the Project and its site are appropriately disclosed in this Addendum to the CASP EIR.

Hydrology and Water Quality

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Mitigation, Standards and Requirements	Resulting Level of Significance
a) Place housing within a 100-year flood hazard area that would impede or redirect flood flows? b) Place structures within a 100-year flood hazard area which would impede or redirect flood flows? c) Expose people or structures to a substantial risk of loss, injury or death involving flooding? d) Expose people or structures to a substantial risk of loss, injury, or death as a result in inundation by tsunami? e) Be located In a flood hazard, tsunami, or seiche risk zones, thereby risking release of pollutants due to project inundation?	LTS	■	□	-	LTS
f) During construction, substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion siltation or flooding, on- or off-site? g) During construction, violate any water quality standards?	LTS with SCAs	■	□	SCA Geo-4: Erosion and Sedimentation Control Plan for Construction SCA Hydro-1, State Construction General Permit SCA Hydro-2, Creek Protection Plan	LTS with SCAs
h) During operation, substantially alter the existing drainage pattern of the site or area through the addition of impervious surfaces, in a manner which would: Result in substantial erosion or siltation on- or off-site? substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite/ Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Impede or redirect flood flows? Violate any water quality standards	LTS with SCA	■	□	SCA Hydro-3, NPDES C.3 Stormwater Requirements for Regulated Projects SCA Hydro-4, Vegetation Management on Creekside Properties	LTS with SCA

i) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	LTS	■	□	SCA Hydro-1: State Construction General Permit	LTS with SCA
j) Violate any waste discharge requirements or otherwise substantially degrade surface water quality?	NA	Please see the Biology section of this CEQA Checklist under the topic of Wetlands and Waters of the State			
k) Conflict with or obstruct implementation of a sustainable groundwater management plan? l) Conflict with or obstruct implementation of a water quality control plan?	LTS with SCAs	■	□	SCA Hydro-1, -2, -3 and -4, and CASP EIR MM Land Use-8	LTS with SCAs
m) Be susceptible to inundation, storm events and storm events with wind waves in the event of sea level rise?	LTS with SCA	■	□	CASP EIR MM Land Use-8A, BCDC Approval CASP EIR's Rec. Hydro-5	--

Flooding

CASP EIR Conclusions [88]

The CASP EIR (Impact Hydro-2) found that new development pursuant to the CASP would not be susceptible to flooding hazards. The CASP did not identify any proposed development sites located within a 100-year flood zone as mapped by FEMA.

The CASP EIR demonstrated that the majority of the CASP planning area is located outside of the 100-year flood zone, and that the only portions of the planning area that are identified as being within a 100-year flood zone are those areas within the banks of the on-site drainage channels (i.e., within Elmhurst Creek and Damon Slough). All new development pursuant to the CASP will occur outside of these existing creek channels and will not occur within the 100-year flood zone. The CASP EIR (Impact Hydro-3) found that certain new development pursuant to the CASP could be susceptible to flooding hazards in the event of dam or reservoir failure. The southern portion of the CASP planning area (not including the Project site) could experience flooding if the Lake Chabot Dam were to experience dam failure. The CASP EIR determined that compliance with all dam safety regulations would reduce this relatively low risk of impact to a less than significant level. The CASP EIR (Impact Hydro-4) also found that new development pursuant to the CASP could be susceptible to tsunami-related hazards, but the relatively low risk of occurrence of this impact was considered less than significant. The modeled sources of tsunamis that are most likely to affect the Bay Area are very rare, and there is little historical record of past events that would enable an evaluation of the probability of such an event occurring. Therefore, the potential impact from tsunamis was considered less than significant.

[88] City of Oakland CASP Draft EIR, page 4.8-29

Project Analysis

As demonstrated in **Figure 28**, the Project site is not located within the FEMA-designated 100-year flood zone. The Project site, like all of the surrounding land west of San Leandro Street, is within the 0.2 percent Annual Chance of Flood Hazard (i.e., the 500-year flood zone), which is not a regulated flood zone. [89]

Consistent with the findings of the CASP EIR, the impacts of the Project related to flooding hazards would be less than significant and no additional mitigation is required.

Water Quality during Construction

CASP EIR Conclusions [90]

The CASP EIR (Impact Hydro-1B) found that future construction pursuant to the CASP would potentially increase the level of contamination or siltation in stormwater flows.

As would be required for all projects in Oakland, any projects constructed pursuant to the CASP would be required to comply with all City of Oakland Standard Conditions of Approval, and other regulatory requirements for drainage and water quality. These SCAs require preparation of grading plans and erosion and sedimentation control plans that meet all City of Oakland uniformly applied development standards. Compliance with the Municipal Regional Permit (MRP) will require all development to provide stormwater trash capture on-site, and implementation of the State's Construction General Permit and its Stormwater Pollution Prevention Plan (SWPPP) requirements would require any project to incorporate Best Management Practices (BMPs) to control sedimentation, erosion, hazardous materials contamination of runoff during construction.

The CASP EIR concluded that compliance with the City of Oakland Grading Ordinance, the Creek Protection Ordinance and all applicable SCAs would minimize increased stormwater runoff and would reduce sedimentation and contamination to stormwater and surface water during construction to a less than significant level.

Project Analysis

Grading and excavation for the Project would remove protective vegetation and disturb the ground, thereby exposing soil to increased erosion from stormwater runoff, site watering and wind. The import of new fill soils could also introduce the potential for temporary increases in sediment loads and associated construction-related pollutants into waterways in the vicinity (i.e., East Creek and the Bay) during the construction period. Eroded soil contains nitrogen, phosphorus and other nutrients that, when transported to water bodies, can trigger algae blooms that reduce the clarity of water, deplete oxygen and create odors. The overall increase in turbidity and resulting decline in photosynthesis can be a detriment to the entire aquatic ecosystem.

[89] Federal Emergency Management Agency (FEMA), FEMA's National Flood Hazard Layer (NFHL) Viewer, accessed at: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd

[90] City of Oakland, CASP Draft EIR page 4.8-25

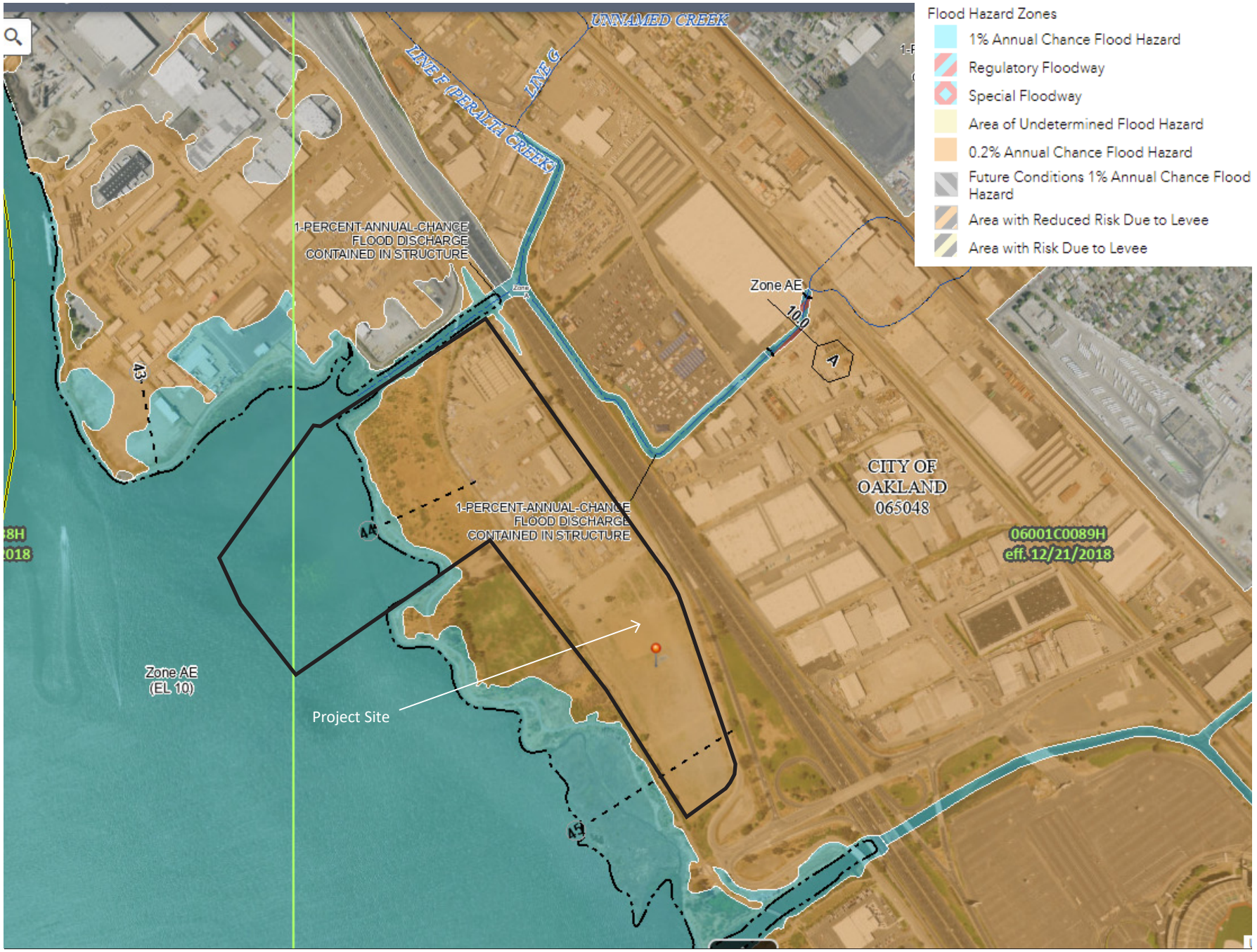


Figure 28
FEMA-designated Flood Hazard Zones at the Project Site

Source: FEMA's National Flood Hazard Layer (NFHL) Viewer,accessed at: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd

According to the City of Oakland's Creek Protection Ordinance, the Oakland Estuary, including San Leandro Bay, is considered a waterway. The City of Oakland's Creek Protection Ordinance (OMC Chapter 13.16) is intended to address potential water quality impacts from stormwater and other discharges into identified waterways. The Development Area is inclusive of lands that are within 100 feet of the shoreline of the Estuary (see also Figure 24). Accordingly, the Creek Permit category that is the best fit for activities proposed is a Category III Creek permit, for exterior work that does include earthwork and is located within 100 feet from the waterway. The Project is required to comply with the provisions of the Creek Protection Ordinance, and prepare a Creek Protection Plan (see detailed discussion later in this Hydrology section of the CEQA Checklist).

Applicable Standard Conditions of Approval

The following City of Oakland SCAs as cited in the CASP EIR would apply to the Project:

- ***SCA Geo-4, Erosion and Sedimentation Control Plan for Construction*** (see the Geology section of this CEQA checklist)
- ***SCA Hydro-1, State Construction General Permit***: The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (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 Hydro-2, Creek Protection Plan***: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the waterway. Required BMPs are identified below.

    a) *Construction BMPs*: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the waterway during construction. The measures shall include, but are not limited to, the following:

        i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the waterway.

        ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or expected.

        iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

        iv. All work in or near creek channels/waterway must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.

        v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to

retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek/waterway, street gutters, or storm drains.

vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek/waterway.

viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek/waterway or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

xi. Sweep the street pavement adjoining the project site with brooms on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.

xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).

xiii. Temporary fencing is required for sites without existing fencing between the creek/waterway and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek center line/waterway. This area shall not be disturbed during construction without prior approval of the City.

b) *Post-Construction BMPs*: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

c) *Creek Landscaping*: The project applicant shall include final landscaping details for the site on the Creek Protection Plan or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season. Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor/marsh wetlands, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor/marsh wetlands shall be replanted with mature native riparian/marsh wetland vegetation and be maintained to ensure survival.

d) *Creek Protection Plan Implementation*: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and

submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

Consistent with the conclusions of the CASP EIR, the Project's effects related to water pollution and sedimentation during construction will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Water Quality during Operation

CASP EIR Conclusions [91]

The CASP EIR (Impact Hydro-1B) also found that future development pursuant to the CASP would increase the volume of stormwater flows, and potentially increase the level of contamination or siltation in stormwater flows.

As would be required for all projects in Oakland, any project developed pursuant to the CASP would be required to comply with all City of Oakland Standard Conditions of Approval and other regulatory requirements for drainage and water quality. These requirements include preparation of site design measures for post-construction stormwater management; source control measures to limit stormwater pollution, post-construction stormwater pollution management plans, and maintenance agreements for stormwater treatment measures. Additionally, all new development projects must comply with the City of Oakland's Storm Drainage Design Guidelines, which requires new development to reduce storm runoff by 25% from existing conditions.

The CASP EIR concluded that compliance with the Municipal Regional Permit (MRP) C.3 requirements for stormwater discharge would require all development projects to provide on-site storm water treatment to meet NPDES standards. These SCAs and other regulatory requirements apply to all subsequent development within the CASP planning area. Implementation of these requirements will mitigate potential drainage and water quality impacts associated with new development to a less than significant level.

Project Analysis

During the life of the Project, new office employees and EBMUD operations may generate non-point source pollutants, potentially including excess fertilizers, herbicides and insecticides from landscaped areas, and oil, grease and toxic chemicals from parking and driveway runoff, and litter. These non-point source pollutants can be washed by rainwater from roofs, landscape areas and streets and parking areas into the downstream drainage network and directly into the Bay. An increase in non-point source pollutants could have adverse effects on wildlife, vegetation and human health. Non-point source pollutants could also infiltrate into groundwater and degrade the quality of groundwater sources.

According to information included in the Project application materials (Ware Malcomb, Sheet C6.0, March 2019), the Development Area currently has only about 16,260 square feet of impervious surface, consisting of existing entry driveways onto Oakport Street. Under post-Project conditions, the Development Area will have as much as 614,260 square feet of impervious surfaces as building rooftops, driveways and parking, and other hardscape (the 16,262 square feet existing, plus 597,758 square feet of new impervious). These impervious surfaces represent non-point sources of water pollution. These impervious surfaces will also result in substantial increased runoff from the site.

[91] City of Oakland, CASP Draft EIR page 4.8-25

Applicable Standard Conditions of Approval

The following City of Oakland SCA is cited in the CASP EIR as effective means for reducing post-construction water quality and increased runoff concerns from new development. Since the Project will create substantially more than 10,000 square feet of new impervious surface area, the Project is considered a Regulated Project under the NPDES C.3 requirements, and the following SCA would apply.

- ***SCA Hydro-3, NPDES C.3 Stormwater Requirements for Regulated Projects***

  a) *Post-Construction Stormwater Management Plan*: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

     i. Location and size of new and replaced impervious surface
     ii. Directional surface flow of stormwater runoff
     iii. Location of proposed on-site storm drain lines
     iv. Site design measures to reduce the amount of impervious surface area
     v. Source control measures to limit stormwater pollution
     vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
     vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

  b) *Maintenance Agreement*: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

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

- ***SCA Hydro-4, Vegetation Management on Creekside Properties***: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

  a) Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat;
  b) Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
  c) Leave stumps and roots from cut down trees to prevent erosion;
  d) Plant fire-appropriate, drought-tolerant, preferably native vegetation;
  e) Provide erosion and sediment control protection if cutting vegetation on a steep slope;

f) Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;

g) Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches diameter at breast height or dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);

h) Do not clear-cut vegetation, as this can lead to erosion and severe water quality problems and destroy important habitat;

i) Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;

j) Do not trim/prune branches that are larger than 4 inches in diameter;

k) Do not remove tree canopy;

l) Do not dump cut vegetation in the creek;

m) Do not cut tall shrubbery to less than 3 feet high; and

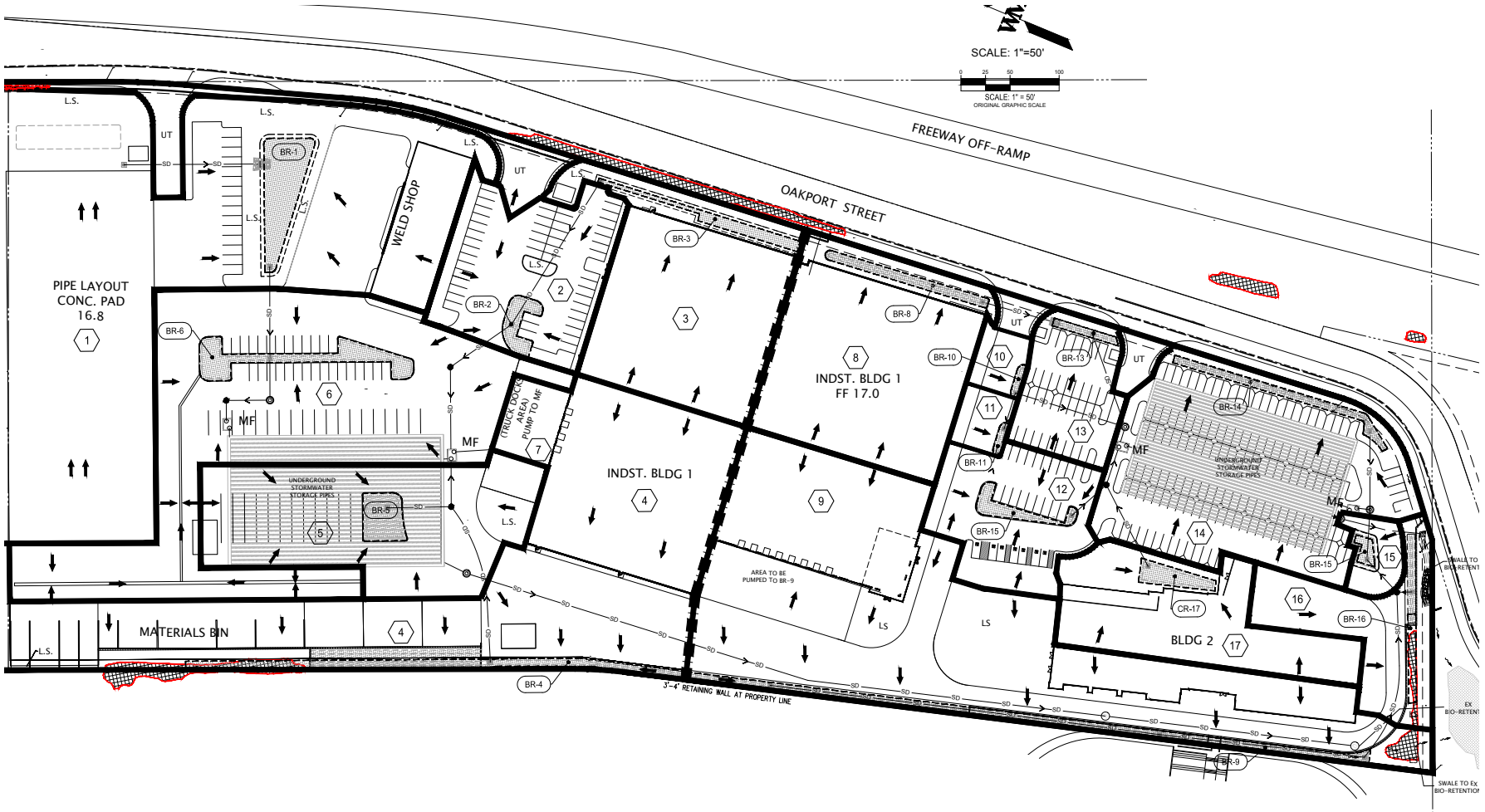
n) Do not cut short vegetation (e.g., grasses, groundcover) to less than 6 inches high.

Project Plans pursuant to City SCAs

Consistent with CASP EIR requirements and SCA Hydro-3, the Project sponsor has prepared a preliminary Stormwater Control Plan (SWCP) that addresses both water quality treatment as well as hydro-modification management measures for the Development Area. This preliminary SWCP is has been prepared to address an assumed division of management and operations between SupplyBank and EBMUD. It is assumed that SupplyBank will manage the southerly portion of the site (the office and the southerly half of the warehouse), and EBMUD will manage the northerly portion of the site (the northerly half of the warehouse, the workshop, the pipe storage and the materials bin).

Bio-Retention and Water Quality Treatment

The Project's preliminary SWCP shows 17 Drainage Management Areas (or DMAs) as shown in **Figure 29**. For each DMA, the C.3 requirements for water quality treatment are primarily addressed through the incorporation of integrated bio-retention facilities with underdrains, distributed throughout the site or along the perimeter. These bio-retention facilities would provide water quality treatment via filtration, removing pollutants and sediment prior to discharge. These bio-retention facilities appear to be sized appropriately, exceeding the minimum treatment area that would be required pursuant to NPDES c.3 criteria for treatment capacity for each DMA area (see **Table 10**, below). One DMA (#7) is associated with the truck docks at the EBMUD-portion of the warehouse, and is served by a mechanical filtration device located below the adjacent parking lot.



