

# FRUITVALE TRANSIT VILLAGE PHASE 2

## Initial Study and Environmental Review Checklist

Prepared for  
City of Oakland

December 2008

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# INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

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## California Environmental Quality Act (CEQA)

**1. Project Title:**

Fruitvale Transit Village Phase 2

**2. Lead Agency Name and Address:**

City of Oakland  
Community and Economic Development Agency  
Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, California 94612

**3. Contact Person and Phone Number:**

Kristi Bascom, Planner  
Telephone: (925) 872-6327  
Kristi@planbmc.com

**4. Project Location:**

East 12th Street, between 35th and 37th Avenues, adjacent to the Bay Area Rapid Transit (BART)  
Right-of-Way

**5. Project Sponsor's Name and Address:**

Signature Properties  
4670 Willow Road, Suite 200  
Pleasanton, California 94588

and

The Unity Council  
1900 Fruitvale Avenue, Suite 2A  
Oakland, California 94601

**6. General Plan Designation:**

Neighborhood Center Mixed Use

**7. Zoning:**

S-15 (Transit Oriented Development Zone)

**8. Description of Project:**

Redevelopment of an existing approximately 3.4 acre surface parking lot with 275 residential units in three four-story buildings and construction of a five-story (six levels) parking structure.

**9. Surrounding Land Uses and Setting:**

Commercial (retail/restaurant, office), residential, BART Station and parking.

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

Responsible Agency	Permit/Approval and Other City Actions
City of Oakland	Vesting Tentative Subdivision Map Planned Unit Development Conditional Use Permits or Variances Design Guidelines / Design Review Approval of Community Facilities District Grading Permit Tree Removal Permit
East Bay Municipal Utility District (EBMUD)	Approval of water line, hookups, and review of needs Water Supply Assessment
California Regional Water Quality Board (CRWQB)	National Pollutant Discharge Elimination System permit for stormwater drainage
<b>Utility Providers</b>	
East Bay Municipal Utility District (EBMUD)	Water and Sewer Service
Pacific Gas and Electric	Electric Power and Natural Gas Service
<b>Others</b>	
Bay Area Rapid Transit (BART)	BART proposes to sell the project site parcels to the Unity Council; purchase of property by the Unity Council is dependent upon the City's approved environmental clearance under CEQA

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

Public agencies interested in the project are listed in Section E, below.

# Project Description

## A. Project Location and Site Characteristics

The Fruitvale Transit Village Phase 2 project site is located in the City of Oakland adjacent to the Fruitvale Bay Area Rapid Transit (BART) station and bounded by the elevated BART tracks to the south, East 12th Street to the north, 35th Avenue to the west, and 37th Avenue to the east<sup>1</sup> (see Figure 1, Site Location provided at the end of this section). Interstate 880 (I-880) is approximately 1,000 ft to the south of the project site. The Fruitvale BART station is approximately 500 feet away, a short walk from the project site. AC Transit provides bus service to and from the Fruitvale BART station and has several routes on International Boulevard, one block north of the project site. The lot is approximately 3.4 acres and is a surface parking lot with 356 spaces. The Fruitvale Village Phase 1 development, which is a mix of residential and commercial uses, is adjacent to the project on the west side of 35th Avenue.

The proposed project site was included within the original boundary of the 1998 Fruitvale Transit Village Initial Study prepared for the Fruitvale Transit Village Phase 1 development. However, the Phase 1 development did not propose any changes to the project site or commit parking located on the proposed project site to Phase 1 uses. Signature Properties, the project sponsor, proposes to develop the project site as described below.

The City Assessor's parcel nos. for the site are 033-2197-019 and 033-2177-021. The project site's General Plan land use designation is Neighborhood Center Mixed Use, which permits and encourages development "characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses," as stated in the Land Use and Transportation Element (LUTE). The project site is entirely within S-15, Transit Oriented Development Zone, "intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development" as stated in the Oakland Municipal Code. The project site is within Oakland's San Antonio-Fruitvale-Lower Hills Planning Area for implementation of its General Plan LUTE, and within the City's Coliseum Redevelopment Project Area.

The project site is owned by BART and administered by The Unity Council, a non-profit community development corporation dedicated to improving the quality of life of families primarily in the Fruitvale District of Oakland.

<sup>1</sup> Following Oakland convention, the East Bay Hills are characterized as northerly in compass orientation and the Bay as southerly; thus International Boulevard runs east-west, and Fruitvale Avenue runs north-south.

## **B. Existing Project Site Characteristics**

### **Surrounding Area Characteristics**

One block north of the project site is International Boulevard, a busy retail corridor. The businesses along the street include retail shops, restaurants, travel agencies and gas stations. Further to the north are mostly residences, small neighborhood parks and stores, St. Elizabeth's Church, and St. Elizabeth High School. South of the project site along San Leandro Street are a mix of homes and businesses. Beyond San Leandro Street are a mix of residences and businesses, and one block south of San Leandro Street is the Union Pacific rail tracks and further south is Interstate 880 (I-880). East of the project site are a mix of residences and businesses. West of the project site is a branch of the Oakland Public Library and a multi-story BART parking garage. Fruitvale Avenue, a busy thoroughfare with a variety of businesses and retail shops, is also west of the project site.

### **Existing Buildings and Uses**

The area immediately around the project site is developed with a mix of residential and commercial uses. To the north of the project site along East 12th Street and between 35th Avenue and 37th Avenue are the fenced back yards of businesses and residential buildings that front on International Boulevard and 35th, 36th, and 37th Avenues. To the east of the project site is Ascend School, a Kindergarten through 8th Grade small, independent school in the Oakland Unified School District that fronts on East 12th Street. A chainlink fence separates the schoolyard and 37th Avenue. To the south of the project site is a private, fenced and gated parking lot for Fruitvale Village. The elevated BART tracks run above that parking lot. To the west of the project site is Fruitvale Village, a three-story-tall complex of residential units and commercial uses, which fronts on East 12th Street. Access to the Fruitvale BART station is through the Fruitvale Village Complex.

## **C. Project Objective**

In keeping with the goals of the City's General Plan LUTE Implementation Program for the San Antonio-Fruitvale-Lower Hills Planning Area, the 2004 Housing Element, and the Coliseum Area Redevelopment Plan, which govern development at the project site, the primary project objective is to complete the second phase of the Fruitvale Transit Village by providing 275 transit-oriented multi-family residential units by reuse of underutilized properties and providing sustainable development and smart growth to strengthen the economic base of the area. The proposed project will complement the mixed-use Fruitvale Transit Village Phase 1 development by providing housing on a currently underutilized parking lot next to existing public transportation. The proposed project will substantially change the appearance of an existing urban infill property and develop a project that meets the goals of the City's General Plan.

## **D. Project Components**

The project proposes to subdivide the approximately 3.4 acre project site from two lots into four lots. Three of the lots will be developed with three four-story attached residential buildings. The fourth lot will

be a structured parking structure for the sole use of project residents. The current use of the project site as surface parking lot will be phased out during the construction of proposed project.

## Construction Activities

The proposed project will be constructed in four phases as detailed in Tables 1 and 2 below. Start of construction is tentatively scheduled for 2010 with an anticipated end date in 2014. Each phase of construction is expected to be 18 months. Construction staging will likely occur onsite through construction phase 3 and will require staging either in the remaining BART parking lot under the BART tracks south of the site, or along 37th Avenue during construction phase 4.

The project site is a surface parking lot with no permanent structures. The proposed project will remove existing pavement and driveways and relocate or remove existing underground utilities, light poles and trees.

## Proposed Development

The project will be constructed in four construction phases as shown in Table 1 below and in Figure 2, Proposed Project Site Plan (provided at the end of this section).

**TABLE 1  
SITE DATA**

	<b>Acreage</b>	<b>Square Footage</b>	<b>No. of Units</b>	<b>Units/Acre</b>
Construction Phase 1: 5 story Parking Structure	0.53	23,275	0	0
Construction Phase 2: 4 story residential building	1.3	58,593	133	102.3
Construction Phase 3: 4 story residential building	0.5	24,468	62	124.0
Construction Phase 4: 4 story residential building	1.0	41,768	80	80.0
<b>Total</b>	<b>3.4</b>	<b>148,104</b>	<b>275</b>	<b>80.9</b>

The proposed parking structure will be developed in construction phase 1. The structure will include five stories with six levels of parking and a total of 275 parking spaces. Access to the parking structure will be from a proposed access road on the southern end of the site. The parking structure will have two elevators and two staircases. Pedestrian access will be available on the north side of the parking structure as well as from the access road on the south side. Pedestrian access to the garage is also available from each level of the residential buildings.

Construction phase 2 of the project will be the residential building on the eastern portion of the project site. Construction phase 3 will be the residential building adjacent to construction phase 2 of the project on the northern portion of the project site. Construction phase 4 will be residential building adjacent to construction phase 3 of the project on the western portion of the project site. Table 2 below presents the unit mix for construction phases 2 through 4 of the project.

**TABLE 2  
UNIT MIX**

Unit Type	Construction Phase 2	Construction Phase 3	Construction Phase 4	Total	%
Studio	8	0	12	20	7%
1 Bedroom	59	31	20	110	40%
2 Bedroom	66	31	48	145	53%
<b>Total</b>	<b>133</b>	<b>62</b>	<b>80</b>	<b>275</b>	

During the four construction phases, parking on the project site will be phased out as shown in Table 3 below.

**TABLE 3  
PARKING SUMMARY**

Types of Stalls	Construction Phase 1	Construction Phase 2	Construction Phase 3	Construction Phase 4
Existing Surface Parking	356	189	97	0
New Parking Structure	275	275	275	275

## Access and Circulation

An access roadway with two-way traffic will be constructed between 35th and 37th Avenues along the south side of the project site. Entrance to the proposed parking structure will be from this new access road.

There will be pedestrian access to the residential areas from 35th Avenue, East 12th Street and from within the proposed parking structure. In addition, there will be a network of walkways between all the project buildings.