STORM WATER TREATMENT MEASURES SUMMARY (EBMUD)

DRAINAGE MANAGEMENT AREAS (DMA)	TOTAL AREA (SF)	PERVIOUS (L.S. AREA) (SF)	TOTAL IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED	TREATMENT AREA PROVIDED	TREATMENT CONTROL MEASURES (MF)	PIPE STORAGE VOLUME CU./FT
#1	132,293	34,683	93,255	3,869 SF	4,355 SF	BIO-TREATEMENT	100%
#2	26,968	1,142	24,465	983 SF	1,361 SF	BIO-TREATEMENT	100%
#3	40,668	5,601	33,447	1,360 SF	1,620 SF	BIO-TREATEMENT	100%
#4	91,603	5,523	82,178	3,309 SF	3,902 SF	BIO-TREATEMENT	100%
#5	39,469	2,564	34,905	1,406 SF	2,000 SF	BIO-TREATEMENT	100%
#6	80,421	0	76,362	3,054 SF	3,680 SF	BIO-TREATEMENT	100%
#7	4,850	0	4,850	194 SF	0	MECHANICAL	**100%**
UT 11,682 SF							
Total	416,272	49,514	349,461	14,176 SF	16,918 SF		100%

AREA OF SUMMARY:

TOTAL SITE AREA:	721,182 SF
AREA A:	427,575 SF
TOTAL IMPERVIOUS AREA:	349,461 SF
UN-TREATED AREA:	11,682 SF
BIO-RETENTION AREA:	16,918 SF
LANDSCAPE AREA :	49,514 SF
AREA B:	293,607 SF
TOTAL IMPERVIOUS AREA:	248,297 SF
UN-TREATED AREA:	4,580 SF
BIO-RETENTION AREA:	13,035 SF
LANDSCAPE AREA :	27.695 SF

STORM WATER TREATMENT MEASURES SUMMARY (OFFICE BUILDING SITE)

DRAINAGE MANAGEMENT AREAS (DMA)	TOTAL AREA (SF)	PERVIOUS (L.S. AREA) (SF)	TOTAL IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED	TREATMENT AREA PROVIDED	TREATMENT CONTROL MEASURES (MF)	PIPE STORAGE VOLUME CU./FT
#8	42,255	4,230	36,305	1,469 SF	1,720 SF	BIO-TREATEMENT	100%
#9	102,610	12,200	86,010	3,589 SF	4,400 SF	BIO-TREATEMENT	100%
#10	3,480	0	3,183	127 SF	150 SF	BIO-TREATEMENT	100%
#11	3,455	0	3,158	126 SF	150 SF	BIO-TREATEMENT	100%
#12	20,788	180	19,326	774 SF	1,280 SF	BIO-TREATEMENT	100%
#13	14,106	960	12,601	508 SF	545 SF	BIO-TREATEMENT	100%
#14	54,060	4,700	46,930	1,910 SF	2,128 SF	BIO-TREATEMENT	**100%**
#15	4,290	0	4,290	155 SF	420 SF	BIO-TREATEMENT	100%
#16	18,186	5,425	12,037	503 SF	725 SF	BIO-TREATEMENT	100%
#17	26,256	0	244,976	995 SF	1,380 SF	BIO-TREATEMENT	100%
UT 4,580 SF							
Total	289,486	27,695	248,297	10,057 SF	13,035 SF		100%

Figure 29
Development Area Preliminary Stormwater Drainage Management Plan

Source: Ware Malcomb, Sheet C6.0, December 2022

Table 10: Storm Water Treatment Measures Summary (sf)

DMAs	Total Area	Pervious (Landscape)	Untreated (existing driveways)	New Impervious	Treatment Area Required	Treatment Area Provided
EBMUD-Portion of Development Area (DMAs 1 through 7)	427,575	49,514	11,682	349,461	14,176	16,918
SupplyBank -Portion of Development Area (DMAs 8 through 17)	293,607	27,695	4,580	248,279	10,057	13,035
Total:	**721,182**	**77,209**	**16,262**	**597,758**	**24,233**	**29,953**
Percent of Site Cover:		**11%**	**2%**	**83%**		**4%**

Source: Ware Malcomb, Sheet C6.0: Conceptual Storm Water Control Plan, March 2019

Pursuant to SCA requirements, the City will review the designs for final hydraulic sizing of the various bio-retention facilities for post-construction water quality treatment prior to approval of grading and/or building permits to determine whether adequate BMPs will be installed, implemented and maintained.

Hydromodification

The proposed Development Area site gradually slopes to the south at an average slope of 0.5 percent. Existing runoff from the Development Area outflows into a seasonal detention pond, located just to the south of the Development area, and based on a preliminary hydrology analysis, runoff from the Development Area is calculated at a 100-year pre-developed peak (Q100) flow of 6.3 cubic feet per second (CFS). Based on a calculation of anticipated increased runoff attributed to the new impervious surfaces of the Project, these impervious surfaces are expected to generate a post-developed peak (Q100) flow of 40 CFS, or a net increase of 33.7 CFS.

The goal of the preliminary SWCP design is to maintain pre-developed outflow characteristics (i.e., 6.3 CFS) by temporarily detaining the increased storm runoff caused by the increased impervious surfaces of the proposed development, and releasing it at the pre-developed rate but for a longer duration. Per the preliminary SWCP, after water quality filtration in the bio-retention facilities and mechanical filtration, stormwater will flow via underdrains into additional media filters, which will then flow into one of two on-site underground stormwater storage facilities. These storage facilities consist of a series of large (24-inch and 30-inch) interconnected solid pipes that are buried below the on-site parking lots in the northerly and southerly portion of Parcel #1. The underground stormwater storage facilities are designed to provide approximately 47,680 CF of storage (19,480 CF and 28,170 CF, respectively), meeting the required hydro-modification standards of the MRP. The stormwater storage facilities will retain stormwater runoff from the site within these pipes until the stormwater flows in the surrounding storm drain system recede, at which point the stormwater will be released from the storage pipes and into the storm drain system, which drains to the Bay.

Pursuant to SCA requirements, the City will review the designs for final storage requirements of the stormwater storage facilities prior to approval of grading and/or building permit, to determine whether these facilities are adequate for the Project.

Consistent with the conclusions of the CASP EIR, the Project's impacts related to post-construction stormwater quality and increased storm water flows will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Groundwater

CASP EIR Conclusions [92]

The CASP EIR (Impact Hydro-6) found that future development pursuant to the CASP would not adversely affect the availability of groundwater supplies or interfere substantially with groundwater recharge.

The entire CASP planning area is underlain by the East Bay Plain groundwater basin, and the San Francisco RWQCB has identified groundwater supplies in this basin for municipal, industrial and agricultural water supply. Impacts to this aquifer would occur if development pursuant to the CASP resulted in reduced recharge to the aquifer, or increased extraction from the aquifer.

The CASP EIR determined that the amount of water that is able to infiltrate to the aquifer through pervious areas would not substantially decrease because of new development. The CASP planning area is already largely developed and substantially covered with impervious surfaces. Compliance with the C.3 provisions of the NPDES Municipal Stormwater Permit of the Alameda County Clean Water Program (ACCWP) would require that recharge rates at each individual project site be equivalent to the recharge rate at that site prior to development. Potable water is supplied to the Project Area through imported surface water by EBMUD. Therefore, the existing and potential use of groundwater for adoption and development under the CASP would not increase. Consequently, the CASP EIR concluded that impacts to groundwater would be less than significant.

Project Analysis

During the geotechnical investigations conducted for the Project (Terracon, June 2018), groundwater was observed in soil borings at depths varying from 3 to 21.5 feet below ground surface. Groundwater level fluctuations occur due to seasonal variations in the amount of tidal fluctuations, rainfall, runoff and other factors not evident at the time the borings were performed. Therefore, groundwater levels during construction or at other times in the life of the structures may be higher or lower than the levels indicated.

The groundwater table could affect over-excavation efforts, especially for over-excavation and replacement of lower strength soils. A temporary dewatering system consisting of sumps with pumps will likely be necessary to achieve the recommended depth of over-excavation for required excavations. Dewatering should be anticipated and planned for in proposed excavations.

Regulatory Requirements

Depending on the volume and pollutant loads of non-stormwater discharges associated with construction dewatering, different regulatory requirements apply.

Pursuant to **SCA Hydro-1: State Construction General Permit**, the Project applicant will be required to comply with all regulations and requirements of a Construction General Permit issued by the SWRCB. Authorized non-stormwater may be discharged to a storm drain pursuant to a Construction General Permit. A permit from the City (as the local sewer agency) must be obtained prior to such discharge. This approach is generally appropriate for water that contains some sediment and/or pollutants, but sediment may require pre-treatment and acceptable pollutants and pollutant levels as defined by the City. The latest 2022 General Construction Permit requirements include sampling within the first hour of discharge, and daily sampling thereafter for continuous dewatering discharges. The samples are tested for pH and turbidity and the results compared with the numeric

[92] City of Oakland, CASP Draft EIR page 4.8-33

action levels. Depending on water quality, non-stormwater may require off-site hauling for treatment by a licensed commercial contractor who can remove, transport and dispose (or treat and recycle) polluted water. [93]

If dewatering is not permitted (e.g., cannot meet the numeric action levels for pH or turbidity) pursuant to the Construction General Permit, then a statewide low-threat discharge Waste Discharge Requirements (WDR) permit or a site-specific NPDES permit may be required. A statewide low-threat discharge Waste Discharge Requirements (WDR) permit generally provides for accumulated non-stormwater to be retained and managed on the construction site via evaporation, infiltration or used on-site for dust control, irrigation or other construction-related purposes. This approach is generally appropriate for water that is free of pollutants, other than sediment. [94] For those dewatering activities that cannot obtain permission to discharge to the local sanitary sewer and where the discharge cannot be regulated under the Construction General Permit or the statewide low-threat discharge WDRs, site-specific NPDES Dewatering Permits may be sought from the RWQCB.

Consistent with the conclusions of the CASP EIR, the Project's impacts to groundwater will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Waste Discharge Requirements

Project Analysis

The Project (as redefined as the Least Environmentally Damaging Practicable Alternative – see discussion of Waters of the State in the Biology section of this Checklist) would result in the fill of 0.371 acres of potential Waters of the State (multiple segments of a roadside ditch between the Project site and Oakport Street), including segments with potential seasonal wetland indicators.

The Regional Water Quality Control Board (RWQCB) has authority to regulate the discharge of dredged or fill material under section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne). When a discharge (or fill) is proposed to waters outside of federal jurisdiction, the Water Board regulates this discharge under Porter-Cologne through the issuance of Waste Discharge Requirement (WDR) permits. The Project applicant has applied for issuance of Waste Discharge Requirements (WDRs) for the Project as the appropriate fill permitting tool because the on-site features affected by the Project are outside of federal jurisdiction. Restoration elements and requirements for impacts to upland waters of the state require compensatory mitigation. The Project proposes to provide compensate for these Project-related effects by creating 1.01 acres of new Waters of the State in the form of new seasonal wetlands. By applying to the RWQCB for a permit for Waste Discharge Requirements, the Project will not violate any water quality standards or waste discharge requirements. See further discussion of this topic in the Biology section of this CEQA Checklist under the topic of Wetlands and Waters of the State.

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93 The 2022 Construction General Permit requires dischargers to implement BMPs to control the volume and velocity of dewatering discharges (per Section II.G of the Order). Dischargers are required to minimize the discharge of pollutants from dewatering trenches and excavations through the implementation of BMPs. The General Permit does not cover the discharge from some dewatering activities (e.g. contaminated groundwater and/or extraction wells) and the discharger is required to obtain coverage under an applicable Regional Water Board low threat or deminimus permit or other applicable order prior to discharge. Discharges are prohibited unless managed by appropriate controls.

94 The Categories of Low Threat Discharges are found in the State Water Resources Control Board's Water Quality Order No. 2003-003-DWR, Statewide General Waste Discharge Requirements (WDRs) For Discharges to Land With A Low Threat To Water Quality (General WDRS), and include small /temporary dewatering projects (such as excavations during construction) that discharge to land with a low threat to water quality and are low volume discharges with minimal pollutant concentrations

Conflict with Water Quality or Groundwater Management Plan

CASP EIR Conclusions

The CASP EIR did not directly address the current CEQA threshold of whether the CASP would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

As cited in the Groundwater section of this CEQA Checklist (above), the CASP EIR did identify that the entire CASP planning area is underlain by the East Bay Plain groundwater basin, and that the San Francisco RWQCB has identified groundwater supplies in this basin for municipal, industrial and agricultural water supply. Impacts to this aquifer would occur if development pursuant to the CASP resulted in reduced recharge to the aquifer, or increased extraction from the aquifer. The CASP EIR determined that new development would not significantly reduced recharge to the aquifer or significantly increase extraction from the aquifer.

The CASP EIR also cited the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) for San Francisco Bay (RWQCB, 2011) as the basis of water quality regulation in the region and providing a description of beneficial uses of major surface waters and their tributaries. The CASP EIR also cited the Municipal Regional Stormwater Permit (MRP) issued under the National Pollutant Discharge Elimination System (NPDES) as containing the regulatory requirements for stormwater discharges meeting NPDES standards. The CASP EIR determined that, with compliance with NPDES requirements, new development would not significantly increase the level of contamination or siltation in stormwater flows.

The CASP EIR also cited the San Francisco Bay Conservation and Development Commission's (BCDC's) Bay Plan as providing limits and controls on the amount of fill placed in the Bay. BCDC permits are required prior to undertaking most work in the Bay or within 100 feet of the shoreline, including filling, dredging, shoreline development and other work. The CASP EIR concluded that prior to new development within 100 feet of the San Leandro Bay shoreline the project applicants for those projects must apply for and obtain necessary BCDC permits.

Accordingly, the CASP IER did not identify any conflicts with or obstructions of a water quality control plan or sustainable groundwater management plan.

Project Analysis

As indicated in the above sections of this CEQA Checklist, the Project will not significantly reduce recharge to the aquifer or significantly increase extraction from the aquifer. The Project must comply with NPDES requirements of the MRP related to contamination or siltation in stormwater flows. The Project is also required to obtain a BCDC permit for development within 100 feet of the San Leandro Bay shoreline. Consistent with the conclusions of the CASP EIR, the Project's impacts related to conflicts with or obstructions of a water quality control plan or sustainable groundwater management plan will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

CEQA Conclusion Pertaining to Hydrology and Water Quality

The analysis presented above examines whether there are any Project-specific significant effects related to hydrology or water quality that are peculiar to the Project or its site, finding none. The Project would have no impacts related to hydrology or water quality that were not previously analyzed in the CASP EIR, would have no off-site or cumulative impacts related to hydrology or water quality not discussed in the prior CASP EIR, and would not result in any hydrology or water quality impacts that are more severe than as discussed in the prior CASP EIR. There are no impacts related to hydrology or water quality that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to hydrology or water quality. The hydrology and water quality analysis presented above does provide additional details regarding hydrology conditions specific to the Project site, and the Project provides additional detailed information as to how it intends to best address these conditions specific to the site. These additional details are new information pertinent to the Project that were not available or practical at the time of certification of the CASP EIR. However, as described above, these new details do not introduce any new significant impacts pertaining to hydrology or water quality that were not previously identified in the CASP EIR, and do not substantially increase the severity of any significant hydrology or water quality impacts as previously disclosed in the CASP EIR. The detailed recommendations for the Project are fully consistent with the Standard Conditions of Approval as cited in the CASP EIR. These new details that are specific to the Project and its site are appropriately disclosed in this Addendum to the CASP EIR.

Non-CEQA Analysis - Sea Level Rise

CASP EIR Conclusions [95]

The CASP EIR (Impact Hydro-5) found that future development pursuant to the CASP could be susceptible to inundation, storm events and storm events with wind waves in the event of sea level rise.

The CASP EIR relied on the 2008 Bay Conservation and Development Commission's (BCDC's) Adapting to Rising Tides (ART) Project, which assessed existing conditions, vulnerability and risk. Based on the 16" and 55" sea level rise with storm events and wind wave scenarios, portions of the CASP planning area (including the Project site) were within the maximum estimated sea level rise area. Adaptation strategies were found to be capable of reducing vulnerability to sea level rise and storm impacts, but implementation of these strategies were found to require the involvement of regional, state and federal partners, as well as residents and businesses in the community. The CASP EIR found that sea level rise is both a local and a regional issue, and must be addressed in that context. [96]

Standard Conditions of Approval

The CASP EIR found that the City's SCAs requires compliance with applicable requirements of regulatory agencies, including BCDC. Future development within those portions of the CASP planning area that are located within 100 feet of the Estuary's high tide requires approval from BCDC. In accordance with BCDC's Bay Plan, BCDC may require a risk assessment and appropriate adaptation measures for those projects at risk from sea level rise. The CASP EIR determined that compliance with SCA Hydro-5 would reduce potential impact of sea level rise for those portions of the CASP planning area that are within BCDC's jurisdiction.

The CASP EIR concluded that safety measures built into the General Plan Safety Element, SCAs related to construction within 100-year flood zones, and adaptive management measures to address sea level rise would reduce potential impacts of sea level rise to less than significant levels. The CASP EIR also included additional

[95] City of Oakland CASP Draft EIR, page 4.8-31. The CASP EIR determined that the impact of flooding related to sea level rise pertains to the impact of an existing/future, environmental condition on the Project Area, whereas CEQA only requires an analysis of impacts pertaining to a project's impact on the environment. The impact of future growth as related to the CASP's GHG emissions (the cause of sea level rise) was analyzed in Section 4.6 of the CASP EIR. Per CEQA, the CASP EIR was not required to analyze or mitigate impacts pertaining to the impact of the environment on the Project. Although not legally required by CEQA, the CASP EIR nevertheless discussed\s the impact of sea level rise on the CASP planning area in the interest of being conservative and providing information to the public and decision-makers.

[96] City of Oakland CASP Draft EIR, pages 4.8-31

recommendations to provide an adaptive approach to addressing a 16-inch sea level rise above current Base Flood Elevation (BFE) for mid-term (2050) planning and design.

Project Analysis

Current science-based projections of global sea level rise over the next century vary widely. The State of California provides updated planning guidance for assessing and adapting to the impacts of sea level rise. In 2018, the California Ocean Protection Council (Cal OPC) released updated State guidance on sea level rise projections. This latest guidance adopted a probabilistic approach, and produced estimates of the likely range of global sea level rise under different GHG emission scenarios. To be precautionary in safeguarding the people and resources of California, and inform the development of sufficient adaptation pathways and contingency plans, the 2018 Cal OPC report provides a range of projections based on low, medium-high, and extreme levels of risk aversion. BCDC's most recent sea level rise guidance (BCDC 2021) considers Cal OPC's 2018 projections to be the best estimates of future sea level rise.

Based on the 2018 OPC guidance, the San Francisco Bay is expected to experience 1.1 feet (or 13 inches) of sea level rise by year 2050 under the low risk aversion projection, or up to 1.9 feet (or nearly 23 inches) of rise under the medium-high risk aversion projection. By 2070, this increases to 1.9 feet (or nearly 23 inches) of sea level rise under the low risk aversion projection, and 3.5 feet (or 42 inches) under the medium-high risk aversion projection. The projections for year 2100 sea level rise are 3.4 feet (21 inches) under the low risk aversion projection, and 6.9 feet (nearly 83 inches) under the medium-high risk aversion projection. [97]

BCDC's online mapping tool uses a "One Map, Many Futures" approach to provide multiple map options, showing a single total water level (inundation) resulting from a combination of sea level rise, plus storm surges.[98] For example, **Figure 30** shows the total water level under both a Cal OPC year 2050 low risk scenario of 12-inches of sea level rise, and a 12-inch sea level rise plus 50-year storm surge scenario (or a total 48-inch water level). **Figure 31** shows the total water level under a Cal OPC year 2050 medium-high risk scenario of 24-inch sea level rise plus 100-year storm surge scenario (or a total 66-inch water level), and a more severe condition with a 24-inch sea level rise plus 100-year storm surge scenario (or a total 77-inch water level). These figures demonstrate that the majority of the Development Area remains outside of the inundation area from sea level rise and storm surge flooding for most scenarios, as it is protected by the existing levee along the westerly portion of the site. However, under higher total water level scenarios, sea level rise begins to overtop the shoreline levee, and the site become susceptible to inundation from rising lea level that flows around the outside of the levee from the east.

To protect the site from future sea level rise scenarios, the Project includes two adaptation strategies. First, the project proposes to construct a new 4-foot retaining wall on the landward side of the existing levee to support the levee structure (see prior Figure 19). Second, the Project proposes to raise the elevation of the entire Development Area by 4 to 6 feet over existing grade by importing new fill material. The imported fill would raise the Development Area out of the inundation area from sea level rise as high as the Cal OPC year 2070 medium-high risk aversion scenario (or 42 inches of sea level rise).

97 California Ocean Protection Council, *State of California Sea-Level Rise Guidance*, 2018 Update, Table 1

98 BCDC, Flood Explorer accessed at: https://explorer.adaptingtorisingtides.org/explorer, August 1, 2022

12-Inch Total Water Level (12” SLR, No Storm Surge)

48-Inch Total Water Level (12” SLR, 50-Year Storm Surge)

Figure 30
Year 2050 Low Risk Sea Level Rise Scenarios

Source: BCDC at: https://explorer.adaptingtorisingtides.org/explorer

24-Inch Total Water Level (24" SLR, No Storm Surge)

77-Inch Total Water Level (36" SLR, 100-Year Storm Surge)

Figure 31
Year 2050 Medium and Higher Risk Sea Level Rise Scenarios

Source: BCDC at: https://explorer.adaptingtorisingtides.org/explorer

Applicable Standard Conditions of Approval

The following mitigation measures and recommendations are cited in the CASP EIR as an effective means for addressing sea level rise, and would apply to the Project.

- ***CASP EIR MM Land Use-8A, Bay Conservation and Development Commission (BCDC) Approval*:** Prior to implementation of the proposed Damon Slough enhancements, the Elmhurst Creek realignment, new development within 100 feet of the San Leandro Bay shoreline, and the proposed Bay Cut (and potentially other project elements found to be within BCDC jurisdiction), the project applicants for those projects shall apply for and obtain through an application review process (which may include additional public hearings and review boards) issuance of necessary BCDC permits.
- ***CASP EIR Recommendation Hydro-5***: The following additional recommendations are suggested to provide an adaptive approach to addressing a 16-inch sea level rise above current Base Flood Elevation (BFE) for mid-term (2050) planning and design:

  1. Design gravity-based storm drain systems for 16 inches of sea level rise
  2. Design and construct habitable space above at-grade parking structures to allow sea level rise to affect uninhabited parking structures rather than dwelling units
  3. Design buildings to withstand periodic inundation
  4. Prohibit below grade habitable space in inundation zones
  5. Require that all critical infrastructure sensitive to inundation be located above the SLR base flood elevation
  6. Consider means for implementing an adaptive management strategy to protect against long-term sea level rise of as much as 55", potentially including constructing levees or seawalls and providing space for future storm water lift stations near outfall structures into the Bay and Estuary

The Project's design is consistent with the following elements of the CASP EIR's Recommendation Hydro-5:

- The Project's adaptive approach addresses a greater sea level rise scenario than the 16-inch sea level rise scenario for mid-term (2050) planning and design, as identified in the CASP EIR
- The Project's storm drain system is designed to function via gravity, even considering a greater than 16-inch sea level rise scenario
- The Project's buildings are designed to be above anticipated periodic inundation levels with sea level rise
- No below-grade habitable space is proposed
- All critical infrastructure sensitive to inundation would be located above the Cal OPC year 2050 medium-high risk scenario of 24-inches of sea level rise
- The Project includes implementation of adaptive management strategies to protect against long-term sea level rise of as much as 55" by shoring the existing levee with a landward-side retaining wall, and raising the elevation of the entire Development Area portion of the Project site by 4 to 6 feet over existing grade.

Consistent with the findings of the CASP EIR, with implementation of the Project's sea level rise adaptation strategies and confirmation of these strategies through the CDC permit process, the effects of sea level rise on the Project (although not a CEQA threshold concern) would be substantially reduced.

Land Use and Planning

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Physically divide an established community?	LTS	■	□	-	No Impact
b) Result in a fundamental conflict between adjacent or nearby land uses?	LTS with SCAs	■	□	SCA Noise-3: Operational Noise SCA Haz-3: Hazardous Materials Business Plan	LTs with SCAs
c) Cause a significant environmental impact due to a conflict with the Port of Oakland LUDC?	LTS	■	□	-	No Impact
d) Cause a significant environmental impact due to a conflict with the Oakland Airport ALUCP?	LTS with MM	■	□	CASP EIR Mitigation Measure Land-7B Avigation Easement / Disclosure	LTS with MM
e) Cause a significant environmental impact due to a conflict with the BCDC San Francisco Bay Plan and Seaport Plan?	LTS	■	□	SCA General-1, Regulatory Permits and Authorizations from Other Agencies CASP EIR MM Land-8A, BCDC Issuance of Major Permit(s)	LTS with SCA
f) Cause a significant environmental impact due to a conflict Tidelands Trust?	LTS	■	□	-	No Impact
g) Cause a significant environmental impact due to a conflict with a Habitat Conservation Plan or Natural Community Conservation Plan?	No Impact	■	□	-	No Impact

Physically Divide an Established Community

CASP EIR Conclusions [99]

The CASP EIR (Impact Land-1) found that implementation of the CASP would not physically divide an established community. Other than portions of the Coliseum District, the remaining portions of CASP planning area are not adjacent to residential neighborhoods, and new development in these Sub-Areas would not have the effect of

[99] City of Oakland, CASP Draft EIR, beginning at page 4.9-30

dividing established communities. CASP buildout was not found to interfere with access to or across the Airport Business Park and surrounding areas, but instead would provide an improved circulation network, having a positive effect on access and interconnections to the surrounding area.

Project Analysis

The Project site is located between the I-880 freeway and San Leandro Bay to the east and west, and between East Creek and Damien Slough/ the Zhone Way interchange to the north and south. The Project site is not located within an established community, and the Project would not divide any such community. Consistent with the conclusions of the CASP EIR, the Project would have no impact related to a physical division of an established community.

Fundamental Conflict with Nearby Land Use

CASP EIR Conclusions [100]

The CASP EIR (Impact Land-2) found that implementation of the CASP would introduce new residential and other sensitive land uses at locations that could be exposed to noise, emissions and other potential land use incompatibilities associated with adjacent industrial and special event land uses. However, implementation of performance measures included in the City's General Plan, the City's Noise Ordinance, the Coliseum Area Specific Plan itself, as well as mitigation measures and recommendations in the CASP EIR pertaining to air quality and noise, would minimize such land use incompatibilities such that no fundamental conflict between adjacent or nearby land uses would occur. The CASP EIR found no SCAs that specifically apply to land use conflicts, but because land use conflicts may occur from exposure of sensitive land sues to air quality, noise and hazardous materials from adjacent land uses, SCA's pursuant to those topics would serve to reduce land use incompatibilities to a less than significant level.

Project Analysis

The Project's proposed office, warehouse and light industrial land uses are not considered sensitive land uses or the types of land uses that might fundamentally conflict with the nearby light industrial uses at the EBMUD WWF or at the Airport Business Park. The Project does not represent a fundamental land use conflict with the nearly adjacent Damon Marsh, which is separated from the Project site by a raised rail track berm and the Bay Trail. The following SCAs that pertain to operational noise and hazardous materials would also serve to further reduce any less than significant land use conflict associated with the Project:

- **SCA Haz-3, Hazardous Materials Business Plan** (see the Hazards section of this Checklist)
- **SCA Noise-6, Operational Noise** (see the Noise section of this Checklist)

Consistent with the conclusions of the CASP EIR, the Project would have a less than significant impact related to fundamental land use conflicts with implementation of applicable SCAs.

[100] City of Oakland, CASP Draft EIR, beginning at page 4.9-32

Conflict with Land Use Plan and Policy – Port of Oakland LUDC

CASP EIR Conclusions [101]

The CASP EIR noted that the CASP planning area included the Oakland Airport Business Park, which is under separate land use jurisdiction of the Port of Oakland. Development in this area must be consistent with the land use designations of the City of Oakland General Plan, but then must adhere to the development regulations of the Port as defined in the Port's Airport Business Park Land Use and Development Code (LUDC). New development in this area must receive development permit approval from the Port.

The CASP EIR (Impact Land-7) found that future development of a proposed new Arena and development of a mixed-use residential and retail site along the waterfront pursuant to the CASP would fundamentally conflict with the Port of Oakland's LUDC. Without resolution, this conflict could preclude development of portions of the proposed CASP. Ultimately, the Port did not take any of the actions identified in the CASP EIR to resolve land use inconsistencies between the CASP and the Port's LUDC. The Port retained land use authority over the Airport Business Park, the CASP-proposed new Arena and waterfront residential mixed-use developments were found to directly conflict with the LUDC, and those elements of the CASP could not, and did not move forward.

Project Analysis

The SupplyBank.org Project site is not within the Port's Airport Business Park, is not subject to development regulations of the Port's Airport Business Park LUDC, and does not require approval of a development permit from the Port. The Project poses no inconsistencies with land use plans and policies of the Port of Oakland or its LUDC, and has no impact related to conflicts with land use plans and policies of the Port of Oakland.

Conflict with Land Use Plans and Policy – Oakland Airport ALUCP

CASP EIR Conclusions [102]

The CASP EIR noted that nearly the entire CASP planning area was within the Oakland International Airport Influence Area (AIA), and that the Alameda County Airport Land Use Commission relies on the Oakland International Airport Land Use Compatibility Plan (ALUCP) to promote compatibility between the Oakland International Airport and surrounding land uses.

The CASP EIR (Impact Land-7) found that future development pursuant to the CASP would be consistent with the noise and land use criteria of the ALUCP, but would conflict with the height limit criteria for airspace protection.

Noise Compatibility

The CASP EIR cited the ALUCP's established noise compatibility criteria to safeguard against development of noise-sensitive land uses in locations exposed to significant levels of aircraft noise. The noise contours depicted in the ALUCP are generally confined to the areas adjacent to runways and in the direct path of landing and departing aircraft, and do not extend onto the CASP planning area do not apply to the CASP.

Land Use

The CASP EIR cited the ALUCP's seven safety zones, finding that only Zones 6 and 7 apply to the CASP planning area. Zone 6: Traffic Pattern Zone, occurs only within portions of Sub-Areas C and D primarily along Hegenberger Road; and Zone 7: Other Airport Environs applies to the rest of the CASP planning area (with exceptions of

101 City of Oakland, CASP Draft EIR page 4.9-52

102 City of Oakland, CASP Draft EIR page 4.9-55

certain properties outside of the AIA and not subject to the criteria of the ALUCP). Other than the proposed new special event venues, the CASP EIR found that all proposed land uses pursuant to the CASP (including but not limited to office buildings, retail, mixed use, hotels, residential and green space) were compatible land uses within Safety Zones 6 and 7, generally acceptable with no land use limitations.

Aviation Easement

The CASP EIR found that the entire portion of the CASP planning area westerly of San Leandro Street is within the ALUCP's Airport Aviation Easement Zone, which mandates that sellers or leasers of real property disclose that their property is situated within the AIA (also established as Mitigation Measure Land-8B).

Airspace Protection

The CASP EIR cited the ALUCP's airspace protection criteria, which are intended to reduce the risk of harm to people and property resulting from an aircraft accident. Tall structures, trees, other objects, or high terrain on or near airports, may constitute hazards to aircraft. Federal Aviation Regulations Part 77 (FAA Part 77) allows the FAA to identify potential aeronautical hazards, thus preventing or minimizing adverse impacts to safe and efficient use of navigable airspace, and FAA Part 77 provides guidance for the height of objects that may affect normal aviation operations, established as a set of imaginary surfaces around the airport. The CASP EIR found that the majority of the CASP planning area falls within the Horizontal Surface Plane established by the ALUCP at an elevation of 159.3 feet above mean sea level. Sub-Area E (which includes the Project site) is outside of the Horizontal Surface Plane, and building heights are based on a 20:1 slope from the runway, generally exceeding 159 feet above mean sea level at Sub-Area E.

The CASP EIR did find that certain proposed structures pursuant to the CASP, particularly at the Coliseum District, would be so tall as to exceed the FAA Part 77 Horizontal Surface Plane. Implementation of CASP EIR Mitigation Measure Land-8A would restrict the approval of such buildings to a height no taller than as recommended by the FAA to ensure no hazards to air navigation and/or no modifications to flight operations at Oakland International Airport.

Project Analysis

Based on information presented in the CASP EIR, the Project site would be consistent with the noise, land use and height limit criteria of the ALUCP.

- The Project site is well outside of the ALUCP's established Noise Contours and not subject to airport-related noise exceeding 60 dBA CNEL.
- The Project site is located within the ALUCP's Safety Zone 7, where Project land uses are considered acceptable with no land use limitations.
- The Project has a maximum building height of 85 feet (at the proposed Office), which is well within the FAA Part 77 Horizontal Surface Plane at this site.

Applicable Mitigation Measures

The Project site is within the ALUCP's Airport Aviation Easement Zone. The following CASP EIR mitigation measure is therefore applicable to the Project:

❖ ***CASP EIR MM Land-7B, Avigation Easement / Disclosure***: Sellers or leasers of real property located within the Oakland Airport Influence Area shall disclose within an aviation easement included as part of all real estate transactions within the AIA that their property is situated within the AIA, and may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

Consistent with the conclusions of the CASP EIR, the Project's effects related to consistency with the ALUCP will be fully addressed through implementation of Mitigation Measure Land-7B and AUCP policy, and this impact would be reduced to less than significant.

Consistency with Land Use Plans and Policies – BCDC San Francisco Bay Plan and Seaport Plan

CASP EIR Conclusions [103]

The CASP EIR (Impact Land-8) found that new development pursuant to the CASP would not fundamentally conflict with BCDC's Bay Plan or Sea Port Plan.

The CASP EIR recognized that portions of the CASP planning are fall under the regulatory jurisdiction of the Bay Conservation and Development Commission (BCDC), which administers its jurisdiction through implementation of the San Francisco Bay Plan (Bay Plan) and Seaport Plan. Proposed development with the 100-foot shoreline band and within 100 feet of waterways that are subject to tidal action (e.g., East Creek, Damon Slough, Elmhurst Creek, and San Leandro Creek) are under the jurisdiction BCDC and the San Francisco Bay Plan. BCDC is authorized to control both Bay fill and dredging, and Bay-related shoreline development. BCDC is empowered to grant or deny permits for development within its jurisdiction.

New development within 100 feet of the San Leandro Bay shoreline require issuance of a BCDC permit. The City of Oakland's CEQA process (as lead agency) must be complete prior to BCDC consideration of, or granting of a BCDC permit. To clarify these obligations and requirements, as well as other Bay Plan policy consistencies, the CASP EIR recommended Mitigation Measure Land-8A: BCDC Issuance of Major Permit(s), which clarified the obligations and requirements of subsequent development project within the CASP planning area to comply with the policy requirements of BCDC's Bay Plan and Sea Port Plan. With required compliance, the CASP EIR concluded that new development pursuant to the CASP would not fundamentally conflict with BCDC's Bay Plan or Sea Port Plan, thereby reducing potential conflicts to a less than significant level.

Project Analysis

As shown on **Figure 32**, a portion of the Project site is located within the 100-foot shoreline band along San Leandro Bay and East Creek, and therefore under the jurisdiction BCDC and the San Francisco Bay Plan.

BCDC's limited shoreline jurisdiction as provided by the McAteer-Petris Act is necessary to reduce pressures for Bay filling that would result from poor use of available shoreline land, and to assure that public access to the Bay is provided wherever feasible. Pursuant to the Bay Plan, the Commission has permit authority for Bay fill and shoreline development, and BCDC uses the Bay Plan to help guide its regulatory decisions on permit applications, consistency determinations, and related matters. Bay fill (including placement of piers, pilings, and floating structures moored in the Bay) and dredging are controlled through BCDC's permit system. The Commission is empowered to grant or deny permits for all Bay fill or dredging, and any person or governmental agency wishing to place fill or to dredge in the Bay is required to obtain a permit before proceeding. Any public agency or private owner holding shoreline lands is required to obtain a permit from the Commission before proceeding with development. Generally, development permits may be granted or denied only after public hearings, and after the process for review and entitlement by the applicable city or county has been completed. The Commission may approve a permit for shoreline development if it specifically determines that the proposed project is in accordance with standards for use of the shoreline, provides for maximum feasible public access consistent with the project, and accounts for advisory review related to appearance (the Design Review Board).

[103] City of Oakland, CASP Draft EIR, page 4.9-63

Figure 32
Approximate BCDC Jurisdiction (100-Foot Shoreine Band)

Source: BCDC Bay Shoreline Flood Explorer, acessed at: https://explorer.adaptingtorisingtides.org/explorer

The Project does not involve any proposed Bay fill or dredging, but does include new development within the shoreline band. Accordingly, the Project is subject to Bay Plan policy and permits pertaining to major development, as stipulated in BCDC regulations and CASP EIR Mitigation Measure Land-8, below.

Applicable SCAs and Mitigation Measures

The following City of Oakland SCA and CASP EIR mitigation measure clarifies the Project's obligation and requirements to comply with applicable policies and regulations of BCDC as applies to the Project:

- ***SCA General-1, Regulatory Permits and Authorizations from Other Agencies***: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies. These agencies include, but are not limited to the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers. Project applicants shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.
- ***CASP EIR MM Land-8A, BCDC Issuance of Major Permit(s)***. Prior to implementation of new development within 100 feet of the San Leandro Bay shoreline (and potentially other project elements found to be within BCDC jurisdiction), the project applicants for those projects shall apply for and obtain through an application review process (which may include additional public hearings and review boards) issuance of necessary BCDC permits.

Consistent with the conclusions of the CASP EIR, the Project must comply with the policy requirements of BCDC, such that it would not fundamentally conflict with BCDC's Bay Plan, thereby reducing such potential conflicts to a less than significant level.

The City of Oakland, as Lead Agency, is required to conduct its CEQA review and grant its local discretionary approvals before BCDC can act on a permit application. When considering any future development permit for the Project, BCDC will act as a Responsible Agency and will rely on this CEQA document for its subsequent jurisdictional decisions. Prior to reaching its own independent conclusions as to whether or how to issue a shoreline development permit, the Commission will consider the environmental effects of the Project as shown in this CEQA document, and may require mitigation for those direct or indirect environmental effects of those parts of the Project for which it has authority to address.

Plans and Policy Consistency – Tidelands Trust

CASP EIR Conclusions [104]

The CASP EIR (Impact Land-9) found that future development pursuant to the CASP may occur on lands granted to the Port of Oakland and subject to public trust. Development of residential or commercial office uses on lads subject to the public trust would conflict with the Public Trust Doctrine, and such development would not be permitted. However, potential inconsistencies with the public trust doctrine can be removed through appropriate reallocation of the public trust resource.

[104] City of Oakland, CASP Draft EIR, page 4.9-68

Project Analysis

The Project site is owned by EBMUD, not the Port of Oakland, and the site is not subject to the public trust. The Project has no potential inconsistency with public trust requirements and this issue would not be an impact related to the Project.

Conservation Plan Conflict

CASP EIR Conclusions [105]

The CASP EIR (Impact Land-10) found that the CASP would not fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan. The CASP planning area was not found to be located within or in proximity to an area guided by a Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, adoption and development of the CASP would not conflict with such plans.

Project Analysis

As was concluded in the CASP EIR, the Project site (as part of the CASP planning area) is not within or in proximity to an area guided by a Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the Project would not conflict with such plans.

CEQA Conclusions Pertaining to Land Use

The analysis presented above examines whether there are any Project-specific significant effects related to land use that are peculiar to the Project or its site, finding none. The Project would have no impacts related to land use that were not previously analyzed in the CASP EIR, would have no off-site or cumulative impacts related to land use not discussed in the prior CASP EIR, and would not result in any land use impacts that are more severe than as discussed in the prior CASP EIR. There are no impacts related to land use that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to land use. The land use analysis presented above does provide additional details regarding land use and land use policy specific to the Project site. These additional details are new information pertinent to the Project that were not available or practical at the time of certification of the CASP EIR. However, as described above, these new details do not introduce any new significant impacts pertaining to land use that were not previously identified in the CASP EIR, and do not substantially increase the severity of any significant land use impacts as previously disclosed in the CASP EIR. These new details that are specific to the Project and its site are appropriately disclosed in this Addendum to the CASP EIR.

[105] City of Oakland, CASP Draft EIR, page 4.9-72

Mineral Resources

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact	■	□	-	No Impact
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact	■	□	-	No Impact

Loss of Important Mineral Resources

CASP EIR Conclusions

Impacts on mineral resources were not anticipated, and consequently not analyzed in the CASP EIR.[106]

As there are no known important mineral deposits or active mineral extraction operations identified by the California Department of Conservation at the Project site. Consistent with the findings of CASP EIR, the Project would not have an adverse effect on important mineral resources or result in the loss of availability of a locally important mineral resource recovery site.

CEQA Conclusions Pertaining to Mineral Resources

The analysis presented above examines whether there are any Project-specific significant effects related to mineral resources that are peculiar to the Project or its site, finding none. The Project would have no mineral resource impacts that were not previously analyzed in the CASP EIR, would have no off-site or cumulative mineral resource impacts not discussed in the prior CASP EIR, and would not result in any mineral resource impacts that are more severe than as discussed in the prior CASP EIR. There are no mineral resource-related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as related to mineral resources. Only minor technical additions related to the Project and its site have been identified, and these minor additions to the CASP EIR are appropriately disclosed in this Addendum to the CASP EIR.

[106] City of Oakland, CASP Draft EIR, page 2-2

Noise and Vibration

Would the Project:	CASP EIR Findings	CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance?	LTS with SCAs	■	□	SCA Noise-1, Construction Days/Hours SCA Noise-2, Construction Noise SCA Noise-3, Extreme Construction Noise SCA Noise-4, Public Notification Required SCA Noise-5, Construction Noise Complaints SCA General-2, Construction Management Plan, Including: Recommendation #1 Pursuant to the Construction Management Plan - Temporary Rerouting of the Bay Trail Recommendation #2 Pursuant to the Construction Management Plan – Schedule Coordination with City-Sponsored Use of Soccer Fields	LTS with SCAs
b) Generate a substantial permanent increase in operational ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	LTS with SCA	■	□	SCA Noise-6, Operational Noise	LTS with SCA
c) Generate a substantial permanent increase in traffic noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	LTS	■	□	-	No Impact
d) Generate excessive groundborne vibration or groundborne noise levels?	LTS	■	□	-	LTS

e) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact	■	□	-	No Impact

Temporary Construction Noise

CASP EIR Conclusions [107]

The CASP EIR (Impact Noise-1) concluded that future development pursuant to the CASP would include pile drilling and other extreme noise generating construction activities that would temporarily increase noise levels in the vicinity. In many instances, noise from construction would exceed the City's noise ordinance due to proximity of new buildings under construction to both existing and new noise-sensitive land uses. The CASP EIR determined that, with implementation of City of Oakland Standard Conditions of Approval, construction noise would not violate the City of Oakland Noise Ordinance or the City of Oakland nuisance standards regarding persistent construction-related noise. The City's SCAs address construction noise by requiring reasonable limits on construction hours, noise reduction program, and measures to track and respond to complaints. Through implementation of the City's SCAs, the CASP EIR found that construction noise would be less than significant.

Project Analysis

Regulatory Requirement

For purposes of analysis of potential construction-period noise impacts, the City of Oakland regulates noise through enforcement of its Noise Ordinance, which is found in Section 17.120 of the Oakland Municipal Code. The Noise Ordinance presents noise level standards that apply to temporary exposure to short-term (less than 10 days) and long-term (more than 10 day) construction noise, as shown in **Table 11**.

Table 11: Construction Noise Level Standards (dBA)

Receiving Land Use	Less Than 10 Days		More Than 10 Days	
	Weekdays 7 AM to 7 PM	Weekends 9 AM to 8 PM	Weekdays 7 AM to 7 PM	Weekends 9 AM to 8 PM
Residential	60	45	65	70
Commercial, Industrial	65	50	70	75

Note:

1. If the ambient noise level exceeds these standards, the standard shall be adjusted to equal the ambient noise level.

Source: OMC Section 17.120.050

[107] City of Oakland, CSP Draft EIR, page 4.10-19

Construction noise that would exceed the standards of the Noise Ordinance are considered potentially significant, except if an acoustical analysis is performed that identifies recommended measures to reduce potential impacts. The acoustical analysis must identify, at a minimum, the types of construction equipment expected to be used and the noise levels typically associated with the construction equipment, and surrounding land uses including any sensitive land uses (e.g., schools and childcare facilities, health care and nursing homes, public open space). If sensitive land uses are present, the acoustical analysis must recommend measures to reduce potential impacts.

Construction Equipment and Anticipated Noise Levels

Table 12, below, identifies the types of construction equipment that are likely to be used during construction of the Project. Typical noise levels from this equipment are expected to generate noise levels that range from between 74 to 101 dBA at 50 feet from the source. The loudest construction operations are expected to be pile driving/pile drilling activity, with steel sections driven through the on-site Bay Mud and liquefiable soils to a depth of 65 to 100 feet, as necessary to provide structural support for the Project's proposed Office, Warehouse and Workshop buildings.

Table 12: Reference Noise Levels of Anticipated Construction Equipment

Equipment	Typical Noise Level (dBA) 50 ft from Source
Air Compressor	81
Backhoe	80
Concrete Mixer	85
Crane, Derrick	88
Crane, Mobile	83
Dozer	85
Generator	81
Grader	85
Jack Hammer	88
Loader	85
Paver	89
Pneumatic Tool	85
Pump	76
Roller	74
Saw	76
Scraper	89
Truck	88
Pile Driver - Impact	101
Pile Driver - Sonic	96

Source: *Federal Transit Administration Transit Noise and Vibration Impact Assessment*, May 2006, FTA-VA-90-1003-06, (FTA 2006)

To estimate the sound levels at various receiving locations, the inverse square law can be used to determine sound pressure levels at a various distances. The inverse square law has been found to generally demonstrate that for each doubling of distance from a point source, the sound pressure level decreases by approximately 6 dB.[108] This approach assumes there are no reflective surfaces or barriers located between the noise source and the location at which the sound level is being determined, that would otherwise further attenuate sound. Based on the inverse square law, a conservative estimate of sound levels at various receiver sites can be determined, as indicated below.