## Landscaping, Open Space and Site Coverage

The proposed project will incorporate five courtyard areas between the proposed buildings for the use of the residents. These courtyards will be landscaped with flowering shrubs, trellises with flowering vines, and trees. Walkways will be paved with concrete or other decorative paving. The courtyards will have a mix of passive recreational areas with seating, water features, and some outdoor fireplaces for use of project residents (outdoor fireplaces will not be wood-burning). New street trees will be planted along East 12th Street and 35th and 37th Avenues.

## E. Required Public Agency Approvals and Utility Providers

Responsible Agency	Permit/Approval and Other City Actions
City of Oakland	Vesting Tentative Subdivision Map Planned Unit Development Conditional Use Permits or Variances Design Guidelines / Design Review Approval of Community Facilities District Grading Permit Tree Removal Permit
East Bay Municipal Utility District (EBMUD)	Approval of water line, hookups, and review of needs Water Supply Assessment
California Regional Water Quality Board (CRWQB)	National Pollutant Discharge Elimination System permit for stormwater drainage
<b>Utility Providers</b>	
East Bay Municipal Utility District (EBMUD)	Water and Sewer Service
Pacific Gas and Electric	Electric Power and Natural Gas Service
<b>Others</b>	
Bay Area Rapid Transit (BART)	BART proposes to sell the project site parcels to the Unity Council; purchase of property by the Unity Council is dependent upon the City's approved environmental clearance under CEQA

## References

BKF Engineers/Surveyors/Planners. *Fruitvale BART Housing, Tentative Parcel Map No. 9662, Existing Conditions and Demolition Plan* (April 1, 2008).

HKIT Architects. *Fruitvale BART Housing, Oakland, CA, Site Plan/Project Info.*, Job #60121, prepared for Signature Properties (April 21, 2008).

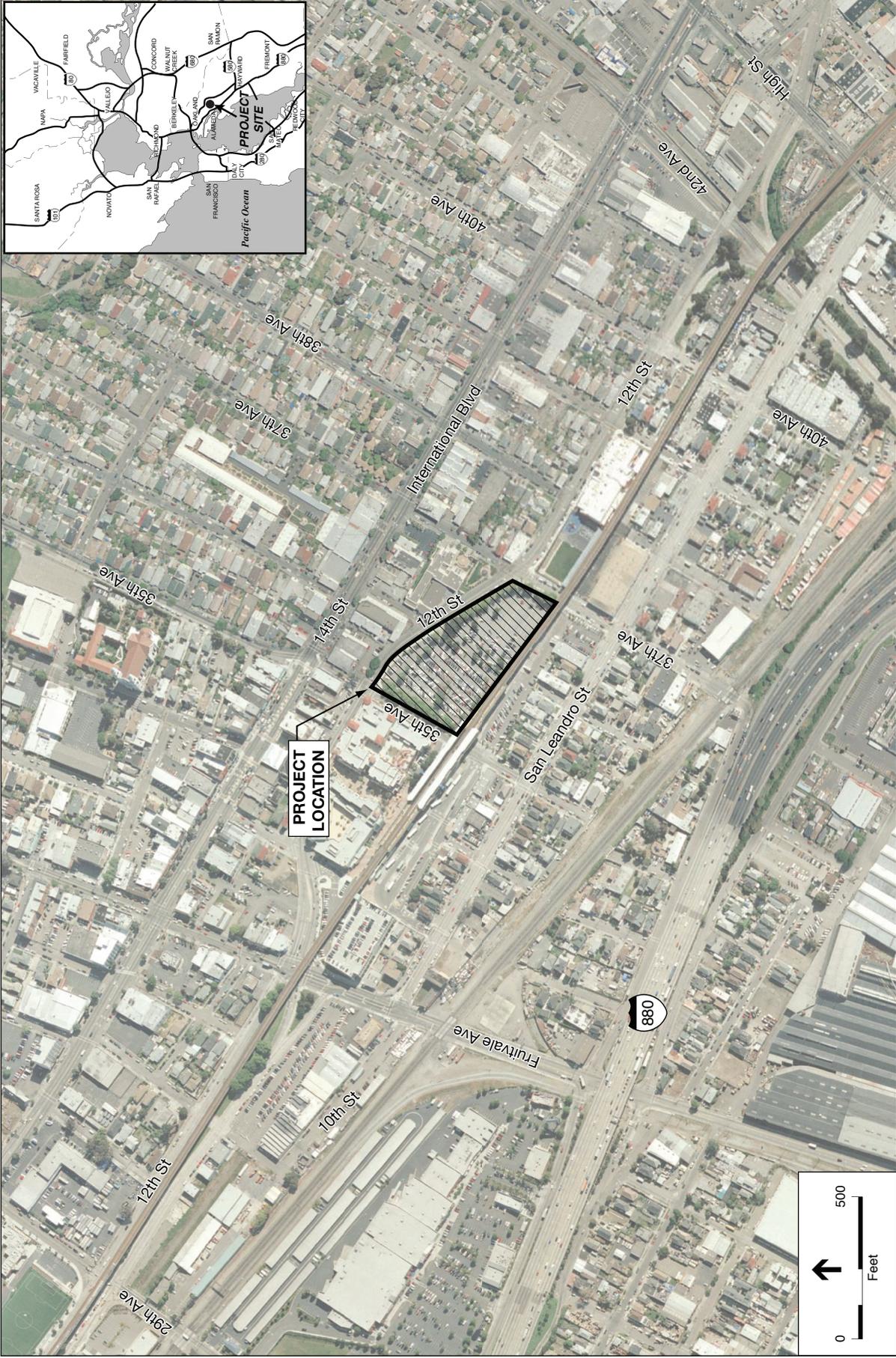
Van Dorn Abed Landscape Architects, Inc. *Fruitvale BART Housing, Oakland, California, Preliminary Landscape Improvements*, prepared for Signature Properties, (April 24, 2008).

City of Oakland. *City of Oakland Housing Element Jan 1, 1999–Jun 30, 2006* (adopted by City Council, June 15, 2004).

City of Oakland. Community and Economic Development Agency, Planning and Zoning Division, *City of Oakland General Plan and Zoning Map* (January 1, 2008).

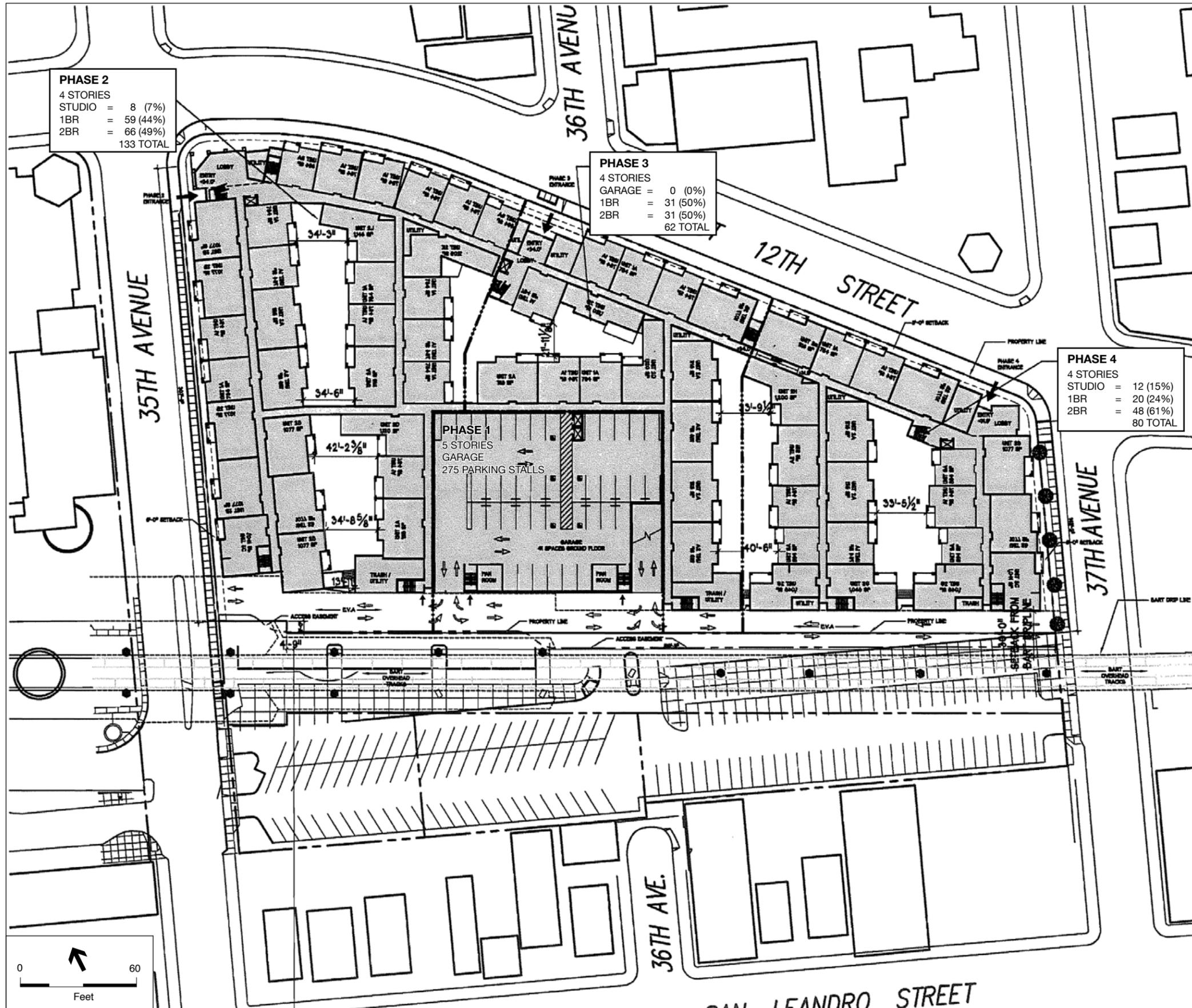
City of Oakland. *City of Oakland General Plan, Land Use and Transportation Element* (March 1998).