- Pile driving/drilling for the proposed Office building would occur as close as approximately 50 feet from the nearest edge of Damon Marsh at the Bay Trail. At this distance, noise levels on this segment of the Bay Trail could be expected at between 96 and 101 dBA, substantially exceeding the sensitive land use standard of 65 dBA.
- Pile driving/drilling for the proposed Warehouse building would occur as close as approximately 350 feet from the nearest edge of the City of Oakland's improved soccer fields. At this distance, noise levels at this public open space could be expected at approximately 84 dBA, exceeding the sensitive land use standard of 65 dBA.
- Pile driving/drilling for the proposed Office building would occur at approximately 1,000 feet from the nearest building within the Oakland Airport Business Park. At this distance, noise levels at the nearest commercial/industrial receiver could be expected approximately 75 dBA, exceeding the commercial/industrial receiver standard of 70 dBA. However (as noted in the Noise Ordinance), if the ambient noise level exceeds the standard, the standard is adjusted to equal the ambient noise level. According to the 2004 Oakland General Plan Noise Element Update, the traffic noise levels on I-880 at the nearest location (at I-880/Hegenberger) was calculated to be 83 dBA Ldn at 150 feet from the freeway centerline (or approximately 80 dBA Ldn at this nearest building within the Oakland Airport Business Park).[109] Noise from pile driving/pile drilling activity would not be expected to exceed this existing ambient condition.
- The residential areas nearest to the Project site are at San Leandro Street/Seminary Avenue, Lion Creek Crossing at San Leandro Street/66th Avenue, and at San Leandro Street/53rd Avenue. Each of these residential areas are about 3,000 feet or more from the Project site (see prior Figure 16). At these distances, noise levels from pile driving/pile drilling activities at the Project site are calculated to be approximately 65 dBA or less, which is at or lower than the sensitive land use standard of 65 dBA. The Project's loudest construction noise would not be expected to exceed the existing ambient condition at these residential locations, particularly given their proximity of these residences to the I-880 freeway, overhead BART tracks and/or other traffic noise sources at these locations.

This analysis demonstrates that the loudest construction noise attributed to the Project would be unlikely to exceed applicable standards at sensitive residential receivers or at commercial/industrial receivers, but would exceed standards at the Damon Marsh open space and Bay Trail, and at the City's soccer field.

Applicable Standard Conditions of Approval

The Oakland Noise Ordinance provides that if an acoustical analysis does identify potentially significant construction noise levels, measures must be recommended to reduce potential impacts. The following City of

[108] WKC Group, accessed at: https://www.wkcgroup.com/tools-room/inverse-square-law-sound-calculator/

[109] City of Oakland, *Noise Element Update - Environmental Background Report*, prepared by Illingworth and Rodkin, Inc., December 2004, Table B2, page 33

Oakland SCAs are cited in the CASP EIR as effective measures for reducing the effects of construction noise, and are standard conditions of approval that would apply to the Project.

- ***SCA Noise-1, Construction Days/Hours***: The project applicant shall comply with the following restrictions concerning construction days and hours:

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

  b) Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.

  c) No construction is allowed on Sunday or federal holidays.

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

  Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City. Criteria for City's evaluation include the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

- ***SCA Noise-2, Construction Noise***: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

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

  b) Except as provided herein, impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

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

  d) Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

  e) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

- ***SCA Noise-3, Extreme Construction Noise***: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval. The Construction Noise Management Plan shall contain a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

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

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

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

  d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

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

- ***SCA Noise-4, Public Notification Required***: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the construction activity that generates extreme noise, and shall describe noise attenuation measures to be implemented.

- ***SCA Noise-5, Construction Noise Complaints***: The project applicant shall 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. At a minimum, the procedures shall include:

  a) Designation of an on-site construction complaint and enforcement manager for the project;

  b) A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;

  c) Protocols for receiving, responding to, and tracking received complaints; and

  d) Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

- ***SCA General-2, Construction Management Plan***: Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning and Bureau of Building. Other relevant City departments, such as the Fire Department, Department of Transportation and the Public Works Department shall also review and approve the CMP, as directed.

  a) The CMP shall contain measures to minimize potential construction impacts, including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below).

b) The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan). This information shall specify how potential construction impacts will be minimized, and how each construction-related requirement will be satisfied throughout construction of the project.

These SCAs provide effective noise attenuation from excessive noise for surrounding residential, commercial and industrial land uses. SCA Noise-1 limits the days and hours of operation, in particular limited the days that extreme noise generating activities greater than 90 dBA are allowed. SCA Noise-2 includes a list of standard noise reduction measures required of all construction projects that have been found to be practical and feasible for most all situations. SCA Noise-3 addresses the noisiest activities that would occur on-site, and provides a framework for mitigating such noises (e.g., pile driving). SCA Noise-4 and -5 outline the procedures by which contractors shall notify neighboring properties and addressing noise complaints so they can respond quickly to minimize adverse community response. These SCAs are comprehensive in their content, and for practical purposes represent all feasible measures available to mitigate construction noise.

However, noise from pile driving/pile drilling activities at the Bay Trail between the Project site and Damon Marsh (at a maximum of 94 to 100 dBA), and at the City's soccer fields along San Leandro Bay (at a maximum of 84 dBA), would remain significant. According to the Oakland General Plan Noise-Land Use Compatibility Matrix, noise levels in excess of 80 dBA are considered "clearly unacceptable". No on-site measures can effectively reduce pile driving/pile drilling noise levels to acceptable levels at these adjacent locations.

To address the excessive noise levels at these locations during the pile driving/pile drilling activities, and pursuant to **SCA General-2, Construction Management Plan**, the following additional off-site measures are recommended for the lead agency's consideration of Project approvals:

- ***Recommendation #1 Pursuant to the Construction Management Plan - Temporary Rerouting of the Bay Trail***: The Project applicant shall coordinate with BCDC to identify an acceptable temporary detour of the segment of the Bay Trail that is immediately adjacent to the Development Area during pile driving/pile drilling activities. The options for detour routes in this area are limited, and may best be accomplished by providing a temporary public pathway along the Project site's frontage on Oakport Street, at least as far as the Peppermint Gate Access Road. The segment of the Bay Trail adjacent to the site can be re-opened after conclusion of the temporary pile driving/pile drilling activity.
- ***Recommendation #2 Pursuant to the Construction Management Plan – Schedule Coordination with City-Sponsored Use of Soccer Fields***: The Project applicant shall coordinate with the City Parks and Recreation Department to best avoid pile driving/pile drilling activities of the Project concurrent with scheduled sports activities at the City Soccer fields. Pursuant to SCA Noise-3, no pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday, and no construction is allowed on Sunday or federal holidays. Accordingly, schedule coordination is only required during intermittent weekday use of the sport field between the hours of 8:00 a.m. and 4:00 p.m.

Consistent with the conclusions of the CASP EIR and in recognition that construction noise is a temporary condition, the Project's effects related to construction noise will be fully addressed through implementation of City SCAs, existing regulations and Project-specific recommendations pursuant to SCAs, and this impact would be reduced to less than significant.

Permanent Operational Noise

CASP EIR Conclusions [110]

The CASP EIR (Impact Noise-2B) found that development pursuant to the CASP (other than the proposed sports venues described) would not generate operational noise in violation of the City of Oakland Noise Ordinance, based upon required compliance with City of Oakland SCAs. Operational noise within the CASP planning area would result from common noise sources such as rooftop mechanical equipment, and warehouse and distribution uses. The CASP EIR concluded there were no sensitive noise receivers that would be adversely affected by these common noise sources, or by truck and vehicle noise. For most common noise sources such as rooftop mechanical equipment, the City's Municipal Code Noise Standards can be achieved via implementation of reasonable and feasible noise control measures as required pursuant to implementation of City SCAs. For mechanical equipment and other fixed noise sources, these noise control measures may include noise barriers, duct sound attenuators, or selection of equipment that meets a specified noise level limit.

Project Analysis

The Project's Office, Warehouse Workshop buildings would include stationary sources of operational noise such as mechanical heating, ventilating and air conditioning (HVAC) equipment that is standardized for noise reduction. The roof-mounted equipment of the HVAC systems would be screened and subject to approval of the City of Oakland's Design Review procedures and Building Permit requirements, requiring demonstration that this stationary equipment would operate within the restrictions of the OMC requirements for maximum sound levels received at the property line.

The proposed Warehouse would also generate operational noise from large delivery trucks shipping into and out from the warehouse. This warehouse and distribution noise will be similar to that generated by warehouse and distribution uses within the nearby Oakland Airport Business Park, and generated by the logistics, warehouse and storage operations on the opposite (easterly) side of I-880. As indicated above, there are no sensitive residential receptors within a 3,000-foot radius of the Project site, and no sensitive residential receptors would be subject to noise levels.

Noise generated at the Warehouse, the Pipe Storage Structure and the Materials Bin would be the same types of noise generated by these activities as currently exists on the Project site, but would be shifted further south into the Development Area, with no net increase in attributable operational noise.

Applicable Standard Conditions of Approval

The following City of Oakland SCA is cited in the CASP EIR as effective measures for reducing the effects of operational noise, and is a standard condition of approval that would apply to the Project.

- ***SCA Noise-6, Operational Noise***: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

Consistent with the conclusions of the CASP EIR, the Project's operational noise impacts will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

[110] City of Oakland, CASP Draft EIR, page 4.10-24

Traffic Noise

CASP EIR Conclusions [111]

The CASP EIR (Impact Noise-3) found that implementation of the CASP would not generate traffic noise resulting in a 5 dBA permanent increase in ambient noise levels in the vicinity, above levels that would exist without the CASP. Traffic volumes for roadways in the CASP planning area were analyzed to determine the potential for increased traffic noise. The calculated traffic noise levels and associated increases for each roadway link found that, in general, noise levels with the CASP were expected to increase by 1.2 dBA or less, as compared to existing conditions. Consequently, the CASP EIR determined that CASP buildout would not generate traffic noise that would exceed the threshold, and this impact was determined to be less than significant.

Project Analysis

The Project is anticipated to generate 1,750 daily vehicle trips,[112] as compared to the CASP's estimated increase of 63,350 total daily vehicle trips.[113] Accordingly, the Project generates only about 2.7% of the trips as analyzed in the CASP EIR. The full 63,350 daily trips was not found to increase ambient noise levels on roadways within the CASP planning area by a level that would be considered significant (i.e., only 1.2 dBA as compared to a 3 dBA threshold). Accordingly, the Project trips, which represent a small fraction of the trips generated under CASP buildout, would similarly (and to a substantially lesser extent) not increase ambient noise levels on roadways within the CASP planning area by a level that would be considered significant. This would not be an impact of the Project.

Groundborne Vibration

CASP EIR Conclusions [114]

The CASP EIR (Impact Noise-7) found that construction or project operations pursuant to the CASP may expose persons to, or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA). Vibration from construction was found to primarily be associated with use of vibratory rollers and pile drivers. Vibration can also be generated by other equipment, but those are usually at much lower levels. Vibration from construction attenuates rapidly with distance and is usually well below damage criteria for conventionally engineered buildings. The potential for damage from construction vibration was found to be potentially significant for historic structures. The City's standard conditions of approval that address vibration effects on historic buildings was determined to mitigate this potential impact to a level of less than significant.

Project Analysis

The Project is proposed in a location identified as a liquefaction hazard zone, having a very high susceptibility to earthquake-induced liquefaction. To address this condition, the Project proposes that steel piles be driven into firm native soil below the Bay Mud and liquefiable soil layers to support the Project's proposed Office,

111 City of Oakland, CASP Draft EIR page 4.10-25

112 Fehr & Peers, SupplyBank Oakport Project – Preliminary Transportation Assessment, August 1, 2022, Table 1

113 City of Oakland, CASP Draft EIR, Table 4.13-16, page 4.13-55

114 City of Oakland, CASP EIR page 4.10-28

Warehouse and Workshop buildings and retaining walls. The Project also proposes using a reinforced Rammed Aggregate Pier (RAP) system installed on a grid pattern to support areas where stockpiled materials and retaining wall foundations are expected. The proposed pile driving and/or drilling for these structural support systems will generate groundborne vibration. To assess the potential for significant effects associated with the construction operations, the methodology for vibration assessments as recommended by the FTA has been conducted for the Project.[115]

According to this FTA methodology, the potential for construction vibration damage depends on the vibration level and the building type or structural category of the building to be assessed. The following **Table 13** provides the FTA recommended criteria for potential vibration damage.

Table 13: FTA Construction Vibration Damage and Annoyance Criteria

Building/ Structural Category	PPV, in/sec
Reinforced-concrete, steel or timber (no plaster)	0.5
Engineered concrete and masonry (no plaster)	0.3
Non-engineered timber and masonry buildings	0.2
Buildings extremely susceptible to vibration damage	0.12

*RMS velocity in decibels, VdB re 1 micro-in/sec

Source: FTA Transit Noise and Vibration Impact Assessment Manual, Table 7-5

The Project site is not in a densely developed area and the nearest structure to pile driving activities (the Oakland Acura building in the Oakland Airport Business Park) is estimated to be approximately 1,000 feet from the nearest pile driving/drilling activity. The EBMUD Oakport WWF is approximately 1,500 feet from the nearest pile driving/drilling activity. The FTA Manual indicates that an impact pile driver can generate an upper range peak period velocity (or PPV) of up to 1.518 PPV (in inches/second) at a reference distance of 25 feet, but generates a typical PPV of 0.644 PPV inches/second at a reference distance of 25 feet. Conservatively using the upper range velocity of 1.518 PPV at a reference distance of 25 feet, the construction vibration felt at the nearest structure 1,000 feet away can be calculated based on the following FTA reference formula: [116]

$$PPV_{structure} = PPV_{ref} \times 25/D^{1.5}, \text{ where}$$

- $PPV_{structure}$ = the peak particle velocity of the equipment adjusted for distance to the structure (in/sec)
- PPV_{ref} = the source reference vibration level at 25 ft
- D = distance from the equipment to the receiver, ft

Using this formula and the conservative upper-range velocity for pile driving, the PPV at the nearest receiving building (which is also separated by the Damon Slough) would be 0.006 PPV (inches/second), well below the criteria for even the most sensitive building extremely susceptible to vibration damage. Vibration levels at the EBMUD Oakport WWF would be even lower. Furthermore, pursuant to SCA Noise-3, Extreme Construction Noise (see Construction Noise, above) the Project Construction Noise Management Plan shall contain a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise

115 FTA, Transit Noise and Vibration Impact Assessment Manual, Section 7.2: Construction Vibration Assessment, September 2018, beginning at page 182

116 FTA, September 2018, Table 7-4

generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

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

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

Consistent with the conclusions of the CASP EIR and with the requirements of SCA Noise-3 for more quiet pile driving technology such as pre-drilling of piles, the Project's effects related to damage to nearby buildings from construction vibrations would be a less than significant impact.

Aviation Noise

CASP EIR Conclusions [117]

The CASP EIR (Impact Noise-8) found that new development pursuant to the CASP would not expose people residing or working in the CASP planning area to excessive noise levels from aircraft activity. According to the Airport Noise Contours for Oakland International Airport, the entire CASP planning are is located outside the CNEL 60 dBA noise contour. The Alameda County ALUC considers a CNEL of less than 60 dBA as compatible for residences and all other land uses pursuant to the CASP. Consequently this impact was concluded to be less than significant.

Project Analysis

As is true for the entire CASP planning area, the Project site is not subject to excessive noise from private airstrips, public airports or overhead aircraft. Consistent with the findings of the CASP EIR, the Project would not be adversely affected by aviation noise (see also the Land Use section of this CEQA Checklist pertaining to ALUCP consistency).

CEQA Conclusions Pertaining to Noise and Vibration

The analysis presented above examines whether there are any Project-specific significant effects related to noise or vibration that are peculiar to the Project or its site, finding none. The Project would have no impacts related to noise or vibration that were not previously analyzed in the CASP EIR, would have no off-site or cumulative impacts related to noise or vibration not discussed in the prior CASP EIR, and would not result in any noise or vibration impacts that are more severe than as discussed in the prior CASP EIR. There are no impacts related to noise or vibration that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to noise or vibration. The noise and vibration analysis presented above does provide additional details regarding noise conditions specific to the Project site, and the Project provides additional detailed information as to how it intends to best address these conditions specific to the site. These additional details are new information pertinent to the Project that were not available or practical at the time of certification of the CASP EIR. However, as described above, these new details do not introduce any new significant impacts pertaining to noise or vibration that were not previously identified in the

[117] City of Oakland, CASP Draft EIR, page 4.10-30

CASP EIR, and do not substantially increase the severity of any significant noise or vibration impacts as previously disclosed in the CASP EIR. The detailed recommendations for the Project are fully consistent with the Standard Conditions of Approval as cited in the CASP EIR. These new details that are specific to the Project and its site are appropriately disclosed in this Addendum to the CASP EIR.

Population, Employment and Housing

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	LTS with SCA	■	□	SCA Population-1, Jobs/Housing Impact Fee	LTS with SCA
b) Induce substantial unplanned employment growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	LTS	■	□	-	LTS
c) Displace substantial numbers of existing people, housing or businesses, necessitating the construction of replacement housing elsewhere?	LTS	■	□	-	No Impact

Population Growth

CASP EIR Conclusions [118]

The CASP EIR determined that the CASP buildout would include development of 5,750 housing units, of which 4,000 units were anticipated in the Coliseum District (or Sub-Area A) and 1,750 units along the northwest waterfront in Sub-Area B (no new housing was proposed in Sub-Area E). This new housing was anticipated to accommodate 5,520 households with a population of 10,240 residents. As there was (and still is) no existing housing in the CASP planning area, these new housing units and residents represent new growth pursuant to the CASP. This new household growth was found to represent about nine percent of total citywide household growth over the next 30 years, as targeted for Oakland in ABAG's 2013 *Plan Bay Area*. The CASP's housing development was found to contribute to achieving this targeted citywide residential growth.

Project Analysis

The Project does not include any proposed new housing or residential development. As noted above, the CASP did not propose any new housing within Sub-Area E (which includes the Project site). The CASP EIR did not presume that the Project site would contribute to achieving the City's housing goals, and the site's Business Mix land use designation is intended for a wide variety of business and related commercial and industrial establishments, not residential use. The non-residential Project does not take away any planned housing

[118] City of Oakland, CASP Draft EIR, beginning at page 4.11-22

development site pursuant to the CASP, the General Plan LUTE or the City's General Plan Housing Element. The Project has no direct effect related to population growth.

Applicable Standard Conditions of Approval

The following City of Oakland SCA is cited in the CASP EIR as an effective means for addressing indirect population and housing growth attributed to employment uses, and would apply to the Project.

- ***SCA Population-1, Jobs/Housing Impact Fee***: The project applicant shall comply with the requirements of the City of Oakland Jobs/Housing Impact Fee Ordinance (chapter 15.68 of the Oakland Municipal Code).

Consistent with the conclusions of the CASP EIR, the Project's effects related to indirect population growth and housing demands will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Employment Growth

CASP EIR Conclusions [119]

The CASP EIR (Impact Pop and Housing-4) found that new development facilitated by the CASP would not induce substantial population or employment growth in a manner not contemplated in the City's General Plan, either directly by facilitating new businesses, or indirectly through infrastructure improvements. This impact was considered less than significant.

Buildout of the CASP was projected to accommodate three new sports facilities plus 13.6 million square feet of building space for retail/dining/entertainment, hotel, science and technology, office, light industrial, logistics/distribution, and other non-residential business activities. The Coliseum District was projected to accommodate 2.5 million square feet plus the sports facilities, and the rest of the CASP buildout was assumed to include 11.1 million square feet of new building space and associated business activity. Total employment pursuant to the CASP was estimated at 32,000 jobs at build-out. Compared to existing conditions, new development pursuant to the CASP was estimated to generate growth of 7.9 million square feet of new non-residential building space (plus the sports facilities), and approximately 21,000 new jobs. Existing employment of approximately 11,020 would nearly triple, to 32,000 total jobs. Employment growth potentials included an increase of 7,000 jobs in the Coliseum District and 14,000 new jobs within business activities throughout the rest of the CASP planning area. Employment growth was found to represents 25 percent of citywide growth over the next 30 years, as targeted for Oakland in the 2013 *ABAG Plan Bay Area*.

Project Analysis

Employment density factors were presented in the CASP EIR for a variety of land use types most likely to occur within the CASP planning area. The business activity type from the CASP EIR that is most similar to the Project's proposed land uses is a combination of science and tech/office/and light industrial business activities. Growth in this business activity type was estimated at approximately 2.255 million square feet, with 5,255 new employees – for an average of approximately 430 square feet per employee.[120] By applying this employment density factor to the Project's proposed 293,000 square feet of building space (the office, the warehouse and the workshop), the Project may result in projected employment of perhaps 680 employees. This represents only about 3

[119] City of Oakland, CASP Draft EIR, beginning at page 4.11-18

[120] City of Oakland, CASP Draft EIR, Table 4.11-10. As noted in that CASP table, employment was estimated by Hausrath Economics Group based on employment density factors by land use as appropriate for the types of space and business activities existing in and proposed for the [CASP] Project Area, drawing from data for Oakland, San Francisco, and other relevant development.

percent of the total employment growth as was anticipated under the CASP EIR. Accordingly, the Project would not induce substantial unplanned employment growth in the area, and this impact would be less than significant.

Displacement of Persons or Housing

CASP EIR Conclusions [121]

The CASP EIR (Impact Pop and Housing-1 through -3) found that new development facilitated by the CASP would not displace any existing housing units and would not displace any people residing in the CASP planning area. It did find that new development facilitated by the CASP would displace certain existing businesses and jobs, but not in substantial numbers necessitating construction of replacement facilities elsewhere, in excess of that contemplated in the City's General Plan. This impact was determined to be less than significant.

Project Analysis

The Development Area is a vacant site owned by a public utility. There are no existing homes on the Project site and development of the Project would not result in the displacement of persons or housing. The Project would provide for replacement of certain EBMUD operations from their current location within the Northerly Area, to new facilities within the Development Area, but these operations and facilities would not be displaced by the Project.

CEQA Conclusions Pertaining to Population and Housing

The analysis presented above examines whether there are any Project-specific significant effects related to population, housing or employment that are peculiar to the Project or its site, finding none. The Project would have no population, housing or employment impacts that were not previously analyzed in the CASP EIR, would have no off-site or cumulative population, housing or employment impacts not discussed in the prior CASP EIR, and would not result in any population, housing or employment impacts that are more severe than as discussed in the prior CASP EIR. There are no population, housing or employment related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as related to population, housing or employment. Only minor technical additions related to the Project and its site have been identified, and these minor additions to the CASP EIR are appropriately disclosed in this Addendum to the CASP EIR.

[121] City of Oakland, CASP Draft EIR, beginning at page 4.11-27

Public Services and Recreation

Would the Project: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Fire Protection and Police Protection?	LTS	■	□	SCA Public-1, Capital Improvements Impact Fee	LTS with SCA
b) Schools?	LTS	■	□	Project Requirement: OUSD School Impact Fees	LTS with OUSD fees
c) For parks; Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	LTS	■	□	SCA Public-2, Access to Parks and Open Space	LTS with SCA

New Government Facilities

CASP EIR Conclusions [122]

The CASP EIR (Impact Public-1) determined that implementation of the CASP could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities.

Fire Protection

The CASP EIR concluded that the increase in development intensity and overall density would result in an increase in demand for fire protection services. However, adherence to General Plan policies (Policies N.12.1 and N.12.5, which call for the development of public facilities and staffing of safety-related services to be sequenced and timed to provide a balance between land use and public services, and giving priority to reducing deficiencies public services) and Policy FI-1 and FI-2 (calling for maintaining and enhancing the City's capacity for emergency response, fire prevention and firefighting, and implementing programs that seek to reduce the risk

[122] City of Oakland, CASP Draft EIR, beginning at page 4.12-12

of structural fires) as well as City of Oakland SCAs during review of individual development projects, would reduce the potential for service deficiencies and related impacts. The CASP EIR found that the Oakland Fire Department was able to meet or exceed their response time goal 90 percent of the time. As such, it was anticipated that the CASP would have a less than significant impact on fire protection services.

Police Protection

The CASP EIR concluded that development intensity and overall density could result in an increase in reported crimes. However, adherence to General Plan policies N.12.1, N.12.5 and FI-1 during review of individual development projects would reduce the potential for project-related service deficiencies. Although the population increase attributed to the CSP was considered to potentially result in an increase in reported crime, the new construction and rehabilitation of existing structures would infill currently vacant and underused sites, serve to revitalize the corridors and community, and could result in a reduction in criminal activity within and around the area. As such, it was anticipated that the CASP would have a less than significant impact on fire protection services.

Schools

The CASP EIR found that new development pursuant to the CASP would likely increase student enrollment at local schools. These new students would be added to district-wide enrollment incrementally over time as development occurs. The CASP EIR concluded that Senate Bill 50 (SB 50) requires applicants for individual development projects to pay school impact fees established to offset potential impacts from new development on school facilities. Payment of fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of such fees is deemed full and complete mitigation. The CASP EIR determined that, with payment of these fees, the CASP's impact on schools would be less than significant and no additional mitigation would be required.

Other Public Facilities

The CASP EIR found no further impacts on the provision of public services.

Project Analysis

Police, Fire and Other Public Services

Development of the Project will incrementally increase demand for public services (i.e., police, fire protection and other public services) and will contribute to the need for capital improvements necessary to meet this demand. The Project will place additional burdens public services, and these demands will contribute to the cumulative need for construction of facilities and improvements to meet and accommodate new development.

The City of Oakland had conducted a nexus study and established factors that reasonably estimate the level of impacts on public services and related capital improvement. The City has adopted a Capital Improvements Impact Fee (OMC Chapter 15.74), and has found that there is a reasonable relationship between the type of development project paying the fees and the need for capital improvements and infrastructure. Through the payment of these fees, the Project will address its portion of these cumulative effects on public services and capital improvement infrastructure, and fully mitigate it contribution to these impacts as required under CEQA.

Schools

By creating new jobs in Oakland, the Project's employment will indirectly induce additional population and housing growth, indirectly adding to demands for school capacity. As authorized by California Government Code Sections 65995, 65996(a) and 65996(b), the OUSD collects school impact fees from developers of new residential and non-residential building space, including the Project. The permitted method for addressing

school enrollment increase impacts is limited to the statutory authority of school districts to impose school impact fees.

Applicable Standard Conditions of Approval

The following condition applies to all projects subject to the Capital Improvements Impact Fee.

- ***SCA Public-1, Capital Improvements Impact Fee***: The Project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).
- As authorized by ***California Government Code Sections 65995***, 65996(a) and 65996(b), the OUSD will collect school impact fees from the Project, and payment of the required school impact fees will address the impact of the Project on school services to the furthest extent permitted by law. School impact fees are collected when building permits are issued. Payment of these fees will constitute full and complete mitigation, and the impact of the Project related to schools would be less than significant.

Parks and Recreation

CASP EIR Conclusions [123]

Park Standards

The CASP EIR (Impact Public-2) found that the CASP would result in increased use of existing neighborhood and regional parks and other recreational facilities, such that substantial physical deterioration of these facilities may occur. The existing parks and recreation facilities, including the MLK Shoreline Park and the Oakport soccer fields and related land in Sub-Area E, would experience much greater use. However, the CASP EIR concluded that adherence to the General Plan's OSCAR Policies 3.1, 3.3, and 3.10 would reduce potential impacts to recreational facilities, the City would continue to exceed its overall park standard but would continue to fall short of its stated local-serving park standard, but that the CASP would have a positive contribution to both standards. As a result, the impact was found to be less than significant.

New Recreational Facilities

The CASP EIR (Impact Public-3) found that the CASP would include new recreational facilities that could potentially have an adverse physical effect on the environment. However, the construction of new park spaces and habitat restoration efforts would be subject to the City's standard conditions of approval, and therefore any impacts would be less than significant.

Project Analysis

The Project's Development Area is located adjacent to a segment of the Bay Trail. New employees at the Project will have direct access to this public recreational amenity, and may result in increased walkers and bicycle users on the Bay Trail. The Project does not include any on-site parks or recreational space improvements that might result in environmental effects.

Applicable Standard Conditions of Approval

The following SCA applies to all projects involving new construction adjacent to an existing open space such as parks, lakes, or the shoreline.

- ***SCA Public-2, Access to Parks and Open Space***: The project applicant shall submit a plan for City review and approval to enhance bicycle and pedestrian access from the Project site and adjacent areas to the Bay Trail.

[123] City of Oakland, CASP Draft EIR, beginning at page 4.12-13

Examples of enhancements may include, but are not limited to new or improved bikeways, bike parking, traffic control devices, sidewalks, pathways, bulb-outs and signage. The project sponsor shall install the approved enhancements during construction and prior to completion of the project.

The Project's current plans do not indicate any off-site improvements, and only suggest a single pathway connection from the proposed Office building to a gate at the fence line adjacent to the Bay Trail.

As more fully addressed in the Land Use section of this CEQA Checklist, the Project will be required to obtain a permit from BCDC before proceeding with development. Generally, BCDC development permits may be granted or denied only after public hearings, and after the process for review and entitlement by the City has been completed. The Commission may approve a permit for shoreline development if it determines that the Project is in accordance with standards for use of the shoreline, provides for maximum feasible public access consistent with the Project, and accounts for advisory review related to appearance by the BCDC Design Review Board.

Pursuant to City of Oakland ***SCA General-1: Regulatory Permits and Authorizations from Other Agencies***, the Project applicant must obtain all necessary regulatory permits and authorizations from BCDC, and comply with all requirements and conditions of that those permits/authorizations. Prior to reaching its own independent conclusions as to whether or how to issue a shoreline development permit, the Commission will consider the environmental effects of the Project as shown in this CEQA document, and may require mitigation for those direct or indirect environmental effects of those parts of the Project for which it has authority to address, particularly in regard to any proposed enhancements to bicycle and pedestrian access from the Project site to the Bay Trail.

CEQA Conclusions Pertaining to Public Services

The analysis presented above examines whether there are any Project-specific significant effects related to public services that are peculiar to the Project or its site, finding none. The Project would have no public service impacts that were not previously analyzed in the CASP EIR, would have no off-site or cumulative public service impacts not discussed in the prior CASP EIR, and would not result in any public service impacts that are more severe than as discussed in the prior CASP EIR. There are no public services related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as related to public services. Only minor technical additions related to the Project and its site have been identified, and these minor additions to the CASP EIR are appropriately disclosed in this Addendum to the CASP EIR.

Transportation

Would the Project:	CASP EIR Findings	Relationship CASP EIR Findings: Equal or Less Severe	Relationship CASP EIR Findings: New or Substantial Increase in Severity	Project Conclusions: Applicable Standards and Requirements	Project Conclusions: Resulting Level of Significance
Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, based on a variety of level of service (LOS) metrics?	In April 2017, the City of Oakland published revised Transportation Impact Review Guidelines to guide the evaluation of transportation impacts associated with land-use development projects. Based on these new guidelines, level of service (LOS) or similar measures of vehicular capacity or traffic congestion are no longer used as thresholds for defining a significant impact on the environment				
a) Cause substantial additional vehicle miles traveled (VMT) per capita, per service population, or other appropriate efficiency measure? For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per worker minus 15-percent.	N/A	N/A	☐	-	LTS
b) Fundamentally conflict with adopted City policies, plans or programs regarding public transit, bicycle or pedestrian facilities?	N/A	■	☐	SCA Transp-1, Bicycle Parking SCA Transp-2, Transportation and Parking Demand Management SCA Trans-3, Transportation Impact Fee SCA Trans-4, Plug-In Electric Vehicle (PEV) Charging Infrastructure	LTS with SCAs
c) Result in a substantial, though temporary, adverse effect on the circulation system during construction of the project? d) Directly or indirectly cause or expose roadway users to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible use?	LTS	■	☐	SCA Transp-5: Construction Activity in the Public Right-of-Way SCA Transp-6: Transportation Improvements	LTS with SCAs
d) Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network?	NA	■	☐	-	LTS

Information related to the Project as included in the following Transportation section of this CEQA Checklist has been derived from the following primary source:

- Fehr & Peers, SupplyBank.org at Oakport Project - Transportation Impact Review, March 31, 2023 (**Appendix P**)
- Fehr & Peers, SupplyBank.org at Oakport Project – Transportation Demand Management Plan, March 31, 2023 (**Appendix Q**)

Vehicle Miles Traveled

CASP EIR Conclusions

In 2015 (when the CASP EIR was certified), the applicable CEQA thresholds relative to traffic were based on level of service (LOS) metrics, taking into account intersection delay and queuing. The LOS metrics measured traffic congestion based on the relationship between the numbers of vehicles travelling on a given segment of a roadway or through an intersection during a given time period and the estimated capacity of the facility based on the number of lanes and other roadway design factors. The CASP EIR analysis evaluated the traffic-related impacts of the Coliseum District and CASP Buildout during the weekday morning and evening peak hours. The analysis was conducted in compliance with then-applicable City of Oakland and Alameda County Transportation Commission (Alameda CTC) guidelines. Traffic conditions were assessed for multiple scenarios, including Existing, Existing Plus Coliseum District, 2035 No Project, 2035 Plus Coliseum District 2035 Plus CASP Buildout conditions.

The CASP EIR did not use vehicle miles traveled (VMT) as a threshold for measuring transportation impacts.

Project Analysis

VMT Threshold

On September 21, 2016, the City of Oakland's Planning Commission directed staff to update the City of Oakland's California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines related to transportation impacts. The purpose of this update was to implement the directive from Senate Bill 743 (SB 743) to modify local environmental review processes by removing automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligned with draft proposed guidance from the Governor's Office of Planning and Research and the City's approach to transportation impact analysis, with adopted plans and polices related to transportation, which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Consistent with the Planning Commission direction and the SB 743 requirements, the City of Oakland published a revised Transportation Impact Review Guidelines (TIRG) on April 14, 2017 to guide the evaluation of transportation impacts associated with land-use development projects.

According to the City of Oakland TIRG, the following threshold of significance related to substantial additional VMT is applicable to the Project:

- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per worker minus 15-percent.

Screening Criteria

VMT impacts are also considered less than significant for a project, if any of the identified screening criteria outlined below are met:

1. Small Projects: if the project generates fewer than 100 vehicle trips per day

2. Near Transit Stations: if the project is located in a Transit Priority Area or within a one-half mile of a Major Transit Corridor or Stop and satisfies the following:
    a. has a Floor Area Ratio (FAR) of more than 0.75
    b. includes less parking for use by residents, customers, or employees of the project than other typical nearby uses, or less than or less than required by the City (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site), and
    c. is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the MTC)
3. Low-VMT Areas: if the project meets map-based screening criteria by being located in an area that exhibits below-threshold VMT, or 15 percent or more below the regional average, or

Potential Impact

Small Projects

Trip generation is the process of estimating the number of vehicles that would likely access the Project on any given weekday. **Table 14** summarizes the trip generation for the Project. Trip generation data published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual (11th Edition) was used as a starting point to estimate the vehicle trip generation, prior to implementation of any Project-specific Transportation Demand Management (TDM) measures.

Table 14: SupplyBank at Oakport Project, Automobile Trip Generation

Land Use	ITE Code	Size1 (KSF)	Daily Trips	Weekday AM Peak Hour In	Weekday AM Peak Hour Out	Weekday AM Peak Hour Total	Weekday PM Peak Hour In	Weekday PM Peak Hour Out	Weekday PM Peak Hour Total
Office [2]	710	160	1,750	221	30	251	42	203	245
Warehousing [3]	150	123	230	29	9	38	11	30	41
Workshop [4]	110	10	90	10	1	11	1	7	8
ITE Trip Generation Subtotal			2,070	260	40	300	54	240	294
Non-Auto Adjustment[5]			*-320*	*-40*	-7	-47	-8	-38	-46
Adjusted Total Project Trips			**1,750**	**220**	**33**	**253**	**46**	**202**	**248**

Notes:

1. KSF = 1,000 square feet.
2. ITE Trip Generation (11th Edition) land use category 710 (General Office Building, General Urban/Suburban):
   Daily: Ln(T) = 0.87 * Ln(X) + 3.05
   AM Peak Hour: Ln(T) = 0.86 * Ln(X) + 1.16 (88% in, 12% out)
   PM Peak Hour: Ln(T) = 0.83 * Ln(X) + 1.29 (17% in, 83% out)
3. ITE Trip Generation (11th Edition) land use category 150 (Warehousing, General Urban/Suburban):
   Daily: T = 1.58 * X + 38.29
   AM Peak Hour: T = 0.12 * X + 23.62 (77% in, 23% out)
   PM Peak Hour: T = 0.12 * X + 26.48 (28% in, 72% out)
4. ITE Trip Generation (11th Edition) land use category 110 (General Light Industrial, General Urban/Suburban):
   Daily: T= 3.76 * X + 50.47
   AM Peak Hour: Ln(T) = 0.68 * Ln(X) + 3.81 (88% in, 12% out)
   PM Peak Hour: Ln(T) = 0.72 * Ln(X) + 0.38 (14% in, 86% out)
5. Reduction of 15.6% assumed, based on City of Oakland TIRG, using Census data for suburban environments with less than 6,000 people per square mile and more than one mile from a BART station.

Source: Fehr & Peers, 2022

As shown above, the Project would generate more than 100 vehicle trips per day, and does not meet the criterion for small projects.

Near Transit Stations

The Project site is approximately a 0.93-mile walking distance from the Coliseum BART Station. The nearest bus stop to the Project site is on 66th Avenue at Coliseum Way, about 0.4 mile east of the Project site. This bus stop is served by AC Transit Line 98, which operates with 20-minute headways during the peak commute periods on weekdays. Thus, the Project is not located in a Transit Priority Area and is not within a one-half mile of a Major Transit Corridor or Stop.

The Project does not meet the criterion for projects near transit stations.

Low-VMT Area

Table 15 shows the estimated VMT per worker for TAZ #1403, which is the Traffic Analysis Zone (TAZ) where the Project is located, as identified in the Alameda County Transportation Commission's Travel Demand Model. The Alameda CTC Travel Demand Model includes 369 TAZs within Oakland that vary in size from a few city blocks in the downtown core, to multiple blocks in outer neighborhoods, to even larger geographic areas in lower-density

neighborhoods. Based on the transportation network and land use inputs such as population and employment characteristics by TAZ, the Model predicts trip generation by TAZ and assigns all predicted trips within, across or to/from the county onto the roadway network and the transit system by mode (single-driver and carpool vehicle, biking, walking, or transit) and transit carrier (bus, rail) for a particular scenario. The Alameda CTC Model outputs the home-based-work (i.e., commute) VMT per worker, which measures all of the worker commute VMT by a motor vehicle on a typical weekday between homes and workplaces.

Based on the Alameda CTC Travel Demand Model, the regional average daily VMT per worker is 18.1 under 2020 conditions and 18.2 under 2040 conditions. The VMT data for the Project site's TAZ is also presented for years 2020 and 2040. This table also shows the applicable VMT thresholds of 15 percent below the regional average for the years 2020 and 2040. According to the City's TIRG, the VMT screening methodology for warehouse and industrial components of the Project should be compared to the regional average VMT per worker in the TAZ, minus 15 percent.

Table 15: SupplyBank at Oakport Project - Daily Vehicle Miles Traveled Summary

	Home-Work VMT per Worker	
Geographic Area	**2020**	**2040**
Proposed Project (Alameda CTC Model TAZ 1403)	14.0	14.6
Bay Area Region Average	18.1	18.2
Bay Area Region Average minus 15% (i.e., threshold of significance)	15.4	15.5
Significant Impact?	**No**	**No**

Notes:

1. Alameda CTC Travel Demand Model results at https://www.alamedactc.org/planning/sb743-vmt/ and accessed in July 2022.

Source: Fehr & Peers, 2022

As shown in this Table, the estimated average daily VMT per worker in the Project TAZ is less than the regional averages minus 15 percent for both year 2020 and year 2040 conditions. The Project satisfies the City of Oakland's VMT screening criterion for projects located in a low VMT area, and is therefore determined to have a less than significant impact on VMT.

Conflict with Transit, Bicycle or Pedestrian Facility Policies

CASP EIR Conclusions [124]

The CASP EIR (Impact Trans-86) found that development pursuant to the CASP would not fundamentally conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect. The CASP EIR found the CASP to be consistent with policies, plans and programs supporting public transit, bicycle and pedestrian transportation. The following general findings were cited in the CASP EIR in support of the City of Oakland General Plan LUTE, as well as the City's Public Transit and Alternative Mode Policy:

- The CASP provides for high-density development in a compact area with excellent pedestrian and bicycle infrastructure and transit service. By providing a mix of uses in a dense walkable urban

[124] City of Oakland, *CASP Draft EIR*, page 4.13-160

environment with quality pedestrian, bicycle and transit infrastructure and a limited parking supply, the CASP encourages the use of non-automobile transportation modes.

- The CASP includes a number of street modifications that encourage pedestrian activity by creating a safer and more attractive pedestrian environment such as minimizing driveways on pedestrian thoroughfares, widening sidewalks, and providing pedestrian scale lighting that further encourage pedestrian activity consistent with the City's Pedestrian Master Plan.
- The CASP encourage completion of the bicycle network on 66th Avenue and Edgewater Drive, as well as completion of the bicycle connection between BART and the Bay Trail as envisioned in the Bicycle Master Plan.

The CASP EIR concluded that the CASP would not conflict with adopted City policies, plans or programs regarding public transit, bicycle or pedestrian facilities, this impact was determined to be less than significant and no mitigation measures were required.

City's Oakland Bike Plan

The City's Oakland Bike Plan (Let's Bike Oakland, 2019) proposes the following facilities in the vicinity of the Project:

- Class 2 separated bicycle path along Zhone Way/66th Avenue, between Oakport Street and San Leandro Street.
- Class 2 bicycle path along Tidewater Avenue between High Street and the San Francisco Bay Trail, 0.3 miles north of the Project
- Class 2 bicycle path connecting the segment of the San Francisco Bay Trail south of Lions Creek to an existing Class 2 bicycle lane on Edgewater Drive, 0.2 miles south of the Project

Neither the City of Oakland's Bike Plan nor the Pedestrian Master identify any planned improvements adjacent to the Project site. The CASP (Policy TR.5-23) does state that, "a Class I path on the south side of 66th Avenue will be necessary to provide pedestrian and bicycle connections between the CASP Plan Area and the Bay Trail, as well as to Sub-Area E."

One Bay Area Grant

The City of Oakland's concept plan for the 66th Avenue BART-to-Bay Trail pursuant to its One Bay Area Grant (OBAG) Project includes the following improvements at the Oakport Street/Zhone Way intersection, including the Class 1 path identified in the CASP:

- A new multi-use path crossing treatment across the south approach of the intersection, including a curb ramp on the east side
- A new Class 1 multi-use path along the south side of Zhone Way/66th Avenue (changing the Oakland Bike Plan's anticipated Class 2 separate bicycle path)
- Upgrades to the existing signal at the intersection, including a dedicated phase for the multi-use path users
- A raised eight-foot wide median on Zhone Way/66th Avenue between Oakport Street and the I-880 Southbound off-ramp, and
- Changes to roadway geometry and striping to maintain the current number of vehicle travel lanes and provide stop bars on the intersection approaches

Project Analysis

The Project is consistent with the applicable programs, plans, ordinances and policies, and would not cause a significant impact by conflicting with adopted programs, plans, ordinances or policies addressing the safety and performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths.

The Project's proposed land uses (which primarily consist of office and warehouse use), and the types of trips generated by these uses are consistent with the land uses envisioned in the CASP for the planning area. The Project is consistent with the CASP in that it does not propose any modification to the transportation network not envisioned in the CASP and it would not adversely affect installation of new facilities or modifications to existing facilities as proposed by the CASP.

As shown in Table 13, the Project would generate as many as 253 AM peak hour trips (more than 50 peak hour trips), and preparation and implementation of a Transportation Demand Management Plan (TDM Plan) is required per City's SCA Trans-2 (see **Appendix Q**). The TDM Plan for the Project includes on-going operational strategies such as shuttle service between the site and the Coliseum BART Station, as well as on-site facilities such as bicycle parking and amenities, and off-site infrastructure improvements such as new bus stops and enhanced pedestrian crossings, that encourage the use of non-automobile travel modes.