Redevelopment Agency of the City of Oakland. *Redevelopment Plan for the Coliseum Area Redevelopment Project* (Adopted June 23, 1995 as amended up to May 25, 2007).



SOURCE: GlobeExplorer; ESA

Fruitvale Transit Village . 208475  
**Figure 1**  
 Site Location



SOURCE: HKIT Architects

Fruitvale Transit Village . 208475  
**Figure 2**  
 Proposed Project Site Plan

## Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages which will be further studied in the Environmental Impact Report (EIR). No other environmental factors will be further studied in the EIR.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agricultural Resources             | <input checked="" type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                     |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning                 |
| <input type="checkbox"/> Mineral Resources           | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population/Housing                |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |  |

### Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment with Uniformly Applied Development Standards imposed as Standards Conditions of Approval, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures and Uniformly Applied Development Standards (imposed as Standard Conditions of Approval) have been imposed on the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in earlier document(s) pursuant to applicable legal standards, and 2) has been addressed by mitigation measures or Uniformly Applied Development Standards (imposed as Standard Conditions of Approval) based on the earlier analysis, and, in part, on CEQA Guidelines section 15183. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed, which include air quality, noise, and transportation. No other environmental factors will be further studied.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 \_\_\_\_\_  
 Signature

Kristi Bascom  
 Planner

12/18/08  
 \_\_\_\_\_  
 Date

For Eric Angstadt  
 Deputy Director of the  
 Community and Economic Development Agency  
 Environmental Review Officer

## Purpose and Organization of this Initial Study

The purpose of this Initial Study and Environmental Review Checklist (referred to throughout this document as “Initial Study”) is to evaluate whether the Fruitvale Transit Village Phase 2 project (referred throughout the document as “proposed project” or “project”) will have a significant effect on the environment.

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

## Evaluation of Environmental Impacts

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

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

A “Less than Significant with Mitigation” answer applies where incorporation of a mitigation measure ensure the project has a “Less than Significant Impact” The lead agency must describe the mitigation measures, and briefly explain how the effect will be mitigated to a less than significant level.

A “Less than Significant with Standard Condition of Approval” answer applies where incorporation of a development standard would ensure the project has a “Less than Significant Impact.” The City’s Uniformly Applied Development Standards (contained in a separate document) are incorporated into projects as Standard Conditions of Approval regardless of a project’s environmental determination. As applicable, the Standard Conditions of Approval are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects, pursuant to CEQA Guidelines section 15183. In reviewing project applications, the City determines which of the standard conditions are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the city will determine which standard conditions apply to each project; for example, standard conditions related to creek protection permits will only be applied to projects on creekside properties.

The Standard Conditions of Approval incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Municipal Code, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit

requirements, Housing Element-related mitigation measures, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions, the City will determine whether there are feasible mitigation measures to ensure the project impact are less than significant in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

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

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

## **Mitigation Measures and Standard Conditions**

Project-specific mitigation measures and standard conditions are identified throughout the Initial Study to reduce the effects of significant environmental impacts and: 1) will be included as part of the design, construction, and operations of the proposed project; 2) will be made conditions of approval for the project; and 3) will be subject to the monitoring and reporting requirements of CEQA and the terms of the discretionary approvals for the project.

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# Environmental Checklist

## I. Aesthetics

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>I. AESTHETICS—Would the project:</b>					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Introduce landscape that now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Cast shadows that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local Register of Historic Resources or a historical resource survey form (DPR Form 523) with a rating of 1-5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the Provision of adequate light related to appropriate uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a) There are no scenic vistas in the vicinity of the project site that are visible across the site from existing publicly accessible areas. The project site is in a relatively flat urbanized area surrounded

by mixed use development of varying height. The tallest buildings in the vicinity are three stories tall. Some background views of the East Bay Hills are visible in the distance looking north from the project site from 35th and 37th Avenues, but are otherwise obscured due to existing development along the eastern edge of the project site. Southerly vistas of the Oakland Estuary, the San Francisco Bay, or San Bruno Mountain beyond are not visible from the project site due to intervening development and the elevated BART tracks on the southern edge of the site. As there are no scenic vistas in the vicinity of the project site visible from publicly accessible areas, the proposed project will have a less than significant impact on scenic vistas.

- b) There are no scenic resources on or immediately adjacent to the project site. The project site is currently a parking lot surrounded by mixed use urban development. The proposed project will have no impact on trees, rock outcroppings, or historic resources within a designated scenic highway because the project site is not located near a designated scenic highway. The nearest designated historic buildings to the project site are the Alfred H. Cohen House at 1440 29<sup>th</sup> Avenue, and St. Elizabeth's Church at 1500 34th Avenue, both of which are several blocks to the west and north of the project site. As there are no scenic resources on or immediately adjacent to the project site, the proposed project will have no impact on scenic resources.
- c) The project will result in changes to the existing visual character of the project site. The project site vicinity is relatively flat with no marked changes in grade. In the project vicinity are a mix of low to mid-rise residential and commercial uses, roadways, and surface parking.

Immediately to the north of the project site are rear façades of low-rise commercial buildings and a three-story residential building at the northwest corner of East 12th Street and 37th Avenue. Beyond, more commercial buildings of varying height are visible as are the bell towers of St. Elizabeth's church two blocks northwest of the site. To the east of the project site is a mix of low-rise commercial buildings, homes, and a school playground of the Ascend Elementary School. To the south of the project site are parking lots, the elevated BART tracks, and the rear façades of commercial and residential buildings beyond. To the west of the project site is the side façade of the three-story Fruitvale Transit Village Phase 1 development and the Fruitvale BART station.

The project site is currently a surface parking lot. The proposed project will replace the surface parking lot with a four-story building mass. Although a change from its existing use, and substantially larger than the smaller scale residential and commercial development to the north, east, and south of the project site, the proposed project will be similar in size to the three-story Fruitvale Transit Village Phase 1 development to the west, and will be similar in height to the other buildings in the area.

The project will undergo design review and the building's scale and materials have been preliminarily designed to complement its surroundings. The Oakland Municipal Code contains design review and guidelines that will be used to evaluate the design of the proposed project, which is in the S-15, Transit Oriented Development Zone (Section 17.97). This zone is "intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation

and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development;...and is typically appropriate around transit centers, and other transportation nodes.” The proposed project is a permitted facility and consistent with the zoning for the project site.

The Oakland Municipal Code guidelines address minimum lot area, width, and frontage, residential density, height, yards and courts, usable open space, buffering and landscaping, and large scale developments. The proposed project meets the residential density requirement of 450 square feet per dwelling unit as set forth in Section 17.28.120 of the Municipal Code. The proposed project fits the special criteria “that the proposal will result in a reasonable amount of usable open space and off-street parking spaces for any Residential Facilities involved” (Section 17.106.010), for an exception to the minimum lot area, width, and frontage requirements. The proposed project will conform to all the required standards as stated in Section 17.97.180.

Given the mixed use urban character of the project vicinity and the requirement for the proposed project to undergo the Oakland design review process and other design requirements contained within the Oakland Municipal Code, the proposed project will not substantially degrade the existing visual character or quality of the site or its surroundings. The impact will be less than significant.

- d) The proposed project will contain lighting levels typical in urban areas, including interior and exterior architectural lighting, as well as light from automobile headlights. Exterior architectural lighting will be cast downward and designed to create minimal spillover off the site. Some light emitted from vehicles accessing the rooftop of the parking structure will be visible from the Fruitvale BART station and may be visible from some of the residences to the west of the project. However, much of the light emitted from the parking structure will be blocked by the intervening elevated BART tracks. Off-site residents to the north, east, and west will be generally shielded from vehicular or architectural light emitted from the parking structure because the residential buildings of the proposed project, being taller than most of the surrounding buildings, will obscure the majority of the parking structure, and therefore will not be visible from most surrounding vantage points. To ensure that the proposed project’s effects on day or nighttime views of the area will be less than significant, the project will be required to implement and comply with the following standard condition of approval:

**STANDARD CONDITION AES-1: (Lighting Plan)**

***Prior to the issuance of an electrical or building permit***

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that would prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

The impact will be less than significant with incorporation of Standard Condition AES-1.

- e) No solar power facilities were observed in the immediate vicinity of the project site during a field survey of the project area by ESA on October 3, 2008. The proposed project will not cast

substantial shadows now or in the future on existing solar collectors. The project will have no impact.

- f) There are no solar power facilities in the immediate vicinity of the project site. The proposed project will not substantially impact the function of a building using passive solar heat collection, solar collectors for hot water heating or photovoltaic solar collectors. The project will have no impact.
- g) Aside from the Ascend School playground at the corner of East 12th Street and 37th Avenue, there are no neighborhood public parks or open space in the immediate area surrounding the project site. The residential portion of the proposed project in the vicinity of the playground will be four stories or about 45 feet tall, and located about 60 feet away from and opposite 37th Avenue from the school. Shadows change throughout the time of day and the time of year, but generally follow a path whereby morning sun casts shadows to the west, afternoon sun casts shadow to the east, and midday sun casts shadow to the north. Because the playground is about 60 feet south from the project site, shadows from the proposed project are not expected to substantially impair the beneficial use of this or any other public or quasi-public park, lawn, garden, or open space. The project will have a less than significant impact.
- h) There are no designated historic resources in the immediate area surrounding the project site. The nearest designated resources are the Alfred H. Cohen House at 1440 29th Avenue and St. Elizabeth's Church at 1500 34th Avenue, both of which are several blocks to the west and north of the project site. Due to this distance and the level of intervening development, the proposed project will not cast a shadow or otherwise impair the significance of a historic resource. The project will have no impact.
- i) The Oakland General Plan LUTE Objective T2 is to "provide mixed-use, transit-oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes." Further, Policy T2.1 encourages transit-oriented development and specifically mentions development around the Fruitvale BART station which is "envisioned as a "Transit Village": a catalyst for community realization that provides a variety of retail opportunities, housing, and community services." By providing multi-family housing next to the BART station and the close proximity of retail and commercial services, the proposed project will be consistent with the objectives of the Oakland General Plan LUTE.

The project sponsor will pursue a Planned Unit Development permit approval in keeping with Sections 17.122 and 17.140 of the Oakland Municipal Code and will not need an exception or variance. The project will have a less than significant impact.

- j) The proposed project will be 58 feet tall to the top of the parking garage, the tallest proposed structure, and is located in the Fruitvale District approximately 3.5 miles east of downtown Oakland. Therefore, a wind analysis was not completed for this project because such an analysis is only required if a project will exceed 100 feet in height, is located adjacent to a substantial body of water, or is located in Downtown Oakland. The project will have no impact.

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## References

- California Department of Transportation. Landscape Architecture, Scenic Highway System, *Eligible (E) and Officially Designated (OD) Routes*, Updated May 19 and July 1, 2008, [www.dot.ca.gov](http://www.dot.ca.gov), (accessed September 30, 2008).
- California Department of Transportation. Landscape Architecture, Scenic Highway System, *Officially Designated State Scenic Highways*, Updated November 16, 2007, [www.dot.ca.gov](http://www.dot.ca.gov), (accessed September 30, 2008).
- City of Oakland. Planning and Zoning Division, 2007, *Standard Conditions of Approval and Uniformly Applied Development Standards* (Revised September 5, 2007).
- City of Oakland. *City of Oakland General Plan, Land Use and Transportation Element* (March 1998).
- City of Oakland. Municipal Code, current through Ordinance 12871, passed May 20, 2008, [www.oaklandnet.com](http://www.oaklandnet.com) (accessed September 30, 2008).
- National Park Service. National Register of Historic Places, National Register Information System, [www.nr.nps.gov/](http://www.nr.nps.gov/) (accessed September 30, 2008).
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## II. Agricultural Resources

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

## Discussion

- a) The project site is within an urban neighborhood that contains a mix of residential and commercial uses and its current use is as a surface parking lot. There are no agricultural uses in the vicinity of the project site. The *Alameda County Important Farmland Map* has designated the project site and surrounding area as Urban and Built-Up Land. The proposed project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The project will have no impact.
- b) The project site is zoned for transit-oriented development. The proposed project will not conflict with zoning for agricultural use, or a Williamson Act contract. The project will have no impact.
- c) The project site is located in an urbanized area and is not located near agricultural development. The proposed project will be consistent with the surrounding uses and will not cause any changes to result in conversion of farmland to non-agricultural use. The project will have no impact.

## References

- City of Oakland. Community and Economic Development Agency, Planning and Zoning Division, *City of Oakland General Plan and Zoning Map* (January 1, 2008).
- ESA. Field Survey, September 22, 2008.
- State of California. The Farmland Mapping and Monitoring Program, *Alameda County Farmland Map* (July 1986, Released February 1988).

### III. Air Quality

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. Air Quality—Would the project:</b>					
<b><i>Project Impacts</i></b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Frequently create substantial objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Result in potential to expose persons to substantial levels of Toxic Air Contaminants (TAC), such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Result in a substantial increase in diesel emissions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Cumulative Impacts</i></b>					
k) Result in any of the above project-specific significant impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan? When the general plan fundamentally conflicts with the regional air quality plan, then if the contribution of the proposed project is cumulatively considerable when analyzed the impact to air quality should be considered significant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Plan Impacts</i><sup>2</sup></b>					
m) Fundamentally conflict with the currently adopted Bay Area Clean Air Plan (CAP) because population growth for the jurisdiction exceeds values in the CAP, based on population projections in ABAG's currently adopted Projections?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>2</sup> This threshold should be analyzed only for Amendments to General Plans, Redevelopment Plans and/or Specific Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Condition of Approval	Less than Significant	No Impact
<b>III. Air Quality—Would the project:</b>					
n) Fundamentally conflict with the CAP because the rate of increase in vehicle miles traveled (VMT) in the jurisdiction is greater than the rate of increase in population?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Fundamentally conflict with the CAP because the project does not demonstrate reasonable efforts to implement transportation control measures (TCMs) in the CAP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Greenhouse Gas Emissions and Global Climate Change Impacts.**

## Discussion

The EIR will analyze a) through d) and g) through o). The EIR will discuss regional and local air quality setting as it pertains to the project, and identify applicable federal, state, and local air quality policies, regulations, and standards. The analysis in the EIR will discuss existing emissions and emissions likely to be generated by the project including greenhouse gases. The latest version of the Urban Emissions Inventory Model, URBEMIS2007 will be used to estimate criteria air pollutant emissions from the proposed project. Air Quality Impacts will be analyzed in the EIR.

- e) Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Exhaust from construction equipment, and paint during construction may be odiferous, but will not affect a substantial number of people nor be discernable over the exhaust odors from adjacent roadways. There are no existing odor sources in the vicinity of the project site to which the occupants of the proposed project will be subjected.
- f) CO measurements and modeling were important in the early 1980's when CO levels were regularly exceeded throughout California. In more recent years, CO measurements and modeling have not been a priority in most California air districts due to the retirement of older polluting vehicles, fewer emissions from new vehicles and improvements in fuels. The clear success in reducing CO levels is evident in the first paragraph of the executive summary of the California Air Resources Board *2004 Revision to the California State Implementation Plan for Carbon Monoxide Updated Maintenance Plan for Ten Federal Planning Areas*, excerpted below:

“The dramatic reduction in carbon monoxide (CO) levels across California is one of the biggest success stories in air pollution control. Air Resources Board (ARB or Board) requirements for cleaner vehicles, equipment and fuels have cut peak CO levels in half since 1980, despite growth. All areas of the State designated as non-attainment for the federal 8-hour CO standard in 1991 now attain the standard, including the Los Angeles urbanized area. Even the Calexico area of Imperial County on the congested Mexican border had no violations of the federal CO standard in 2003. Only the South Coast and Calexico continue to violate the more protective State 8-hour CO standard, with declining levels beginning to approach that standard.”

Although construction and operations of the project will generate CO emissions, CO background concentrations (where air districts still monitor CO) and the average emissions from vehicles and equipment continue to decline. This topic will be analyzed in the EIR.

## References

- California Air Resources Board (ARB). *2004 Revisions to the California State Implementation Plan for Carbon Monoxide* (July 22, 2004).
- HKIT Architects. *Fruitvale BART Housing, Oakland, CA, Site Plan/Project Info.*, Job #60121, prepared for Signature Properties (April 21, 2008).
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## IV. Biological Resources

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES—Would the project:</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Fundamentally conflict with the City of Oakland Tree Preservation Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances? Factors to be considered in determining significance include: The number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees.  Protected trees include the following: Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of riparian and aquatic habitat through:  (a) discharging a substantial amount of pollutants into a creek; (b) significantly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**IV. BIOLOGICAL RESOURCES—Would the project:**

modifying the natural flow of the water; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat?

## Discussion

- a) The proposed project will be constructed within the footprint of a paved parking lot in a highly-developed urban area. Suitable habitat to support candidate, sensitive, or special-status species no longer exists within the project locale or surrounding area. Urban development has caused sensitive species to be replaced by disturbance-tolerant wildlife and ornamental, non-native landscaping, making it unlikely that the proposed project will cause direct or indirect adverse impacts to special-status species.<sup>3</sup> The project will have a less than significant impact.
- b) Riparian habitats are supported by creeks, streams, or other waterway systems. The nearest waterways are Sausal Creek (Sowers, 1993), about 0.25 mile to the west, and a diversion of Peralta Creek, about 0.20 mile to the north. Both creeks have been greatly modified, and surface features in proximity to the proposed project were directed underground many years ago. As a result, riparian habitat is no longer present in the area and riparian habitat and sensitive communities are not present. The project will have no impact.
- c) The existing paved parking lot provides no opportunity for wetland hydrology, soils, or plants. Thus, no state or federally protected wetlands occur within the project boundaries or will be affected by the proposed activity. The project will have no impact.
- d) The proposed project will not substantially interfere with native wildlife movements. The highly urbanized site and surrounding areas accompanied by high levels of human activity act as barriers for terrestrial wildlife movement, and the project vicinity lacks natural habitat that could be used as wildlife corridors. No migratory bird habitat, such as riparian areas or marshes, occurs in the area.

However, 82 trees are present on or peripheral to the site, all of which are capable of supporting nesting birds. Under Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.3 of the California Fish and Game Code prohibits take, possession, or destruction of any birds in the orders Falconiformes (hawks) or Strigiformes (owls), or of their nests and eggs. In addition, the

<sup>3</sup> Species are accorded “special-status” because of their recognized rarity or vulnerability to habitat loss or population decline. Some are formally listed and receive specific protection defined in federal or state endangered species legislation. Other species have no formal listing status as threatened or endangered, but are designated as “rare” or “sensitive” on the basis of policies adopted by state resources agencies or organizations with acknowledged expertise, such as the California Native Plant Society.

Migratory Bird Treaty Act states that without a permit issued by the U.S. Department of the Interior, it is unlawful to pursue, hunt, take, capture, or kill any migratory bird.

The large size and dense foliage of the trees onsite and the observed presence of nests make the site likely to be used by nesting birds. During the September 25, 2008 site visit, several bird species common to an urban setting were observed including house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), feral pigeon (*Columba livia*), and American crow (*Corvus brachyrhynchos*). To protect nesting birds, the project will be required to implement the following standard condition of approval:

**STANDARD CONDITION BIO-1: (Tree Removal During Breeding Season)**

***Prior to the issuance of a tree removal permit***

To the extent feasible, removal of any tree and/or vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites 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 start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. 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 CDFG, and will be based to a large extent 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.

Positive survey results will require protection measures defined in consultation with the California Department of Fish and Game (CDFG). Because tree removal will preface other construction activities, compliance with Standard Condition BIO-1 is sufficient to protect nesting birds. The project impact will be less than significant with incorporation of Standard Condition BIO-1.