Consistent with the Oakland General Plan's Land Use and Transportation Element (LUTE), City's Public Transit and Alternative Mode Policy and the Complete Streets Policy, the CASP EIR states a strong preference for encouraging the use of non-automobile transportation modes, such as transit, bicycling and walking. The Project's required TDM Plan, and other Project characteristics such as limited automobile parking supply and direct access to the Bay Trail, are consistent with the CASP and other City policies to improve and encourage the use of non-automobile transportation modes. The Project would not make any major modifications to the public right-of-way, including existing pedestrian or bicycle facilities in the surrounding areas and would not adversely affect installation of future facilities, including the 66th Avenue BART to Bay Trail Project.

Overall, the Project would not conflict with adopted plans, ordinances, or policies addressing the safety and performance of the circulation system, and would have a less than significant impact on this topic.

Applicable Standard Conditions of Approval

The Project would be subject to the following City of Oakland SCAs intended to ensure consistency with City transportation-related plans, ordinances, and policies.

- ***SCA Transp-1, Bicycle Parking***: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

Although not delineated on Project plans, the TIA (Recommendation 6) recommends the Project shall provide long-term bicycle parking for at least 16 bicycles at the Office building and at least three bicycles at the Warehouse building to meet the minimum amount of long-term bicycle parking required (19 spaces).

- ***SCA Transp-2, Transportation and Parking Demand Management***: The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City (see further detail on the Project's TDM Plan, below).
- ***SCA Trans-3, Transportation Impact Fee***: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).
- ***SCA Trans-4, Plug-In Electric Vehicle (PEV) Charging Infrastructure***:

    a) *PEV-Ready Parking Spaces*: The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical

circuits designated for future PEV charging (i.e. "PEV-Ready) per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.

b) *PEV-Capable Parking Spaces*: The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.

c) *ADA-Accessible Spaces*: The applicant shall submit, for review and approval of the Building Official, plans that show the location of future ADA-accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of ADA-accessible EV charging station(s).

Although not delineated on Project plans, the TIA (Recommendation 3) recommends the Project provide a minimum of 33 PEV-ready and an additional 33 PEV-capable parking spaces.

Project-Required TDM Plan

Pursuant to SCA Transportation-2, a TDM Plan for the Project has been prepared (see **Appendix Q**). The TDM Plan includes all mandatory strategies that are part of the City's Transportation Impact Review Guidelines (TIRG), and shall be implemented by the Project applicant and subsequent building management. The TDM Plan's mandatory measures have been designed to achieve the goal of a 20 percent reduction in vehicle trips from the Project. If the mandatory TDM strategies ultimately do not meet the required goal, the Project applicant should consider implementation of some or all of the additional strategies identified in the TDM Plan to further limit automobile use and encourage non-automotive travel. A list of the Project's mandatory TDM measures is provided below (see details in Appendix Q).

- Various street and pedestrian infrastructure improvements
- pre-tax commuter benefits worth up to $300 per month
- subsidized or discounted transit passes for employees
- provide a free shuttle between the Project site and the Coliseum BART Station that would operate during weekday peak commute periods
- provide fewer parking spaces than the estimated demand for the site
- establish eligibility requirements for parking permits and/or charge for parking
- require tenants to provide cash value equivalent to the cost of a parking pass for employees that forgo a subsidized/free parking space
- provide preferential parking for carpoolers
- provide carpooling and ride-matching assistance
- provide bicycle parking above the minimum requirement, including showers, long-term bicycle storage and personal lockers
- where feasible, encourage tenants to provide employees the opportunity to work flexible schedules and telecommute
- encourage employees to register for the Guaranteed Ride Home (GRH) program
- designate a TDM coordinator responsible for implementing and managing the TDM Plan

- provide active marketing of carpooling, BART, AC Transit and other non-auto modes

Based on research compiled in "*Quantifying Greenhouse Gas Mitigation Measures*" (California Air Pollution Control Officers Association, December 2021) these TDM measures are estimated to result in total trip reductions of between 20 to 38 percent for the Project, meeting the SCA Transportation-2 requirement.

Project Recommendations for the 66th Avenue BART-to-Bay Trail

The City of Oakland's planned 66th Avenue BART to Bay Trail One Bay Area Grant (OBAG) project proposes a Class 1 separated multi-use bike and pedestrian path on the south side of 66th Avenue between the Bay Trail and San Leandro Street, just south of the Project site. The TDM Plan for the Project includes implementation of elements of this planned improvement, such as enhancing the crossing across Oakport Street at 66th Avenue and providing new AC Transit bus stops at the Oakport Street/66th Avenue intersection. The Project also proposes to provide a pedestrian connection from the west side of the Project's Office building to the existing Bay Trail along the west side of the site. The pedestrian path would be accessible via a gate in the fence surrounding the Project.

❖ ***TIA Recommendation Transportation-5, 66th Avenue BART to Bay Trail Improvements***: While not required to address a CEQA impact, and at the discretion of City of Oakland, the following recommendations shall be considered as part of the final design for the Project:

1) Do not include Class 2 bicycle lanes on Oakport Street. Although the Project's plans suggest that the Project would provide for bike lanes on Oakport along the Project frontage, bike lanes on Oakport are not recommended given the high volumes of trucks on the street; the possibility that bike lanes/shoulders would be used for RV parking; that Oakport Street is not shown on the City's Bike Plan and there are no connecting bike facilities north of the Project frontage; and that a Class I bike and pedestrian facility (the Bay Trail) already exists and parallels to the Oakport Street alignment.
2) At the Oakport Street/Zhone Way intersection, install a multi-use crossing design across the south approach of the intersection. Use a curb ramp design with truncated domes on the east side of the intersection, consistent with the OBAG Project's concept plan. Coordinate with City of Oakland staff to ensure this design is compatible with plans for the future Oakport Street/Zhone Way intersection.
3) Pave the segment of the existing gravel path that connects the Bay Trail to the Project's proposed gate, providing access to the Project site. Sign and stripe this facility as a multi-use path. Install appropriate lighting along the Bay Tail between the Project site and the Oakport Street/Zhone Way intersection.
4) Install a non-curb design or ramp with truncated domes or similar treatment at both ends of the marked path where it crosses the fire access lane, so bike users and pedestrian have warning they are crossing a space shared by vehicles.

Consistent with the CASP EIR and with implementation of applicable SCAs listed above, the Project would not conflict with adopted plans, ordinances or policies addressing the safety and performance of the circulation system, and this impact would be less than significant.

Emergency Access and Transportation Design

CASP EIR Conclusions [125]

The CASP EIR (Impact Trans-81) found that development pursuant to the CASP would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and

[125] City of Oakland, *CASP Draft EIR*, page 4.13-151

substantial transportation hazard due to a physical design feature or incompatible use. The CASP does include anticipated new development and changes in the public right-of-way that could affect transportation safety, but the location and design of individual developments were not known at the time. The CASP EIR concluded that the CASP generally includes intersecting streets that slow vehicle speeds and maximize sight lines between drivers, pedestrians and bicyclists. The CASP EIR also cited requirements for each new development project and any changes to the public right-of-way to be consistent with regulations and design standards in effect at the time. Specifically, City SCAs related to improvements in the public right-of-way require that public improvement plans and building plans for individual development projects incorporate design requirements such as curbs, gutters, disabled access, adequate emergency access and other measures to improve vehicle, bicycle and pedestrian safety. This impact was found to be less than significant and no mitigation measures were required.

Project Analysis

The Project would provide four new driveways on Oakport Street, complete the sidewalk along the Project frontage on Oakport Street, and connect the site to the Bay Trail on the west side of the Project. The Project does not propose major modifications to the street network serving the Project site. The Project Transportation Impact Review (**Appendix P**) includes a detailed review of multi-modal access and circulation for the Project site and includes recommendations to improve access and circulation for the various travel modes in the area surrounding the Project site. With incorporation of these recommendations, the Project would not include design features that would substantially increase design hazards.

Similar to current uses in the Project vicinity, the Project would primarily consist of office and warehouse uses that would be generally consistent with the existing uses in the surrounding areas. Thus, the Project is expected to generate a mix of passenger vehicle and truck trips, with some pedestrian, bike and transit trips, which would be compatible with existing uses and the transportation system in the surrounding areas. The Project would not substantially increase hazards due to a geometric design feature or incompatible uses, and the impact is less than significant.

As analyzed in the Hazards section of this CEQA Checklist, the Project site is directly accessible to I-880 from Oakport Street, providing adequate access in the event of an emergency. The Project would not interfere with emergency evacuation routes on Hegenberger Road, San Leandro Street, Edgewater Drive, International Boulevard, or Seminary Avenue, Doolittle Drive or 98th Avenue. This impact is not considered significant.

Applicable Standard Conditions of Approval

The Project would be subject to the following City of Oakland SCAs intended to reduce transportation hazards.

- ***SCA Transp-5: Construction Activity in the Public Right-of-Way***

  a) *Obstruction Permit Required*: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.

  b) *Traffic Control Plan Required*: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

c) *Repair of City Streets*: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

❖ ***SCA Transp-6: Transportation Improvements***: The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.

TIA-Recommended On- and Off-Site Transportation Improvements

Transportation Impact Review prepared for the Project (see details in **Appendix P**) lists the following non-CEQA transportation improvements that should be implemented by the Project at both on-site and off-site locations:

TIA Recommendation 1: Implement one of the following at Driveway B (the second driveway from the north) to be consistent with the City of Oakland Municipal Code Section 12.04.270; a) reduce the width of the driveway opening to 35 feet; or b) if a high volume of large trucks, such as WB-67 is expected, then coordinate with the City of Oakland Driveway Appeals Board to provide a wider driveway. Implement one of the following at Driveways C and/or D (the two south driveways) to reduce the potential for queues at Project access gates spilling back onto Oakport Street: a) redesign the Project to provide at least 75 feet of queuing space for at least one of the driveways or b) keep the access gates at the two driveways open during normal business hours.

- **TIA Recommendation 2**: Eliminate the proposed right-turn lane on southbound Oakport Street at the approach to Driveway B; limit the outbound movement at Driveway D to right-turns only; and provide a left-turn lane on northbound Oakport Street at the approach to Driveway D. If a left-turn lane cannot be accommodated, prohibit left-turns into the driveway and physically limit the driveway to right-turns in and out only.
- **TIA Recommendation 4**: either provide a pull-out space on the west side of Oakport Street along the Project frontage to accommodate passenger loading and unloading, or allow non-employee vehicles (such as rideshare vehicles) to enter the Project site to drop off and/or pick-up passengers.
- **TIA Recommendation 7**: Ensure that the sidewalk on the west side of Oakport Street has a minimum width of 5.5 feet (seven feet preferred),and provide high visibility crosswalk markings with directional curb ramps and truncated domes on both ends across each of the four Project driveways.
- **TIA Recommendation 8**: Install a new southbound AC Transit Stop on the west side of Oakport Street just south of the Oakport Street/Zhone Way intersection, and install a temporary northbound/eastbound AC Transit stop on northbound Oakport Street approximately 350 feet south of

the Oakport Street/Zhone Way intersection. The stop should be located adjacent to the existing pedestrian path between 66th Avenue and Oakport Street. The temporary stop can be removed when the Southbound I-880 On-ramp has been reconfigured by the 66th Avenue BART to Bay Trail OBAG Project, and the permanent bus stop has been installed on eastbound Zhone Way east of Oakport Street. Install bus shelters with benches and real-time arrival information at both bus stops.

- **TIA Recommendation 9**: Conduct a speed study on Oakport Street to determine if the posted speed limit on Oakport Street along the Project frontage can be reduced. If justified, reduce the posted speed limit per the speed study.
- **TIA Recommendation 10**: Install signage on southbound and northbound Oakport Street warning of the S-curve, consistent with the California Manual on Uniform Traffic Control Devices (CA MUTCD, 2014 Edition); install double-sided reflective chevron signs or similar devices through the S-curve; and install speed feedback signs in both directions of Oakport Street ahead of the S-curve.

Consistent with the CASP EIR and with implementation of applicable SCAs listed above, the Project would not directly or indirectly cause or expose roadway users to a permanent and substantial transportation hazard, and this impact would be less than significant.

Induced Automobile Traffic

CASP EIR Conclusions

The CASP EIR did not use induced automobile traffic as a threshold for measuring transportation impacts.

Project Analysis

Beyond providing access to the Project site, the Project would not modify the roadway network serving the Project site. Therefore, the Project would not substantially induce additional automobile travel by increasing the physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes). The Project would not add new roadways to the network and would have a less than significant impact on inducing additional automobile traffic.

CEQA Conclusions Pertaining to Transportation

The analysis presented above examines whether there are any Project-specific significant effects related to transportation that are peculiar to the Project or its site, finding none. The Project would have no impacts related to transportation that were not previously analyzed in the CASP EIR, would have no off-site or cumulative impacts related to transportation not discussed in the prior CASP EIR, and would not result in any transportation impacts that are more severe than as discussed in the prior CASP EIR. There are no impacts related to transportation that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to transportation. Only minor technical additions related to the Project and its site have been identified, and these minor additions to the CASP EIR are appropriately disclosed in this Addendum to the CASP EIR.

While not required under the City's CEQA thresholds of significance, a detailed site plan review and a collision analysis were completed for the Project and provided in the Transportation Impact Review (**Appendix P**). Based on the analysis completed, the Transportation Impact Review includes recommendations to improve multi-

modal access, circulation, and safety for the Project site and surrounding areas. These recommendations are incorporated in the TDM Plan for the Project (**Appendix Q**).

Tribal Cultural Resources

Would the Project: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Regulations	Resulting Level of Significance
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? or	LTS	■	□	-	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	LTS	■	□	SCA Cultural-1, Archaeological and Paleontological Resources - Discovery during Construction Project Requirement Tribal Cultural Resources-1: Discovery of Tribal Cultural Resources	Less than Significant

Tribal Cultural Resources

CASP EIR Conclusions [126]

The CASP EIR did not include a separate discussion of Tribal cultural resources, separate from its analysis of archaeological resources and human remains. The CASP EIR did identify that the CASP planning area is, "located within the area that is ethnographically attributed to the Ohlone (also known as Costanoan). The term Costanoan derives from the Spanish word Costaños or "coast people", and refers to an ethno-linguistic group of people that lived along the San Francisco peninsula before contact with European Americans. The territory of the Ohlone is purported to have extended from the Central Coast Ranges between San Pablo Bay in the north and Monterey in the south. The Ohlone tribal territory boundary in the east is not precisely known but is understood to extend to the Mount Diablo Range".

The CASP EIR concluded that development within the CASP planning are, including construction-related subsurface disturbance, "could damage or destroy previously unidentified prehistoric archaeological resources. There is a low potential for the identification of archaeological resources within the artificial fill from elevation 15 to 0 feet (sea level). However, beneath this stratum, there is a higher potential for the identification of prehistoric archaeological resources where there are Holocene aged soils below the artificial fill and above, or

[126] City of Oakland, CASP Draft EIR, page 4.4-45

far below, the Bay Mud. These archaeologically sensitive areas are far below the ground surface. While deep excavation for the construction of new buildings has the potential to impact such resources, identification is not recommended. Geo-archaeological testing to a depth of 36 to 40 feet beneath the ground surface that was conducted for a different project on the northeast side of Hegenberger Road did not discover prehistoric archaeological resources or well developed prehistoric land surfaces that indicate a high potential for the discovery of Native American archaeological resources".

Project Analysis

In 2014 (after the CASP EIR's Notice of Preparation), Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to the CEQA Checklist as presented in CEQA Guidelines, to include questions related to impacts to tribal cultural resources. Pursuant to these updated CEQA Guidelines, the SWCA Cultural Resources Inventory Report for the SupplyBank Project (**Appendix K**) provided the following research, outreach and conclusions.

SWCA contacted the Native American Heritage Commission (NAHC) on July 15, 2022, with the intent of identifying culturally sensitive areas and obtaining a list of Native American contacts who may have specific knowledge of the vicinity. The NAHC response was received on August 25, 2022, indicating that "*a record search of the Native American Heritage Commission Sacred Lands File was completed for the information submitted for the above referenced Project. The results were negative. However, the absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites*."

The NAHC reply also included a list of seven Native American tribes and individuals who may have knowledge of cultural resources in the Project area. SWCA sent outreach letters via email to all Native American contacts on August 30, 2022, with hard copies following by regular mail on September 1, 2022. Examples of tribal outreach letters and details regarding tribal correspondence are presented in Appendix K. Follow-up telephone calls were made on September 2, 2022. Chairperson Irene Zwierlein of the Amah Mutsun Band of Mission San Juan Bautista requested on-site worker sensitivity training for both tribal and archaeological resources, detailing whom to contact in the event of an inadvertent discovery. Chairperson Corrina Gould of the Confederated Villages of Lisjan requested the CHRIS results and final report. The remainder of the telephone calls went unanswered, and two telephone numbers were disconnected.

Native American outreach performed as part of this review does not constitute formal consultation, which is not required for this type of CEQA documentation. [127]

Applicable Standard Conditions of Approval

The following City of Oakland SCAs (as have been updated) is cited in the CASP EIR as an effective means for addressing an event whereby a tribal cultural resource may be discovered during excavation, and would apply to the Project.

- ***SCA Cultural-1, Archaeological and Paleontological Resources - Discovery during Construction***: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources, including tribal 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.

[127] PRC Section 21080.3.1 provides that prior to the release of a Negative Declaration, Mitigated Negative Declaration or EIR, for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. This CEQA Checklist is not a MND, ND or EIR, so formal consultation was not requested. Nevertheless, this CEQA document's preparers did conduct outreach to those Native American tribes that have requested notification of CEQA documents, requesting any knowledge of tribal cultural resources in the Project area.

a) If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

b) In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods.

c) Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the unlikely event that human remains or funerary objects are discovered during Project excavation, the following additional regulatory requirements would also apply, addressing the potential discovery of tribal cultural resources and/or human remains of Native American origin:

- ***Project Requirement Tribal Cultural Resources-1, Discovery of Tribal Cultural Resources***: In the event that Native American human remains or funerary objects are discovered, the provisions of Section 7050.5(b) of the California Health and Safety Code apply. These provisions provide that, the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for "protection of Native American human burials and skeletal remains from vandalism and inadvertent destruction.

In the unlikely event of discovery tribal cultural resources or human remains of Native American origin during construction, the Project would be required to comply with City SCAs and State law that addresses such an unanticipated circumstance. These SCAs and State regulations will ensure that the Project's construction does not cause a substantial adverse change in the significance of a tribal cultural resource, defined as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

CEQA Conclusions Pertaining to Tribal Cultural Resources

The analysis presented above examines whether there are any Project-specific significant effects related to tribal cultural resources that are peculiar to the Project or its site, finding none. The Project would have no impacts to tribal cultural resources that were not previously analyzed in the CASP EIR, would have no off-site or cumulative tribal cultural resources impacts not discussed in the prior CASP EIR, and would not result in any impacts to tribal cultural resources that are more severe than as discussed in the prior CASP EIR. There are no impacts

related to tribal cultural resources that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to tribal cultural resources. The tribal cultural resource analysis presented above provides technical additions related to specific cultural resource conditions at the site, and these minor technical additions to the CASP EIR that are specific to the Project are appropriately disclosed in this Addendum to the CASP EIR.

Utilities and Service Systems

Would the Project:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	LTS with SCAs	■	□	SCA Energy-1, Green Building Requirements SCA Utility-1, Water Efficient Landscape Ordinance	LTS with SCAs
b) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	LTS with SCAs	■	□	SCA Energy-1, Green Building Requirements SCA Utility-2, Sanitary Sewer System SCA General -1, Regulatory Permits and Authorizations from Other Agencies	LTS with SCAs
c) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? d) Comply with federal, state, and local statutes and regulations related to solid waste?	LTS with SCAs	■	□	SCA Utilities-3, Construction and Demolition Waste Reduction and Recycling SCA Utilities-4, Recycling Collection and Storage Space	LTS with SCAs
e) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	LTS with SCAs	■	□	SCA Utilities-5, Underground Utilities SCA Utilities-6, Storm Drain System SCAs pertaining to construction noise, air quality and dust suppression, erosion control and temporary construction traffic controls	LTS with SCAs

Water Supplies

CASP EIR Conclusions [128]

The CASP EIR (Impact Util-1B) found that the water demand generated by new development pursuant to CASP buildout will increase the average daily water demand over existing levels, but will not exceed water supplies projected to be available from existing entitlements and resources. Average annual water use within the CASP planning area was about 700,000 gallons per day (gpd) in 2014. The projected average annual water demand for CASP buildout was approximately 3.62 million gpd, or 4,065 acre-feet year (AFY). This projected increase in water demand of nearly 3 million gallons per day (or 3,363 AFY) of water was found to be within EBMUD's long-range water supply planning for future growth in Oakland, according to the WSA prepared by EBMUD. Based on this WSA, the CASP EIR determined that CASP buildout would not require expansion of existing water entitlements or resources.

The CASP EIR also concluded that water demand pursuant to the CASP would be reduced to the extent feasible through implementation of City of Oakland SCA Energy-1: Compliance with the Green Building Ordinance, and SCA Util-1: Water Efficient Landscape Ordinance. With implementation of these SCA, the CASP EIR this impact was concluded to be less than significant.

Project Analysis

Applying the same water demand factors as used in the CASP EIR to the Project, the Project's projected water demand is estimated to be approximately 35,600 gpd, as shown in **Table 16**.

Table 16: Project Water Demand vs. CASP Demand

Land Use	Quantity	Demand Factor [1]	Water Demand (gpd	Total CASP Demand [1]
Office	160,000 sf	0.17 gal/sf/day	27,200	
Warehouse/Logistics	123,000 sf	0.03 gal/sf/day	3,690	
Light Industrial (Workshop)	10,000 sf	0.09 gal/sf/day	900	
Outdoor Irrigation	77,100 sf	0.05 gal/sf/day [2]	3,855	
			35,645 gpd / 40 AFY	3 MGD / 3,362 AFY
		Project as a % of CASP total	1.2%	

Sources and Notes:

1. CSP Draft EIR, August 2014, Table 4.14-1: Projected Water Demand– Plan Buildout, page 4.14-15

2. Outdoor irrigation assumes 21 gal/sf/year as industry standard for Oakland area, per CASP EIR

The water demands of the Project represent only about 1 percent of the total water demands generated by buildout of the CASP. Whereas the full water demands of the CASP were previously found to be within EBMUD's long-range water supply for future growth in Oakland, the Project's small increment of this CASP water demands would be well within EBMUD's long-range water supply.