- e) No Habitat Conservation Plans or Natural Community Conservation Plans apply to the project area. The project will have no impact.
- f) The proposed project will not fundamentally conflict with the Oakland Tree Protection Ordinance (Oakland Municipal Code, Chapter 12.36).<sup>4</sup> The site is a paved lot in a densely urbanized area. All trees that will be removed are non-native, landscaping varieties. The site has a total of 57 trees located within the existing parking lot and 25 street trees along the perimeter of the site. These non-native landscaping trees include the following: 25 American sweetgum (*Liquidambar*

<sup>4</sup> The Oakland Tree Protection Ordinance (12.36.020) defines dbh (diameter at breast height) as tree trunk diameter measured at four and one-half feet above ground.

*styraciflua*), 27 Chinese elm (*Ulmus parvifolia*), 14 carob (*Ceratonia siliqua*), 10 green ash (*Fraxinus pennsylvanica*), 4 Monterey pine (*Pinus radiata*), and 2 American elm (*Ulmus americana*). As it applies here, the Ordinance requires a permit for the removal of any tree with a dbh<sup>2</sup> greater than 9 inches. A permit will be required for the removal of all 57 onsite trees. A permit applicant is not required to mitigate for the removal of non-native trees, though the proposed project has landscaping elements that include five inter-building courtyards with flowering shrubs, vine-covered trellises, and tree plantings; and street plantings along 12th Street, 35th Avenue, and 37th Avenue. The 25 street trees separated by the sidewalk are less than 9 inch dbh and are not protected under the ordinance as such, though procedures for the removal and replacement of City-owned trees must be followed per Oakland Municipal Code Section 12.36.090 and the standard conditions of approval listed below, and nesting bird restrictions apply to tree removal under both the laws outlined in d) and Standard Condition BIO-1, above.

### **STANDARD CONDITION BIO-2: (Tree Removal Permit)**

#### ***Prior to issuance of a demolition, grading, or building permit***

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from Tree Division of the Public Works Agency, and abide by the conditions of that permit.

### **STANDARD CONDITION BIO-3: (Tree Replacement Plantings)**

#### ***Prior to issuance of a final inspection of the building permit***

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- 1) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- 2) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- 3) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- 4) Minimum planting areas must be available on site as follows:
  - i. For *Sequoia sempervirens*, three hundred fifteen (315) square feet per tree;
  - ii. For all other species listed in #2 above, seven hundred square feet per tree.
- 5) In the event that replacement trees are required but cannot be planted due to site constraints, an in-lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

- 6) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

#### **STANDARD CONDITION BIO-4: (Tree Protection During Construction)**

##### ***Prior to issuance of a demolition, grading, or building permit***

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:

- 1) 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 City Tree Reviewer. 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.
- 2) 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, filing, 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 City Tree Reviewer 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.
- 3) 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 Tree Reviewer 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 tree reviewer. 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.
- 4) 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.
- 5) If any damage to a protected tree should occur during, or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. 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.

- 6) All debris created as a result of 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.

To comply with the Oakland Tree Protection Ordinance, the project will incorporate Standard Conditions BIO-1, BIO-2, and BIO-3; and BIO-4, as applicable. BIO-1 protects nesting birds during tree removal, as summarized in (d), above. BIO-2 requires a tree removal permit for all onsite protected trees and adjacent trees in the public right-of-way. BIO-3 defines replacement standards, which will not apply to the non-native trees onsite for which mitigation is not required but will apply to adjacent public-right-of-way trees. BIO-4 defines measures for tree protection during construction, if it is planned for any trees to remain.

The project impact will be less than significant with incorporation of Standard Conditions BIO-1, BIO-2, and BIO-3; and BIO-4, as applicable.

- g) The project will not conflict with the City of Oakland Creek Protection Ordinance (Oakland Municipal Code Chapter 13.16) as discussed in b) above. The surface features of local creeks were directed underground in the past, eliminating the present concern over bank erosion, instability, water flow, increased pollution, and riparian habitats. The project will have no impact.

## References

- California Department of Fish and Game (CDFG), Wildlife Habitat and Data Analysis Branch. *California Natural Diversity Database, Version 3.0.5*, data request for the Oakland West 7.5-minute USGS topographic quadrangles, commercial version (August 31, 2008).
- California Native Plant Society (CNPS). *Electronic Inventory of Rare and Endangered Plants of California, Version 6-05c 7-09-05*, data request for the Oakland West 7.5-minute USGS topographic quadrangles, 2008; available online at: <http://www.cnps.org/inventory> (accessed online October 6, 2008).
- City of Oakland. Municipal Code, Title 12, Chapter 12.36 *Protected Trees*, available online at <http://municipalcodes.lexisnexis.com/cgi-bin/hilite.pl/codes/oakland/maintoc.htm> (accessed October 6, 2008).
- City of Oakland Planning and Zoning Division. *Standard Conditions of Approval and Uniformly Applied Development Standards* (Revised September 17, 2008).
- Nash, Andrew. Certified arborist's report for the project site (April 5, 2006).
- Sowers J.M. *Creek and Watershed Map of Oakland and Berkeley*. [no scale], Oakland, CA: Oakland Museum of California, 1993 (Revised 1995).

## V. Cultural Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Condition of Approval	Less than Significant	No Impact
<b>V. Cultural Resources—Would the project:</b>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance <b>and</b> that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) CEQA Guidelines Section 15064.5 requires the lead agency to consider the effects of a project on historical resources. A historical resource is defined as any building, structure, site, or object listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR), or determined by a lead agency to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California. The following discussion will focus on architectural/structural resources. Archaeological resources, including archaeological resources that are potentially historical resources according to Section 15064.5, will be addressed in discussion to b) below.

### **Historic Background**

The project area is within the Rancho San Antonio land grant that was granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. The 43,000-acre rancho included the present-day cities of Oakland, Berkeley, Alameda, and parts of San Leandro and Piedmont. Once Oakland was established in the 1850s, newcomers began leasing or purchasing land from the Peraltas and settling in the surrounding area. Wealthy and retired individuals began moving to a region south of downtown Oakland known then as Fruit Vale, named for the many fruit orchards which dominated the area in the late 1800s.

In 1869, the Central Pacific/Southern Pacific Railroad began running trains between Oakland and Fruitvale on tracks laid down just south of East 10th Street (now San Leandro Street). About 500 feet to the north and parallel to the Central Pacific/Southern Pacific Railroad was the Western Pacific/Union Pacific Railroad,<sup>5</sup> which built their rail tracks between East 10th and East 12th Streets in 1910. With the arrival of the railroad came tremendous growth in Oakland as well as the Fruitvale neighborhood, as many of the parcels near the railroad were quickly subdivided and developed with homes and businesses. After the 1906 earthquake, the waves of refugees from San Francisco caused a population boom, and the unincorporated Fruitvale neighborhood was annexed into the City of Oakland by 1909.

The project area and vicinity was developed primarily with single-family wood frame residences between 1880 and 1900, and was fully developed by 1912, according to Sanborn Insurance Company maps from that year. Masonry and wood-frame commercial buildings were constructed along East 14th Street (now International Boulevard) beginning around the turn of the twentieth century, and the commercial district was nearly fully developed by 1928, according to Sanborn Insurance Company maps from that year. The project area was cleared of all residential structures in the mid-1960s to make way for development of the future Fruitvale BART Station and parking lot. At this same time, East 12th Street was vacated from 33rd Avenue to 37th Avenue, and realigned to the north to provide access to the station parking lot. The street realignment required the removal of additional residences, as well as the rear portions of some commercial buildings on the 3500 block of International Boulevard, between 35th and 36th Avenues.<sup>6</sup> The aerial BART tracks and station were constructed immediately south of the project area and generally within the right-of-way of the former Western Pacific/Union Pacific Railroad in the late-1960s. The Fruitvale BART Station opened for service in 1972.

### ***Architectural/Structural Resources***

The project area is a parking lot that contains no standing structures. No historic-period architectural resources listed or eligible for listing in the federal, state, or local registers have been recorded in the immediate vicinity (within one block). The nearest recorded resources to the project site are the Alfred H. Cohen House at 1440 29th Avenue, and St. Elizabeth's Church at 1500 34th Avenue, both of which are several blocks to the north and east of the project site. The top of the church's twin spires are visible in the distance from certain vantage points within the project site.

The buildings on the project area's periphery, including commercial buildings from the 1920s through the 1950s on the 3500 and 3600 blocks of International Boulevard, as well as a few residential properties dating from the 1890s along 37th Avenue, were the subject of a citywide reconnaissance-level survey of historical resources in 1986. This survey assigned City of Oakland Cultural Heritage Survey (OCHS) ratings of "C" and "D" to these peripheral properties,

<sup>5</sup> Western Pacific later merged with Union Pacific Railroad, which is now part of Southern Pacific Railroad.

<sup>6</sup> The rear portion of the Bonanza Building at 3545 East 14th Street/1245-61 36th Avenue, a former Field & Lee auto showroom and garage built in 1923 (now a camping supply store), was severed from the front of the building for the realignment of East 12th Street in the 1960s. The partially demolished auto garage at the rear of this building is still visible facing East 12th Street.

indicating that they are of secondary or minor historical importance, respectively. A reconnaissance-level field survey of the project vicinity by an ESA architectural historian on September 30, 2008 verified these ratings and did not identify any additional buildings that will be potentially eligible for listing in the federal, state, or local registers. One building in the project vicinity with some local architectural merit is Fruitvale Hall at 1228 36th Avenue/ northeast corner of East 12th Street. This 1930s Art Moderne-style civic building, which was originally the Fraternal Order of the Eagles social hall, has some degree of architectural merit for its Art Moderne style of architecture, but will not likely qualify as a local historical landmark upon further review. This building's existing "C" rating will remain unchanged.

As no potential historic resources currently exist on the project area as defined by CEQA, the proposed project will have no direct impacts on historic architectural or structural resources, such as demolition or substantial alterations. As no buildings or structures listed in or eligible for listing in the federal, state, or local registers are located in the immediate project vicinity, the proposed project will have no indirect impacts on historic architectural resources, such as alterations to their historic setting. While Fruitvale Hall at 1228 36th Avenue has some architectural merit for its Art Moderne style of architecture, the proposed project will be separated from this building by the width of East 12th Street (about 60 feet), providing a sufficient buffer between it and the proposed project. This building will not likely qualify as a local landmark, and as such, the project will have no impacts to this building's setting. No mitigation will be required.

b) ***Prehistoric Archaeological Resources***

This section discusses archaeological resources that are potentially historical resources according to Section 15064.5 as well as unique archaeological resources as defined in Section 21083.2(g).

A records search was conducted at the Northwest Information Center of the California Historical Resources Information System (NWIC) at Sonoma State University on October 3, 2008 (File No. 08-0420) to: (1) determine whether known cultural resources had been recorded within or adjacent to the project area; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources. During the records search, the following sources for information on historical resources were reviewed: the *California Inventory of Historical Resources* (OHP, 1976), *California Historical Landmarks* (OHP, 1990), *California Points of Historical Interest* (OHP, 1992), and *Historic Properties Directory Listing* (OHP, 2008). The Historic Properties Directory includes listings of the National Register of Historic Places and the California Register of Historical Resources, and the most recent listings of California Historical Landmarks and California Points of Historical Interest. Historical maps, including Sanborn Map Company fire insurance maps from 1902, 1912, 1928, and 1951, were also reviewed.

Prehistoric archaeological sites that date from the Middle Archaic period (3000 to 500 B.C.) to the Upper Emergent period (A.D. 1000 to 1800) have been found within Alameda County.

Radiocarbon analyses confirm the occurrence of sites that date from 5,275 before present (B.P) (CA-ALA-566; Gmoser, 1998) to 300 B.P. (CA-ALA-555; Wiberg, 1996). The age and distribution of these sites suggest that additional Middle and Upper Archaic archaeological sites may be present within the project area (Koenig, Mc Ilroy, and Meyer, 2001:8).

The records search at the NWIC identified one prehistoric archaeological site recorded within a one-mile radius of the project area. The site (P-01-010872) is located approximately 0.45-mile north of the Fruitvale BART station and is recorded as an area with a “reported abundance of oyster shells and Indian grinding stones” that was once known as the Bold Ranch (Schwartz, 2006). The site was noted in a 1992 Oakland Heritage Alliance handout used during a sponsored walk of the vicinity. No other information is known about the former or current conditions of the site.

No sites have been recorded in the project area; however, the location has been built upon and/or paved for over 100 years. In order to assess the potential for prehistoric sensitivity a geoarchaeological approach must be considered. In the Oakland area, known prehistoric sites tend to be located about 0.5 mile or less from a present or former water source on relatively stable landforms. The project area is located in the immediate vicinity of two major drainages—the Sausal and Peralta creeks. Furthermore, the project area is mapped as Holocene alluvium immediately east of an area of Late Holocene alluvium that was once the drainage of Sausal Creek. The geomorphic setting of many previously-recorded prehistoric archaeological sites in the region is comparable. Thus it appears that the project area has the potential for containing previously unidentified prehistoric archaeological resources based on the following factors: (1) the presence of relatively stable Holocene-age terrestrial landforms; (2) proximity to the Oakland estuary and other water sources, and (3) the presence of landforms similar to those at nearby previously recorded prehistoric sites.

It appears that the project area is in a culturally sensitive area that has the potential for containing legally significant prehistoric archaeological resources. Project construction activities will include subsurface disturbance, and there exists the potential to encounter previously unrecorded resources in the project area. Accidental damage or destruction of significant archaeological sites will be considered a significant impact to cultural resources. Project effects on prehistoric archaeological resources will be less than significant by implementing Standard Condition CUL-1, below.

### ***Historic-period Archaeological Resources***

According to the NWIC records search, a previous cultural resources study for the Fruitvale Transit Village Phase 1 project area was completed in 1996. This report identified the project area as having the potential to contain buried historic-period archaeological resources representative of the early commercial and residential development of the Fruitvale district (Hupman and Chavez, 1996:34). More specifically, the current project area was analyzed as “Block D.” The history of Block D was summarized as follows:

Block D is enclosed by present-day East 12th Street, 37th Avenue, the Union Pacific right-of-way, and 35th Avenue. The site is situated in the southwest corner of City Block 2041,

the southern one-third of City Block 2040, and the northern two-thirds of City Blocks 2074 and 2075. Historically, City Blocks 2040 and 2074 were part of James Lane's 10 acre parcel, while City Blocks 2041 and 2075 lay within E.L. and W.S. Bowne's 15 acre tract. There is no evidence that structures were situated on either property. During the late 1870s, all four of these City Blocks were platted and subdivided (Thompson and West, 1878:84; Sanborn 1902: Map 246). The 1893 Oakland Enquirer's bird's-eye view of the Fruitvale area indicates that homes had already been built in the Block D area. By 1903, seventeen 1 to 2 story, wood-framed dwellings were scattered throughout Block D; nine years later fourteen new dwellings and three flat buildings had been constructed. In 1910 the Western Pacific/Union Pacific Railroad tracks were laid along the south side of the Block D area, which resulted in the destruction of three homes (Sanborn, 1902:Map 246; Sanborn, 1912:Map 508).

Over the next several decades the Block D area remained residential although several businesses were established along East 12th Street. In 1923 the Field and Lee Star dealership created a used car lot at the northwest corner of 36th Avenue and East 12th Street that existed for over two decades. In addition, store fronts were added to two flat buildings and one dwelling; by 1946 the latter, in the southeast quadrant of 35th Avenue and East 12th Street, had expanded into a three-building complex, which was occupied by a plastic fabricating company. By 1946 a dwelling located near the southwest corner of 36th Avenue and East 12th Street was razed and replaced by a one-story building that housed a radiator works and, in the vacant lot at the northeast corner of 35th Avenue and East 12th Street, a two-story warehouse was constructed from which grain, feed, and household goods were sold. Numerous backyard auto garages, sheds, and outbuildings were located throughout the Block D area. All of the above mentioned structures have been demolished [Hupman and Chavez, 1996:27–29].

Archaeology undertaken for various projects in an urban environment (Meyer, 2002; Praetzellis, 2001, 2004) has demonstrated that historic-period archaeological features often survive within two feet of the modern ground surface. These features include pits, privies, wells, and sheet refuse associated with buildings shown on early Sanborn and other maps. Urban archaeological experience has also shown that pits and privies are most often located near the back of house lots, while wells tend to be closer to the rear of the building and can sometimes be located within the footprint of the house itself, typically at a rear or side addition. The significance of these features has been illuminated in numerous urban historical archaeology projects in Oakland (Mc Ilroy, Meter, Solari, and Koenig, 2002; Praetzellis, 1994), San Francisco (ArcheoTec Inc., 2000; Praetzellis and Praetzellis, 1993), San Jose (Basin, 1999), and Sacramento (Praetzellis and Praetzellis, 1997) over the past decade.

The prior archaeological investigation for the Fruitvale Transit Village Phase 1 project area concluded that archaeological materials will have little historical significance or importance by CEQA standards (Hupman and Chavez, 1996:34). However, the current assessment has concluded that there is a high possibility for legally-significant deposits associated with domestic occupation sites, including single-family dwellings and flats, as well as later businesses, to be located within the project area. These deposits could have significant information potential about the early commercial and residential development of the Fruitvale district. The 1996 cultural

resources investigation also noted that the soils in the project area have not been extensively disturbed due to the parking lot pavement at ground-level. This parking lot may have, in effect, protected any archaeological resources since its construction in the mid-1960s.

The project area is located in a culturally sensitive area that may contain previously unidentified historic-period archaeological resources. Project construction activities will include subsurface disturbance, and there exists the potential to encounter legally significant historic-period resources during subsurface construction. Accidental damage or destruction of significant historic-period archaeological sites will be considered a significant impact to cultural resources. Project impacts on both prehistoric and historic-period archaeological resources will be less than significant by implementing a Standard Condition CUL-1, below:

### **STANDARD CONDITION CUL-1: (Archaeological Resources)**

#### ***Prior to construction***

- 1) Following review of the project by a qualified archaeologist, if it is determined that the project site is in a culturally-sensitive area and that construction may impact potentially-significant archaeological resources, an Archaeological Research Design and Treatment Plan (ARDTP) shall be developed prior to construction. The ARDTP should contain an archaeological research context to evaluate potentially-significant resources; a sensitivity study and testing plan to identify expected property types, historical development, relevant research issues and themes, and project impacts; and an archaeological testing plan to identify potentially significant archaeological features and deposits, and a treatment plan that includes methods, analysis, report production, laboratory analysis, and curation of materials.

#### ***Ongoing throughout demolition, grading, and/or construction***

- 2) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measures for historical resources or unique archaeological resources are carried out.
- 3) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measures recommended by the archaeologist. Should

archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.

- c) Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones), invertebrates (e.g., starfish, clams, ammonites, and coral marine), and fossils of microscopic plants and animals (microfossils). The age and abundance of fossils depend on the location, topographic setting, and particular geologic formation in which they are found. Fossil discoveries not only provide a historic record of past plant and animal life, but may assist geologists in dating rock formations. Often, fossil discoveries constrain the time period and the geographic range of flora or fauna.

A geologic map review and assessment of potential paleontological resources was conducted to determine whether the project area is (1) underlain by geologic materials known to contain paleontological resources, and/or (2) contains any known fossil localities (or is in proximity to known fossil localities within the same or similar geologic unit). Geologic information was obtained from published geologic maps (Helley and Lajoie, 1979), and available paleontological information necessary for the assessment was obtained through the University of California Museum of Paleontology (UCMP) Collections Database for Alameda County (UCMP, 2008). The UCMP database lists paleontological sites throughout the San Francisco Bay Area and includes information on geologic units that contain paleontological resources (i.e., fossilized plants, animals, invertebrates, or microfossils). The potential to encounter paleontological resources will be considered high if the project area were located in a fossil-bearing geologic unit and if there were several nearby or regional fossil localities in the same geologic unit. The potential will be considered low if the proposed project were located in a geologic formation that is not typically fossil-bearing and no (or very few) recorded fossil localities exist in the geologic material.