[128] City of Oakland, CASP EIR, page 4.14-14

Applicable Standard Conditions of Approval

The following City of Oakland SCAs (as has been updated) is cited in the CASP EIR as an effective means for addressing cumulative water demands and offsetting water restrictions during periods of multiple dry years, and would apply to the Project.

- ***SCA Energy-1, Green Building Requirements***: (see details in the Energy section of this CEQA Checklist)
- ***SCA Utility-1, Water Efficient Landscape Ordinance***: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total non-contiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.
    a) Prior to construction, the project applicant shall submit the Project Information and documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance
    b) Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes specific Project Information and a Water Efficient Landscape Worksheet.
    c) Upon installation of the landscaping and irrigation systems, and prior to the final of a construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor and property owner or his or her designee.

Consistent with the conclusions of the CASP EIR, the Project's effects related to water demand will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Wastewater Treatment

CASP EIR Conclusions [129]

The CASP EIR (Impact UTIL-2B) found that new development pursuant to CASP buildout would not exceed the wastewater treatment requirements of the San Francisco Regional Water Quality Control Board or result in a determination that new or expanded wastewater treatment facilities would be required. The CASP EIR concluded that full buildout of the CASP would increase the amount of wastewater generated within the CASP planning area, but that EBMUD's Main Wastewater Treatment Plant (MWWTP) had adequate capacity to accommodate the projected 2.7 mgd wastewater flows resulting from CASP buildout during dry-weather operation.

However, the CASP EIR also identified that wet weather flows at the MWWTP are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. In 2009, the Regional Water Quality Control Board (RWQCB) issued an order eventually prohibiting further discharges from three of EBMUD's Wet Weather Facilities and requiring EBMUD to identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

[129] City of Oakland, CASP EIR, page 4.14-19

Project Analysis

Conservatively assuming that all water use within the Project other than outdoor irrigation ultimately becomes wastewater, the Project is projected to generate approximately 31,800 gpd of wastewater or slightly over 1% the total wastewater generated by buildout of the CASP. Whereas the full wastewater demands of the CASP were previously found to be within EBMUD's MWWTP capacity, the Project's small increment of the CASP's wastewater demands would be well within the EBMUD MWWTP capacity during average, dry-weather operations. Based on more recent data, the MWWTP currently treats, on average, about 63 million gallons of wastewater every day as compared to the facility's Design Flow of 120 MGD (average dry weather design flow capacity).[130] The Project's estimated 31,800 gpd of wastewater represents a very small fraction of the remaining average dry weather capacity at the MWWTP.

Wet Weather Flows

Peak wet weather flows to the MWWTP remain a concern. During peak wet weather conditions, the MWWTP can receive as much as 425 MGD of influent, primarily from inflow and infiltration (I&I) of stormwater into the surrounding sewer collection system. When wet weather flows exceed the primary treatment capacity of the MWWTP, a portion of these excess flows are stored in separate basin and returned to the plant influent when flows subside. Effluent may also be diverted around (or bypass) biological treatment, be disinfected and then "blended" with disinfected biologically treated effluent. The "blended" wastewater is then dechlorinated prior to being discharged to the Bay through the deepwater outfall. This "blending" is now subject to discharge prohibitions that identify storage basin procedures, future enhancements to these procedures, and measures required to reduce such bypass events. [131]

EBMUD also operates three separate Wet Weather Facilities (WWFs) that operate under a separate discharge permit. These facilities are located at Point Isabel, San Antonio Creek, and Oakport (i.e., at the Northerly Area of the Project site). Each provides primary treatment through physical removal of solids and chemical disinfection prior to discharge. The WWFs were built to capture and treat excess untreated wastewater during peak wet-weather flows. A Consent Decree entered in 2014 requires the reduction and eventual cessation of all WWF discharges, beginning with the San Antonio WWF in 2027 and ending with the Oakport WWF in 2035, with mid-course check-ins in 2022 and 2030.[132]

To cease discharge from all three WWFs and substantially reduce bypass events at the MWWT, EBMUD is working with its "Satellite" agencies (e.g., the City of Oakland to rehabilitate sewer main pipes and manholes, remove sources of inflow, implement a private sewer lateral ordinance, and to identify sources of rapid inflow into the collection systems. These actions will reduce wet weather I&I into the collection systems, which will reduce blending at the MWWTP and cease discharges from the WWFs.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR as an effective means for addressing cumulative wastewater demands and reducing wet weather flows to the MWWTP, and would apply to the Project.

- ***SCA Energy-1, Green Building Requirements*** (see above – these requirements will lower demand and result in commensurately lower wastewater generation)

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130 EBMUD, accessed at: https://www.ebmud.com/wastewater/collection-treatment/wastewater-treatment#:~:text=EBMUD%20provides%20secondary%20treatment%20for,wastewater%20is%20treated%20every%20day.

131 California Regional Water Quality Control Board San Francisco Bay Region, *Order R2-2020-0024, NPDES Permit CA 0037702*, September 2020

132 California Regional Water Quality Control Board San Francisco Bay Region, *Reissuance of NPDES Permit for East Bay Municipal Utility District; Point Isabel, San Antonio Creek, and Oakport Wet Weather Facilities*, February 12, 2020

- ***SCA Utility-2, Sanitary Sewer System***: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.
- ***SCA General -1, Regulatory Permits and Authorizations from Other Agencies***: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies, and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval. In accordance with this SCA:

    a) To ensure that the Project contributes to legally required reductions in I&I, the Project applicant shall comply with EBMUD's Regional Private Sewer Lateral (PSL) Ordinance. Affected property owners must obtain a certificate from EBMUD certifying that all of their PSLs are leak-free.

    b) The Project shall replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and

    c) The Project shall ensure that any new wastewater collection systems, including sewer lateral lines, are constructed to prevent I&I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes.

Consistent with the conclusions of the CASP EIR, the Project's effects related to increased wastewater demands will be fully addressed through implementation of City SCAs and existing regulations, and impacts related to sanitary sewer service and treatment would be reduced to less than significant.

Stormwater/Drainage

CASP EIR Conclusions [133]

The CASP EIR (Impact UTIL-3B) found that new development pursuant to CASP would require construction of new stormwater drainage facilities and the potential expansion of existing facilities. Given the developed condition of the CASP planning area, the CASP EIR did not expect that future development would increase the amount of impervious surface area or the volume of stormwater runoff. New development would be required by regulation and City SCAs to either add pervious area or use underground detention in-lieu of or in combination with increased landscaping and pervious surfaces. Although the City of Oakland's Storm Drainage Design Guidelines require new development to reduce storm runoff by 25% from existing conditions, the CASP EIR recognizes that the feasibility of reducing peak runoff on a site-by-site basis may be constrained by factors such as aesthetic design, space constraints, construction budget implications, environmental and geotechnical constraints, and on-going maintenance commitments. The CASP EIR concluded that the environmental effects resulting from construction of new stormwater drainage facilities would be less than significant with implementation of SCAs.

[133] City of Oakland, CASP EIR, page 4.14-22

Project Analysis

Currently, stormwater from the Development Area drains either south or north via a vegetated ditch along the Oakport Street frontage. Runoff to the south enters a large off-site depression at the 66th Avenue/Zhone way interchange, which is separated from the Bay by a former railroad berm that supports a hiking trail. Stormwater also runs as sheet flow into low depressed areas on the westerly side of the site near the railroad berm before dissipating into existing vegetation. Based on a preliminary hydrology analysis, runoff from the Development Area is calculated at a 100-year pre-developed peak (Q100) flow of 6.3 cubic feet per second (CFS).

Based on a calculation of anticipated increased runoff attributed to the new impervious surfaces of the Project, these impervious surfaces are expected to generate a post-developed peak (Q100) flow of 40 CFS, or a net increase of 33.7 CFS.

Applicable Standard Conditions of Approval

- ***SCA Hydro-3, NPDES C.3 Stormwater Requirements for Regulated Projects*** (see Hydrology section of this CEQA Checklist), which includes hydromodification management measures, if required by Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), so that post-project stormwater runoff flow and duration match pre-project runoff

Pursuant to SCA Hydro-3, the Project will need to implement storm water treatment and hydromodification management to control the flow and duration of post-project stormwater runoff to match pre-project runoff conditions.

Project Plans pursuant to City SCAs

The Project includes a preliminary Storm Water Control Plan (SWCP) designed to maintain pre-developed stormwater outflow characteristics. This SWCP relies on temporarily detaining increased storm runoff and releasing it at the pre-developed rate, but for a longer duration. Per the preliminary SWCP, after water quality filtration in the bio-retention facilities and mechanical filtration, stormwater will flow into one of two on-site underground stormwater storage facilities. These storage facilities consist of a series of interconnected solid pipes buried below the Project's parking lots. The underground stormwater storage facilities are designed to provide storage capacity that meets the hydro-modification standards of the Master Regional permit (MRP). The stormwater storage facilities will retain stormwater runoff until stormwater flows in the surrounding storm drain system recede, at which point the stormwater will be released into the storm drain system, which drains to the Bay.

Consistent with the conclusions of the CASP EIR, and with implementation of the Project's required SWCP, the Project's impacts related to storm water drainage will be fully addressed, and this impact would be reduced to less than significant.

Landfill Capacity and Waste Generation

CASP EIR Conclusions [134]

The CASP EIR (Impact Util-4) found that future development pursuant to the CASP would not violate applicable federal, state and local statutes or regulations related to solid waste, and that it would not generate solid waste that would exceed the permitted capacity of the landfills serving the area. Based on waste generation rates established by the California Integrated Waste Management Board (CIWMB) new development pursuant to the CASP was expected to increase the existing total waste stream by approximately 26.8 million pounds per year.

[134] City of Oakland, CASP EIR, page 4.14-23

Compliance with existing policies and regulations, including the City of Oakland's SCAs was found to minimize solid waste disposal requirements of the CASP to the extent feasible. The CASP EIR concluded that implementation of the CASP would not impede the ability of the City to meet waste diversion requirements, and would not cause the City to violate other applicable federal, state and local statutes and regulations related to solid waste. No additional mitigation measures were required.

The CASP EIR also found that demolition and construction activities associated with removal of existing buildings, paved asphalt areas and utilities would be subject to City of Oakland waste reduction and recycling requirements of the City's SCAs and the City's Waste Reduction and Recycling Standards of Oakland Municipal Code Chapter 15.34. The requirements provide for implementation of a recycling and waste reduction plan for construction and demolition activities. With implementation of these requirements, the CASP EIR determined that demolition and new construction pursuant to the CASP would comply with existing solid waste reduction requirements, including applicable federal, State and local solid waste statutes and regulations. No additional mitigation measures were required.

Project Analysis

During the Project's construction process, the Project will generate construction waste consisting of lumber and other construction materials. The Project will also result in demolition of several small sheds and structures from within the Northerly Area of the Project site, with relocation of activities to new facilities within the Development Area. During operations, the Project's employees will also generate waste material as garbage, recyclable products and green waste. Based on waste generation rates established by the CIWMB, the Project can be expected to increase the existing total waste stream by approximately 0.58 million pounds per year, or about 2 percent of the total increase in the waste stream attributable to the CASP. These waste materials are common and regular components of office and warehouse land uses and are not unique or specific to the Project. In proportion to overall waste generated pursuant to CASP buildout, the Project's operational waste will be relatively small in volume. These waste streams resulting from the Project will incrementally add to the total amount of waste destined for landfill, but the Project's solid waste disposal needs cause an exceedance of permitted landfill capacity, and will comply with federal, state and local statutes and regulations related to solid waste.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR as an effective means for addressing solid waste and landfill capacity, and would apply to the Project.

- ***SCA Utilities-3, Construction and Demolition Waste Reduction and Recycling***: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations /modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.
- ***SCA Utilities-4, Recycling Collection and Storage Space***: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in

compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For non-residential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

Consistent with the conclusions of the CASP EIR, the Project's effects related to waste generation and landfill capacity will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.

Construction of New Utility Service Infrastructure

CASP EIR Conclusions [135]

The CASP EIR found that all construction activity on-site, including construction of new water distribution lines, new sewer laterals and new storm drain infrastructure would be required to comply with City of Oakland standard conditions of approval regarding construction noise, air quality and dust suppression, erosion control and temporary construction traffic controls. These City SCAs were found to reduce standard construction impacts to levels considered less than significant, and no mitigation measures were required.

Project Analysis

There is an existing 12-inch to 16-inch water main within the Oakport Street right-of-way. The Project will connect to this existing water main at two locations, and a looped water service line would be installed between these connections to serve all new development within the Development Area (see **Figure 33**). Relocation and installation of new fire hydrants would be provided, per City of Oakland standards. The Project will also install new water meters and separate domestic/irrigation water lines to serve the office building, the warehouse and the workshop, per EBMUD standards.

The Project will also install a new sanitary sewer system within the Development Area. This system includes a sewer cleanout at the southerly portion of the site, a new 8" sewer pipe that runs within the drive aisle in front of the office building and around the rear of the warehouse, to a new sewer lift station located at the northwest corner of the warehouse. From this lift station, a new force main will convey sewer flows up to Oakport Street, where an approximately 300 linear-foot sewer line extension will run within Oakport Street to the terminus of the existing sewer main, which is located about mid-way between the northerly portion of the proposed Development Area and the Peppermint Gate access road.

Based on recent site observations, flooding associated with heavy rains currently occurs on the most southerly portion of the Development Area and in the adjacent area to the south of the Project site. To address this issue, as well as the Project's increase stormwater runoff, the Project proposes to construct a storm drain system that includes and underground stormwater storage/retention system, and low-impact development (LID) measures such as bio-retention facilities with underdrains distributed throughout the site and along the site perimeter. The purpose of the stormwater storage/retention system is to collect and retain stormwater flow from the site within the pipes until surface stormwater flows subside. The additional stormwater generated by the Project will then be released into the surrounding storm drain system once peak flows have dissipated, thus not contributing to existing stormwater flooding conditions.

[135] City of Oakland, CASP EIR, page 4.14-16 and -21

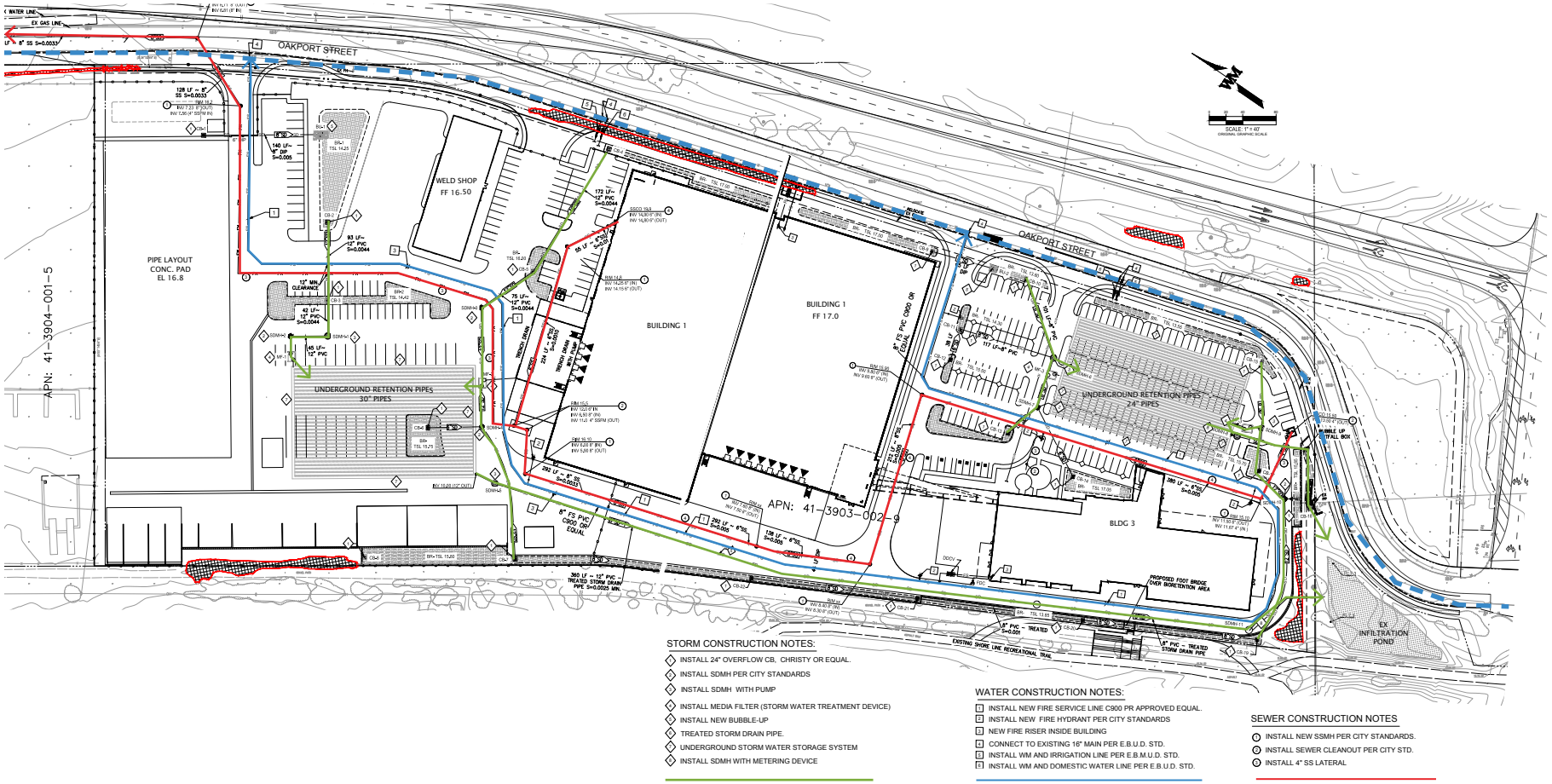

Figure 33
Development Area Preliminary Utility Plan

Source: Ware Malcomb, Sheet C4.0, December 2022

Nearly all of the construction necessary to install new utility infrastructure will occur on-site and is accounted for as part of the Project's grading and construction plans. On-site utilities will connect to the existing main lines under Oakport Street, and nearly all of the new connections will be made within the Oakport Street right-of-way. The off-site construction necessary will be trenching for a new 300 linear-foot sewer line extension within Oakport Street to the terminus of the existing sewer main, and trenching for new utility connections within the Oakport Street right-of-way. Construction of these limited off-site trenches will be required to comply with all SCAs regarding construction noise, air quality and dust suppression, erosion control and temporary construction traffic controls, and are not expected to result in significant environmental effects.

Applicable Standard Conditions of Approval

The following City of Oakland SCAs are cited in the CASP EIR related to construction of new utility connections, and would apply to the Project.

- **SCA Utilities-5, Underground Utilities**: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.
- **SCA Utilities-6, Storm Drain System**: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

Consistent with the conclusions of the CASP EIR, the Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects.

CEQA Conclusions Pertaining to Utilities and Service Systems

The analysis presented above examines whether there are any Project-specific significant effects related to utilities that are peculiar to the Project or its site, finding none. The Project would have no impacts to utilities that were not previously analyzed in the CASP EIR, would have no off-site or cumulative utilities service impacts not discussed in the prior CASP EIR, and would not result in any impacts to utilities that are more severe than as discussed in the prior CASP EIR. There are no utilities-related impacts that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as related to utilities. The utilities analysis presented above does provide additional details regarding utilities at the Project site, and the Project provides additional detailed recommendations for best addressing these utility conditions, specific to the site and the proposed Project. These additional details are new information pertinent to the Project that were not available or practical at the time of certification of the CASP EIR. However, as described above, these new details do not introduce any new significant impacts pertaining to utilities that were not previously identified in the CASP EIR, and do not substantially increase the severity of any significant utilities impacts as previously disclosed in the CASP EIR. The detailed utilities recommendations for the Project are fully consistent with the Standard Conditions of Approval as cited in the CASP EIR. These new details that are specific to the Project and its site are appropriately disclosed in this Addendum to the CASP EIR.

Wildfire

Would the Project: If located in or near state responsibility areas or lands classified as Very High Fire Hazard Severity Zones:	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Due to slope, prevailing winds and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of a wildfire?	No Impact	■	□	-	No Impact
b) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact	■	□	-	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risks or that may result in temporary or ongoing impacts to the environment? d) Expose people or structures to significant risk, including downslope or downstream flooding or landslides from runoff post-fire slope instability, or drainage changes?	No Impact	■	□	-	No Impact

Exacerbate Wildfire Risks

CASP EIR Conclusions [136]

When the CASP EIR was certified in 2015, the CEQA Checklist did not include a Wildfire Risk section. Wildfires pose an increasingly serious threat to the public and environment, and to help public agencies identify and evaluate such risks, CEQA Guidelines were amended in December 2018 to address this topic. Wildfire risks were addressed in the 2015 CASP EIR under the wildfire subcategory in the Hazards chapter of that EIR. The CASP EIR (Impact Hax-10) found that the CASP would not expose people or structures to risks involving wildland fires. The CASP planning area was not in or adjacent to a fire hazard severity zone for either a State Responsibility Area or a Local Responsibility Area as shown on CalFire's Fire Hazard Severity Zone maps for Alameda County, and no impact was identified.

[136] City of Oakland, CASP EIR, page 4.7-51

Project Analysis

Based on current review of the CalFire Fire Hazard Severity Zone Viewer, the Project site is not located within any designated fire hazard severity zone, and is approximately 2.8 miles from the nearest Very High Fire Hazard Severity Zones, which are identified throughout the East Bay Hills.[137] The Project poses no potential impacts related to exacerbation of wildfire risks, post-fire slope instability, or conflicts with emergency response plans or emergency evacuation plans.

Consistent with the conclusions of the CASP EIR, the Project has no potential effects related to wildfire risks, and this impact remains less than significant.

CEQA Conclusion Pertaining to Wildfire

The analysis presented above examines whether there are any Project-specific significant effects related to wildfire risks that are peculiar to the Project or its site, finding none. The Project would have no impacts to wildfire risks that were not previously analyzed in the CASP EIR, would have no off-site or cumulative wildfire risks not discussed in the prior CASP EIR, and would not result in any impacts related to wildfire risks that are more severe than as discussed in the prior CASP EIR. There are no impacts related to wildfire risks that would otherwise invalidate the applicability of CEQA Guidelines Section 15183 for the Project.