The Fruitvale Transit Village overlies Holocene alluvial fan and alluvial deposits (Helley and Lajoie, 1979). These are geologically young, mostly flat-lying deposits of sand, silt and clay that have formed in the last 10,000 years. This loosely consolidated material is generally too young to preserve vertebrate fossils. The University of California Museum of Paleontology, which maintains the world's largest database of fossil discoveries and collections, does not have any record of vertebrate fossil discoveries within the Holocene deposits (UCMP, 2008). Geologic descriptions of the sediments underlying the site, however, do mention that they may locally contain fresh-water gastropod and pelecypod shells (Helley and Lajoie, 1979). These fossils are not usually considered significant paleontological resources by the Society of Vertebrate Paleontology (SVP, 1995).

Pleistocene sedimentary deposits (which are between 10,000 and 1.8 million years old) could potentially preserve vertebrate remains, and there have been numerous fossil finds within these units in the East Bay (UCMP, 2008; Graymer, 2000). While these deposits do not exist at the surface, they may occur at some depth depending on the thickness of the overlying Holocene deposits. Given that Holocene deposits thicken towards the bay, and that the depth of excavation

during project construction is not likely to exceed 15 feet, encountering Pleistocene deposits is unlikely, but possible.

While the geologic material beneath the site is unlikely to contain paleontological resources, excavation associated with the project could still potentially uncover fossilized remains, particularly if deeper Pleistocene sedimentary deposits are encountered. Because the significance of such fossils will be unknown, such an event represents a potentially significant impact to paleontological resources. If fossils are discovered during earth moving activities, with implementation of Standard Condition CUL-2, the project impact will be less than significant.

**STANDARD CONDITION CUL-2: (Paleontological Resources)**

***Ongoing throughout demolition, grading, and/or construction***

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards, 1995). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that will be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

- d) The proposed project is subject to the provisions of California Health and Safety Code Section 7050.5 with respect to the discovery of human remains. PRC Section 5097.98 regulates the treatment and disposition of human remains encountered during project grading and construction.

The project area is within the traditional territory of the Costanoan or Ohlone people (Levy, 1978:485–495). These people were collectively referred to by ethnographers as Costanoan, but were actually distinct sociopolitical groups that spoke at least eight languages (as different as Spanish is from French) of the same Penutian language group. The Costanoan occupied a large territory from San Francisco Bay in the north to the Big Sur and Salinas Rivers in the south.

A sacred lands search request was submitted to the Native American Heritage Commission (NAHC) on October 6, 2008. A response from the NAHC was received on October 8, 2008. The records search of the sacred land file failed to indicate the presence of Native American cultural resources in the project area. The NAHC provided a list of Native American contacts that may have further knowledge of the project area with respect to cultural resources. Each person or organization identified by the NAHC was contacted by letter on October 10, 2008. No response has been received as of this writing.

The possibility of encountering human remains cannot be entirely discounted. If potential human remains are encountered, with implementation of Standard Condition CUL-3, project impact will be less than significant.

**STANDARD CONDITION CUL-3: (Human Remains)*****Ongoing throughout demolition, grading and/or construction***

If potential human remains are encountered, all work shall halt in the vicinity of the find and the Alameda County Coroner shall be contacted to evaluate the remains, following the procedures and protocols pursuant to Section 15064.5 (e) (1) of the CEQA Guidelines. If the coroner determines the remains are Native American, the coroner shall contact the NAHC, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. 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.

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## VI. Geology and Soils

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Condition of Approval	Less than Significant	No Impact
<b>VI. Geology and Soils—Would the project:</b>					
a) Expose people or structures to substantial risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publications 42 and 117 and PRC §2690 et. Seq.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a.i) The project site is not located within a Fault-Rupture Hazard Zone designated by the Alquist-Priolo Earthquake Fault Zoning Act of 1972, and no known active faults have been mapped on or in the immediate vicinity.<sup>7</sup> The closest active fault is the Hayward fault, located approximately 2 miles northeast. Other notable active faults include the San Andreas fault (16 miles southwest), the Calaveras fault (15 miles southeast), and the Rodgers Creek fault (30 miles north). As the site is not located on an active or potentially active fault, potential for surface fault rupture is low and the impact is considered less than significant.

<sup>7</sup> California Geological Survey (CGS), formerly the California State Department of Conservation, Division of Mines and Geology (CDMG) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*, [http://www.consrv.ca.gov], November 16, 1998, and CDMG, *Fault Rupture Hazard Zones in California Alquist Priolo Earthquake Zoning Act*, Special Publication 42, Revised 1997.

a.ii - iii) The San Francisco Bay Area is considered a seismically-active region. The project site is located in an area subject to violent groundshaking (Modified Mercalli Intensity IX) from a characteristic earthquake along the Hayward Fault, according to the Association of Bay Area Governments (ABAG, 2008). Groundshaking can result in significant structural damage or structural failure in the absence of appropriate seismic design. Seismic shaking can also trigger ground-failures caused by liquefaction.

The California Seismic Hazards Mapping Act was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction,<sup>8</sup> landslides, or other ground failure, and from other hazards caused by earthquakes. This Act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. The proposed project site is located within a Seismic Hazard Zone for liquefaction as designated by the California Geological Survey. In accordance with standard City practices and State law, the proposed project will be required to perform a geotechnical investigation which will specifically address the potential for liquefaction and provide measures to mitigate potential damage to the proposed project. Although the potential for injury and damage from seismic ground shaking or liquefaction cannot be eliminated, adherence to the recommendations in a geotechnical investigation, the California Building Code (CBC) and other applicable local construction codes will ensure the potential impact is less than significant.

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

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<sup>8</sup> Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

**Standard Condition GEO-1: (Geotechnical Report)*****Required as part of the submittal of a tentative Tract Map or tentative Parcel Map***

- 1) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:
    - i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.
    - ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).
    - iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, will be included in the final design, as approved by the City of Oakland.
    - iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the “No Build” zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.
    - v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.
    - vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.
    - vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.
  - 2) Tentative Tract or Parcel Map approvals shall require, but not be limited to approval of the Geotechnical Report.
- a.iv) The project site is relatively level and is not located on or adjacent to a hillside. In addition, the project site is not located within an area designated by the California Division of Mines and Geology (CDMG) Seismic Hazards Mapping Act as a “Seismic Hazard Zone” for earthquake-induced landslides (State of California Seismic Hazard Zones Map, 2003). Thus, there will be no potential impacts associated with landslides associated with the project.

- b) The majority of the project site is currently paved, and the proposed project will develop the entire project site. Some earthwork activities associated with construction activities will disturb subsurface soils. To minimize wind or water erosion on the site during construction activities that involve earthwork, the applicant shall be required, in accordance with standard City practices, to submit a construction period erosion control plan to the Building Services Division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations. These requirements are embedded in the following uniformly-applied standard condition of approval that will apply to the project. Implementation of this standard condition of approval will ensure the project impact is less than significant.

**STANDARD CONDITION GEO-2: (Grading Permit)**

***Prior to any grading activities***

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

***Ongoing throughout grading and construction activities***

- 2) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.
- c) According to the preliminary geotechnical investigation previously conducted for the project site, the subsurface materials consists of approximately four to eight feet of fill underlain by dense clayey sand with gravel, clayey gravels, and hard clays to the maximum depth explored in each boring, which varied from 30 to 82 feet below ground surface (Treadwell & Rollo, 2005). The clay in the fill materials, based on laboratory testing, was determined to be highly expansive.

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

- d) The project site is not located on a site subject to the conditions identified in (d) or (e), nor is it located on a current or former known landfill. Therefore, the potential impact is less than significant.
- e) See discussion d), above.
- f) The proposed project will connect to the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project will not require septic tanks or alternative wastewater disposal systems and the project will have no impact from such conditions.

## References

- Association of Bay Area Governments (ABAG). *Earthquake Intensity Map for East Oakland from the North and South Hayward Fault Segments*, <http://www.abag.ca.gov/cgi-bin/pickmapx.pl> (accessed October 3, 2008).
- BKF Engineers/Surveyors/Planners. *Fruitvale BART Housing, Tentative Parcel Map No. 9662, Existing Conditions and Demolition Plan* (April 1, 2008).
- City of Oakland. *Oakland General Plan, Open Space, Conservation and Recreation Element* (June 1996).
- HKIT Architects, *Fruitvale BART Housing, Oakland, CA, Site Plan/Project Info.*, Job #60121, prepared for Signature Properties (April 21, 2008).
- State of California Division of Mines and Geology. *Seismic Hazard Zones Map, Oakland West Quadrangle* (February 14, 2003).
- Treadwell & Rollo. *Geotechnical Investigation Fruitvale Transit Village, Phase 2* (December 16, 2005).

## VII. Hazards and Hazardous Materials

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII. Hazards and Hazardous Materials —Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment? <sup>9</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

- a) The proposed project, as a residential development, will not involve the routine transport, use, storage, or disposal of hazardous materials, other than routine use of minor quantities of household cleaning products, miscellaneous products used in cleaning and maintenance of the buildings and, potentially, small quantities of pesticides and fertilizers for care of on-site landscaping. Therefore, the project will result in a less than significant impact.
- b) As described above, the proposed project will not involve the use or storage of significant quantities of hazardous materials. During construction, there will likely be the need to use and store limited quantities of hazardous materials such as fuels, oils, paints, and hydraulic fluids

<sup>9</sup> The Cortese List is the compiled list of hazardous materials sites, pursuant to Government Code Section 65962.5. Appendix B of the CEQA Thresholds / Criteria of Significance Guidelines contains guidance on the Cortese List.

associated with heavy equipment and other construction activities. If not handled appropriately, these materials could be released through upset and accident conditions. Released hazardous materials could impact the health and safety of workers, the public or the environment by contaminating subsurface soils and groundwater. However, with implementation of the standard condition of approval below, the potential for upset and accidental situations will be minimized, and the project impact will be less than significant.