None of the conditions described in CEQA Guidelines Sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR are met as pertains to wildfire risks. The wildfire risk analysis presented above provides technical additions related to specific wildfire risks at the site, and these minor technical additions to the CASP EIR that are specific to the Project are appropriately disclosed in this Addendum to the CASP EIR.

[137] CalFire FHSZ Viewer, accessed August 2022 at https://egis.fire.ca.gov/FHSZ/

Mandatory Findings of Significance

	CASP EIR Findings	Relationship to CASP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Standards and Requirements	Resulting Level of Significance
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal? Does the project have the potential to eliminate important examples of the major periods of California history or prehistory?	LTS	■	□		LTS
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	LTS	■	□	-	LTS
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly	LTS	■	□	-	LTS

Degrade the Quality of the Environment

As addressed in the Air Quality, Biology, Cultural Resources, GHG, Hazards and Hydrology sections of this CEQA Checklist, with implementation of all applicable City of Oakland SCAs and other regulatory requirements the Project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Similarly, with implementation of all applicable City of Oakland SCAs and other regulatory requirements the Project would not eliminate important examples of the major periods of California history or prehistory.

- The Project's effects related to emission of fugitive dust during construction will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.
- The Project's construction-period emissions of criteria pollutants would not exceed threshold levels, and this impact would be less than significant. The Project's effects related to criteria pollutant emissions

during construction will be further reduced with implementation of City SCAs pertaining to construction-related air pollutant controls.

- The Project's operational air quality impacts related to increases of non-attainment criteria air pollutants would be less than significant. The Project will be subject to City SCAs pertaining to required TDM, energy efficiency, water conservation and waste generation, and implementation of these SCAs will further reduce the Project's operational criteria pollutant emissions.
- The Project's effects related to special status species and their habitat will be fully addressed through implementation of City SCAs and existing regulations, as well as CASP EIR mitigation measures. CASP EIR mitigation measures provide for avoidance and protection of core habitat areas for salt marsh harvest mouse habitat within Damon Marsh, and avoidance and protection of special status birds and nesting birds within Damon Marsh. With these CASP EIR mitigation measures, impacts to special status species and their habitat would be reduced to less than significant.
- Through coordination with the RWQCB, the Project will result in the loss of approximately 0.371 acres of wetlands and other Waters of the State. The Project applicant has coordinated with the RWQCB to pursue necessary regulatory permits and authorizations for the Project. With RWQCB acceptance of the avoidance strategies incorporated as part of the Project and the off-site compensatory mitigation of new wetlands creation, impacts of the Project on wetlands and identified Waters of the State will be reduced to a less than significant level.
- The Project will implement SCAs calling for a Lighting Plan and a Bird Collision Reduction Plan, which would address the potential disruption of night lighting and reduce the risk of bird strikes. The Bird Collision Reduction Plan called for in the City's SCA would further define building treatments, exterior lighting, and management activities that would serve to reduce bird strikes and disturbance to nearby marsh habitat. Together with other SCAs and the additional mitigation measures called for in the CASP EIR that serve to protect nesting habitat and minimize disturbance to sensitive habitat, potential impacts on wildlife movement opportunities associated with the proposed Project would be less than significant.
- The Project's effects related to consistency with the City's Tree Protection Ordinance will be fully addressed through implementation of City SCAs and existing regulations, including obtaining a Tree Removal permit prior to grading or construction activities, and planting new street trees and landscape screening. With issuance of a Tree permit and implementation of the Project's proposed landscape plans, impact related to inconsistency with the City's Tree Protection Ordinance would be reduced to less than significant.
- The Project's effects related to consistency with the City's Creek Protection Ordinance will be fully addressed through implementation of City SCAs and existing regulations, including obtaining a Creek Permit prior to grading or construction activities, and complying with the conditions of that permit throughout the construction period. With issuance of a Creek Permit and implementation of the conditions of that permit during the Project's grading operations, impact related to inconsistency with the City's Creek Protection Permit would be reduced to less than significant.
- The Project site has been reviewed for the presence of historic resources, no such resources were identified, and no City of Oakland's SCAs, Planning Code requirements or General Plan policy considerations relevant to historic resource preservation apply to the Project. This potential impact is considered less than significant.
- A records search from the California Historical Resources Information System (CHRIS) Northwest Information Center (NWIC) at Sonoma State University was conducted to identify known cultural resources and previous cultural resource studies within 0.25 mile of the Project site. The CHRIS records

search did identify any previously recorded resources within the Project site or within the 0.25-mile radius. An intensive pedestrian survey of the Project site was conducted on August 25, 2022. No archaeological resources, artifacts or features were observed within the Project area. Although no cultural resources were noted on the ground surface during this pedestrian survey, the possibility of encountering cultural resources during excavation remains. City of Oakland SCAs are cited as an effective means for addressing potential discovery of undiscovered archaeological resources or human remains and would apply to the Project, reducing this potential impact to less than significant.

- The Project applicants have completed the City of Oakland ECAP Consistency Checklist, which qualitatively demonstrates compliance with the Checklist items as part of the Project's design. The Project is considered in compliance with the City's CEQA GHG threshold of significance, and its impact related to GHG emissions would be less than significant.
- Construction activities pursuant to the Project will utilize hazardous chemicals that, if not properly managed, could flow into the storm drainage system or nearby surface water bodies including the San Francisco Bay. Ongoing operations would also involve routine use of certain household chemicals and products that contain hazardous materials, as well as use and storage of hazardous materials that are of greater consequence than typical household products. These chemicals could result in hazards or the release of hazardous materials. The Project's effects related to routine transport, use or disposal of such hazardous materials during construction and operation will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.
- Grading and excavation for the Project would remove protective vegetation and disturb the ground, thereby exposing soil to increased erosion from stormwater runoff, site watering and wind. The import of new fill soils could also introduce the potential of temporary increases in sediment loads and associated construction-related pollutants into waterways in the vicinity (i.e., Elm Creek and the Bay) during the construction period. The Project's effects related to water pollution and sedimentation during construction will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.
- During the life of the Project, new office employees and EBMUD operations may generate non-point source pollutants from landscaped areas, parking and driveway runoff, and litter. An increase in non-point source pollutants could have adverse effects on wildlife, vegetation and human health. Non-point source pollutants could also infiltrate into groundwater and degrade the quality of groundwater sources. The Project's impacts related to post-construction stormwater quality and increased storm water flows will be fully addressed through implementation of City SCAs and existing regulations, and this impact would be reduced to less than significant.
- In the unlikely event of discovery tribal cultural resources or human remains of Native American origin during construction, the Project would be required to comply with City SCAs and State law that addresses such an unanticipated circumstance. These SCAs and State regulations will ensure that the Project's construction does not cause a substantial adverse change in the significance of a tribal cultural resource.

Based on these conclusions, the Project would not degrade the quality of the environment. The Project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or threaten or eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The Project would not eliminate important examples of major periods of California history or prehistory.

Cumulative Impacts

The City of Oakland's certified 2015 CASP EIR is both a project-level and a Program EIR as defined under CEQA Guidelines Section 15168 and Section 15183. That prior EIR examined the potential cumulative effects of new development pursuant to Coliseum Area Specific Plan. The 2015 CASP EIR determined that, for the majority of environmental topics analyzed in that EIR, cumulative development consistent with the CASP would result in environmental impacts that would be reduced to levels of less than significant with implementation of City of Oakland SCAs, existing regulatory requirements and implementation of policies contained within the 2015 CASP.

The 2015 CASP EIR determined that the following list of environmental impacts would be cumulatively significant and unavoidable.

- Construction activities pursuant to CASP buildout will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. For most individual projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval. However, larger individual construction projects may generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. Even with implementation of mitigation measures (MM Air 6A-1: Reduced Construction Emissions), it was not certain that emissions of ROG and NOx could be reduced to below threshold levels and this impact was conservatively deemed to be significant and unavoidable.
- New development pursuant to the Project CASP would result in operational average daily emissions of criteria pollutants that would exceed applicable threshold criteria. Even with implementation of SCA Trans-1: Transportation Demand Management (TDM) Program, this impact was deemed significant and unavoidable.
- Future development pursuant to the CASP could have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive or special status species. Not until such time as the details of these Project elements are known, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies specific to these Project elements are fully known, could any determination be made as to the efficacy of recommended mitigation measures (including MM Bio 1A-1: Pre-construction Nesting Bird Surveys and Buffers, MM Bio 1A-2: In-water Work Restrictions, MM Bio 1A-3: Salt Marsh Protection, MM Bio 1B-1: In-Bay Dredge Requirements, and MM Bio 1B-2: Freshwater Marsh Restoration Plan). Therefore, this impact was conservatively deemed significant and unavoidable.
- Future development pursuant to the CASP would result in ultimate demolition of the Oakland Coliseum and potentially the Arena, causing a substantial adverse change in the significance of the Oakland Coliseum and Arena Complex, a historical resource as defined in CEQA Guidelines Section 15064.5. Even with implementation of MM Cultural 1A-1: Site Recordation, MM Cultural 1A-2: Public Interpretation Program and MM Cultural 1A-3: Financial Contribution, this impact was deemed significant and unavoidable.
- Future development of new sports and special events venues would generate operational noise that would exceed the City of Oakland Noise Ordinance at new, on-site sensitive receivers. There was no feasible mitigation to reduce game-day and special event noise from a new stadium and ballpark (assuming a non-roof design) at proposed new on-site sensitive receivers, and this impact was considered significant and unavoidable.
- The CASP EIR also identified several traffic-related impacts involving level of service thresholds that were applicable at the time. However, as fully addressed in this CEQA Checklist, level of service effects on traffic are no longer considered an impact under CEQA.

CEQA Guidelines Section 15183 provides that future projects analyzed in relationship to a prior Program EIR may be excluded from further analysis of off-site or cumulative impacts, if those off-site or cumulative impacts were adequately discussed in the prior Program EIR.

This CEQA Checklist analyzes whether the Project may contribute to cumulative environmental effects as identified in the 2015 CASP EIR. This CEQA Checklist also considers whether uniformly applied development standards, policies and/or regulations identified in the CASP EIR would apply to the Project, and whether the Project would have significant effects on the environment that may be unique to the Project or its site, and not analyzed in that prior Program EIR. The analysis in this CEQA Checklist finds that the Project would not have environmental impacts that are unique to the Project, that the Project's contribution to cumulative effects were fully evaluated and disclosed in the 2015 CASP EIR, and that certain uniformly applied development policies or standards identified in the CASP EIR would continue to apply to the Project.

Accordingly, this CEQA Checklist relies on the streamlining provisions of CEQA Guidelines Section 15183 to address cumulative effects, and finds that the Project would not contribute to any cumulative effects not previously disclosed and adequately analyzed in the prior 2015 CASP EIR.

Effects on Human Beings

As addressed in the Air Quality, Geology, Hazards, Hydrology, Noise and Wildfire sections of this CEQA Checklist:

- The Project would involve grading and earth movement using loaders, tractors, bulldozers, backhoes and other diesel-powered equipment that would release emissions of diesel particulate matter (DPM), a toxic air contaminant. The Project is required to conduct a health risk analysis (HRA) prior to construction and implement diesel emission reductions as identified in that HRA, or to implement Verified Diesel Emission Control Strategies for control of construction-related toxic air contaminant (TAC) emissions. Either of these approaches would control construction-related TAC emissions to levels of less than significant.
- The Project's contribution of traffic to the surrounding major roadways represents a small component of the assumed buildout of the CASP. Whereas the CASP EIR found that traffic attributed to buildout of the CASP would not result in significant human health impacts on the maximum exposed on-site and off-site sensitive residential receptors, the Project's small increment of traffic and associated TAC emissions would be less than as assumed in the CASP EIR, and therefore less than significant. The project will also likely rely on diesel-powered back-up generators for emergency power. With implementation of City of Oakland SCA, the health risks associated with on-site stationary sources of TAC emissions (assumed limited to emergency generators) would be reduced to a level of less than significant.
- The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and the potential for fault rupture to affect employees at the Project is less than significant. The Project site is located in the San Francisco Bay Area of California, which is a relatively high seismicity region. The type and magnitude of seismic hazards affecting the site generally correlate with ''severe" groundshaking, potentially resulting in moderate to heavy damage to buildings and infrastructure. The Project site is also located in an area identified as a liquefaction hazard zone, having a very high susceptibility to earthquake-induced liquefaction. With full compliance with the CBC building standards and recommendations of the 2018 Terracon Report, the effects of strong ground shaking and liquefaction in the event of a likely earthquake scenario would be reduced to levels considered acceptable by professional engineers, and therefore considered under CEQA to be less than significant.
- According to Water Board records, a Case Closure determination for former leaking underground storage tanks within the Northerly Area at the Oakport Wet Weather Facility (at 5597 Oakport Drive)

was issued in March of 1996. As a closed case, this portion of the Project site is no longer considered to be on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

- Based on the Phase II ESA conducted for the Project site, existing soil at the site does not pose an unacceptable risk to future commercial or industrial receptors (i.e., future employees), nor does it pose an unacceptable risk to construction workers. Based on comparison of groundwater data to vapor-intrusion screening levels, groundwater at the site does not pose an unacceptable vapor-intrusion risk to receptors at the site. Certain on-site soils contain concentrations of heavy metals (chromium, lead and mercury) are above the hazardous waste screening criteria, and BMPs for further waste characterization of these soils must be conducted (pursuant to SCA Haz-1) prior to any off-site disposal. The Project's effects related to site contamination and the presence of chemicals of concern have been/will be fully addressed through implementation of City SCAs and existing regulations, and this impact has been/will be reduced to less than significant.
- There are no schools, daycare centers or other sensitive receptors located within ¼-mile of the Project site. The land uses surrounding the Project site include industrial and warehouse uses to the east, open space and the Bay to the west, the freeway interchange to the south and existing EBMUD operations to the west. The Project would not involve use of hazardous materials within 0.25 mile of a school, and this impact would be less than significant.
- Ongoing operations at the SupplyBank.org office building at the shared warehouse would involve the routine use of certain household chemicals and products that contain hazardous materials. Use of these products according to manufacturer's recommendation would ensure these chemicals do not become a hazard to people or the environment.
- The Project site is located within the ALUCP Safety Zone 7: Other Airport Environs. Within this safety zone, there are no land use restrictions office buildings or medium-sized businesses. The Project would comply with the land use safety and compatibility criteria of the ALUCP, and no impacts to people related to airport safety hazards would occur.
- The Project site is directly accessible to I-880 from Oakport Street in the event of an emergency evacuation, and the Project would not interfere with emergency evacuation routes.
- The Project site is not located within the FEMA-designated 100-year flood zone. The Project site, like all of the surrounding land west of San Leandro Street, is within the 0.2 percent Annual Chance of Flood Hazard (i.e., the 50-year flood zone), which is not a regulated flood zone. Impacts of the Project related to flooding hazards would be less than significant.
- The loudest construction noise attributed to the Project would be unlikely to exceed applicable standards at sensitive residential receivers or at commercial/industrial receivers, but would exceed standards at the Damon Marsh open space and Bay Trail, and at the City's soccer field. The Project's effects related to construction noise will be fully addressed through implementation of City SCAs, existing regulations and Project-specific recommendations pursuant to SCAs, and this impact would be reduced to less than significant.
- The Project site is not subject to excessive noise from private airstrips, public airports or overhead aircraft. Consistent with the findings of the CASP EIR, the Project would not be adversely affected by aviation noise.
- There are no existing homes on the Project site and development of the Project would not result in the displacement of persons or housing.

- the Project site remains well outside of any areas classified as a Very High Fire Hazard Severity Zone, which are identified throughout the East Bay Hills, more than 3 miles east of the Project site. The Project poses no potential impacts related to exacerbation of wildfire risks, post-fire slope instability, or conflicts with emergency response plans or emergency evacuation plans.

Based on these conclusions, the Project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

VII - CEQA Determination / Findings

Based on the information and analysis contained in this CEQA Checklist, the Project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies for which an EIR was certified (i.e., the 2015 Coliseum Area Specific Plan and its EIR).

The Project would be required to comply with all applicable SCAs, regulatory requirements and/or mitigation measures as cited in the CASP EIR. With implementation of those SCAs, regulatory requirements and/or mitigation measures, the preceding CEQA Checklist concludes that the Project would not result in a substantial increase in the severity of any significant impacts and would not result in any new significant impacts that were not previously identified in that prior EIR.

In accordance with CEQA Guidelines Sections 15183 and as set forth in this CEQA Analysis, the Project qualifies for CEQA streamlining provisions, because the following findings can be made:

Consistency with Community Plan or Zoning (CEQA Guidelines Section 15183)

CEQA Guidelines Section 15183 provides that, “projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site”. These provisions of CEQA are intended to streamline the environmental review of certain types of projects, and to reduce the need to prepare repetitive environmental studies. These provisions of CEQA apply only to those projects that are consistent with a community plan adopted as part of a General Plan, a zoning action which zoned or designated the parcel on which the Project would be located to accommodate a particular density of development, or the General Plan of a local agency. Per CEQA Guidelines section 15183 (i)(2), “consistent means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan”. An EIR must have been certified by the Lead Agency for the community plan, the zoning action or the General Plan, for these provisions to apply.

Section 15183(a) of the CEQA Guidelines provides that, in approving a project meeting these requirements, a public agency shall, “limit its examination of environmental effects to those impacts that the agency determines, in an Initial Study or other analysis:

- are peculiar to the project or the parcel on which the project would be located
- are not analyzed as significant effects in a prior EIR on the zoning action, General Plan or community plan
- are potentially significant off-site impacts and cumulative impacts that were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- are previously identified significant effects which, as a result of substantial new information which was not known at the time the prior EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR”

When reviewing the environmental effects of the Project pursuant to these provisions, an effect of the Project on the environment shall not be considered peculiar to the Project if uniformly applied development policies or standards (i.e., SCAs) have been previously adopted by the City. A finding must have been made that the applicable development policies or standards will substantially mitigate environmental effects when applied to

future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence, which need not include an EIR.

This CEQA Checklist includes information that demonstrates the Project is consistent with the development density established by existing zoning, the CASP and the Oakland General Plan's Land Use and Transportation Element (LUTE). The General Plan and Zoning Consistency Analysis demonstrates that the Project is consistent with the bulk, density and land use standards as established by policies of the Coliseum Area Specific Plan, and as subsequently incorporated into the Land Use and Transportation Element (LUTE) of the City of Oakland General Plan and implementing regulations of the applicable zoning district for the site.

- A Program EIR was prepared and certified by the City of Oakland for the Coliseum Area Specific Plan (the 2015 CASP EIR). The Project is consistent with the development assumptions of that prior CASP EIR.

The CEQA Checklist also examines whether the potential impacts of the Project have already been addressed in the CASP EIR, and concludes that the Project's effects have been thoroughly addressed in the prior 2015 CASP EIR, and no Project-specific significant effects that are peculiar to the Project or its site will occur.

- The CEQA Checklist prepared for the Project demonstrates that the Project will not result in significant impacts that were not previously identified in the CASP EIR as significant project-level, cumulative or off-site effects.
- The CEQA Checklist also presents substantial evidence that the Project would not result in new or more severe environmental effects than those previously disclosed in the CASP EIR, or which may be peculiar to the Project or its site.
- The Project's potentially significant effects have already been addressed as such in the CASP EIR and any such potentially significant effects will be substantially mitigated by the implementation of City of Oakland Standard Conditions of Approval (SCAs) and/or the imposition of regulatory requirements, and Project's plans prepared pursuant to those SCAs and regulations.

Therefore, the Project would meet the criteria of CEQA Guidelines Section 15183 and no further environmental review is required. Overall, based on an examination of the analysis, findings and conclusions of the 2015 CASP EIR, all of which are summarized in the CEQA Checklist of this document, the potential environmental impacts associated with the Project have been adequately analyzed and covered in that prior EIR. No further review or analysis under CEQA is required.

Reliance on a Prior Program EIR

Pursuant to CEQA Guidelines Section 15168, "a Program EIR is an EIR that has been prepared on a series of actions that can be characterized as one large project and that are related either geographically, as logical parts in a chain of contemplated actions, in connection with general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statute or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways". CEQA Guidelines Section 15168(c) provides that, "later activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared (unless that project is determined to be eligible for a categorical exemption):

- If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a negative declaration. That later analysis may tier from the Program EIR as provided in Section 15152.
- If the lead agency finds, pursuant to Section 15162, that no subsequent EIR would be required, the lead agency can approve the activity as being within the scope of the project covered by the Program EIR,

and no new environmental document would be required. Whether a later activity is within the scope of a Program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.

- The Lead Agency shall incorporate feasible mitigation measures and alternatives developed in the Program EIR into later activities in the program.
- Where the later activities involve site-specific operations, the Lead Agency should use a written checklist or similar device to document the evaluation of the site and the activity, to determine whether the environmental effects of the operation are within the scope of the program EIR.

Based on information presented in this CEQA checklist, the Project would not have effects that were not examined in the CASP EIR, no subsequent EIR would be required, the City may approve the Project as being within the scope of the project covered by the CASP EIR, and no additional environmental document is required. This CEQA Checklist identifies City of Oakland SCAs and feasible mitigation measures as included in the CASP EIR into the Project Descriptions and as required conditions of approval. This CEQA Checklist documents the evaluation of the Project and its site, and determines that the environmental effects of the Project are within the scope of the prior CASP EIR.

A finding of reliance on a prior program EIR may be made concurrently, and in addition to a finding for CEQA streamlining pursuant to CEQA Guidelines Section 15183.

Addendum to a Prior EIR

Section 15164 of the CEQA Guidelines provides that, “an addendum to an adopted negative declaration or certified EIR may be prepared if only minor technical changes or additions are necessary, and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred”. CEQA Guidelines section 15162 provides that, for a project covered by a previously certified EIR, preparation of a subsequent EIR or negative declaration (rather than an Addendum) is required only if one or more of the following conditions occur:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects, or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;

- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

An additional purpose of this CEQA document is to update the CASP EIR with the additional technical details and minor changes to the CASP EIR as represented by the Project, and as fully described in the Project Description. Based on the analysis presented in this CEQA Checklist, the City has determined that an Addendum to the CASP EIR, in accordance with CEQA Guidelines section 15164, is the appropriate CEQA document to address the more detailed information specific to the Project. This CEQA Checklist demonstrates that none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred. The CEQA Checklist references and relies on the analyses completed in the CASP EIR and incorporates the conclusions of the CASP EIR by reference, as appropriate.

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

_____ _____

Date:

Environmental Review Officer
City of Oakland Planning and Building

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