**STANDARD CONDITION HAZ-1: (Hazards Best Management Practices)**

***Prior to commencement of demolition, grading, or construction***

The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- 1) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
  - 2) Avoid overtopping construction equipment fuel gas tanks;
  - 3) During routine maintenance of construction equipment, properly contain and remove grease and oils;
  - 4) Properly dispose of discarded containers of fuels and other chemicals.
  - 5) Ensure that construction will not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities will potentially affect a particular development or building.
  - 6) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in 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.
- c) The project site is located within a quarter mile of several schools including Arise High School, located at one-tenth of a mile from the project site; St. Elizabeth Elementary and High Schools, located 0.2 miles from the project site; and Oakland Charter Middle School, located approximately a quarter mile from the project site. However, as indicated above, the proposed project will not include the need for storage or handling of significant quantities of hazardous

materials. The proposed project will not emit hazardous emissions beyond those associated with residential use such as from water and space heating. These materials and emissions will not pose a significant hazard, due to routine activities, to the public, including students or personnel from any of the schools located within one-quarter mile of the project site.

- d) A Phase I Environmental Site Assessment of the project site was conducted to identify historical site uses related to the potential for hazardous substances to have impacted subsurface soils and/or groundwater. According to the findings of the Phase I report, the land-use history of the site has included previous commercial uses that have used hazardous materials including underground storage tanks (USTs) for petroleum fuels (Treadwell & Rollo, 2004). USTs are common sources of petroleum hydrocarbon releases to the subsurface soil and groundwater through leaking tanks or pipes or from overfilling. According to a previous magnetometer survey, these tanks were suspected to still be present at the site. Additionally, a records review of Alameda County Department of Environmental Health indicated that groundwater at the project site was impacted by petroleum hydrocarbons from offsite sources (Treadwell & Rollo, 2004).

As a result of the Phase I study, the environmental consultant recommended conducting a Phase II investigation to verify the presence of USTs and any potential soil or groundwater contamination. The Phase II investigation conducted in 2005, concluded that the second magnetometer survey could not confirm the presence of suspected USTs at the site, however based on experience, concluded there is still a real potential for encountering abandoned USTs (Treadwell & Rollo, 2005). The soil and groundwater sampling concluded that the only constituent discovered in the soil above residential environmental screening levels (ESLs) was chromium, found above the ESL in 15 of 19 soil samples (Treadwell & Rollo, 2005). Petroleum hydrocarbons were confirmed in the groundwater beneath the site, from a source located offsite in the upgradient direction (east).

Treadwell & Rollo later, in 2006, collected seven soil gas samples to evaluate the potential for harmful soil gas migration at the proposed project site based on the presence of the identified groundwater contamination. The results indicated that none of the soil gas samples contained petroleum hydrocarbons above the laboratory detection limits and that the soil gas at the proposed project site has not been impacted by petroleum hydrocarbons (Northgate, 2007). Based on the collected data, Treadwell & Rollo submitted Preliminary Remedial Action Recommendations to the Regional Water Quality Control Board (RWQCB) in November 2006. The plan included recommendations for abandonment of an existing groundwater monitoring well, preparation of a Soil Management Plan, and preparation of a Health and Safety Plan outlining soil handling and disposal procedures during construction activities. On December 20, 2006, the RWQCB approved the Preliminary Remedial Action Recommendations with the following additional requirements: 1) submittal of a final Remedial Action Plan for public comment and RWQCB approval; 2) recording a deed restriction prohibiting the use of groundwater at the site; and 3) submittal of a well destruction report following abandonment of the on-site groundwater monitoring well.

Additional site characterization of subsurface soils and groundwater was performed in 2006 by a different environmental consulting firm to provide additional evaluation of soil and groundwater quality at the proposed project site. The findings of this investigation concluded that soil quality has not been significantly impacted by historic land uses (Northgate, 2007). The consultant determined that the metals concentrations, including chromium, were within background levels. However, groundwater contamination from the off-site source was confirmed although none of the chemical constituents measured in the groundwater exceeded ESLs for evaluating potential impacts to indoor air quality in a residential development (Northgate, 2007). Any dewatering activities, which are likely based on the need to construct the subterranean garage, however, will likely require special handling or treatment prior to discharge (Northgate, 2007). No further recommendations, beyond that of complying with RWQCB requirements were made in their report (Northgate, 2007).

Given the existence of impacted groundwater beneath the project site, as well as the RWQCB approved Remedial Action Plan for the site, the project will be required to implement and comply with the following uniformly-applied standard condition of approvals and implementing recommendations (which are consistent with and include elements from the City's uniformly-applied standard conditions) that make the potential adverse impacts of exposing workers, the public, or the environment to significant hazards, less than significant:

**STANDARD CONDITION HAZ-2: (Environmental Site Assessment Reports Remediation)**

***Prior to issuance of a demolition, grading, or building permit***

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- 1) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
  - 2) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
  - 3) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.
- e) The project is not located within two miles of a public airport, and there are no private airstrips in the vicinity. The closest public airport is the Oakland International Airport located approximately three miles south of the project site. Therefore, the project will have no impacts related to safety hazards for people residing or working in the project area.

- f) See discussion e), above.
- g) The proposed project will not significantly interfere with emergency response plans or evacuation plans, based on the City of Oakland's 1993 *Multi-Hazard Functional Plan*, ("City Emergency Plan"). The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. During construction, standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic will block any city streets. Specifically, the job site supervisor is required to call the Fire Department's dispatch center any day construction vehicles will partially or completely block a city street during the construction process. Additionally, any proposed changes to existing vehicular accesses to city streets, such as the proposal to revert a portion of Coronado Avenue from one-way to two way, will involve review and approval by the Fire Department to ensure adequate emergency access. Therefore, given required compliance with the City's notification requirements, the project will not interfere with the implementation of emergency response plans or evacuation plans, nor adversely affect the City's response and operational procedures in the event of a large scale disaster or emergency. The project impact will be less than significant.
- h) The project site is located in a developed urban area and not located adjacent to open areas where wildland fires will occur. Any new structures built on the site will be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the proposed project will have a less than significant impact related to exposing people or structures to wildland fires.

## References

- City of Oakland. *Draft Multi-Hazard Functional Plan* (1993).
- City of Oakland. *Oakland General Plan, Open Space, Conservation and Recreation Element* (June 1996).
- City of Oakland. *Oakland General Plan, Land Use and Transportation Element (LUTE)* (June 1998, as amended).
- Treadwell & Rollo. *Phase I Environmental Investigation Fruitvale Transit Village, Phase 2* (October 8, 2004).
- Treadwell & Rollo. *Phase II Environmental Investigation Fruitvale Transit Village, Phase 2* (November 15, 2005).
- Northgate Environmental Management, Inc. *Soil and Groundwater Quality Investigation Fruitvale Transit Village, Phase 2* (January 26, 2007).
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## VIII. Hydrology and Water Quality

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII. Hydrology and Water Quality—Would the project:</b>					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create or contribute substantial runoff which would be an additional source of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a substantial risk of loss, injury or death involving flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a Creek, river or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m) Fundamentally conflict with elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. Best management practices (BMPs) will be implemented during storage and use of hazardous materials at the project site as required under the City of Oakland and Alameda County stormwater quality regulations (refer to section VII, *Hazards and Hazardous Materials*). Implementation of BMPs will ensure potential impacts to groundwater quality or stormwater runoff associated with spills or leaks of hazardous materials used routinely during construction activities are less than significant.

The depth to groundwater at the project site is between about 10 to 15 feet (Treadwell & Rollo, 2005). Therefore, the proposed project design may require temporary dewatering for the construction of the basement parking level and intermittent pumping during high groundwater periods. As discussed in Section VII, *Hazards and Hazardous Materials*, the water extracted will likely contain petroleum contaminants and if discharged into the storm system or nearby drainages could affect the receiving water quality. Therefore the water removed from dewatering will be discharged into the City of Oakland sanitary sewer system, treated onsite, or be temporarily stored and then transported to an appropriate disposal facility, consistent with Standard Conditions HAZ-1 and HAZ-2. Further, Standard Condition HAZ-2 requires that the project applicant demonstrate that it has conducted the appropriate treatment of contaminated groundwater prior to discharge. Considering required adherence to the permitting requirements for treatment and discharge of groundwater generated during temporary or ongoing dewatering, the project will not violate any water quality or waste discharge standards.

Following the completion of construction activities, the application of pesticides and herbicides related to landscape maintenance will be potential sources of polluted stormwater runoff. However, on-site landscaping will be minimal, and the proposed project will not require a significant use of pesticides or herbicides. The proposed project will also be required to comply with the City of Oakland and Alameda County stormwater quality protection requirements. A conceptual storm water quality plan has been prepared for the project site. The plan outlines the requirements applicable to the site as well as provides a description of potential opportunities for improving the storm water quality over existing conditions (BKF, 2007). Potential water quality impacts associated with the proposed project during operation are therefore considered less than significant.

In accordance with standard City practices, the project sponsor shall be required to comply with all applicable regulatory standards and regulations pertaining to potential contaminants and to project-related grading and excavation prior to issuance of grading and building permits, (see Section VI, *Geology and Soils*). These requirements are embedded in the following uniformly-applied standard condition of approval that will apply to the project. Therefore, with incorporation of Standard Condition HYD-1, the project will have a less than significant impact on water quality.

**STANDARD CONDITION HYD-1: (Post-Construction Stormwater Pollution Management Plan, <http://www.cleanwaterprogram.com>)**

***Prior to issuance of a building permit (or other construction-related permit)***

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- 1) The post-construction stormwater pollution management plan shall include and identify the following:
  - i. All proposed impervious surface on the site;
  - ii. Anticipated directional flows of on-site stormwater runoff; and
  - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
  - iv. Source control measures to limit the potential for stormwater pollution; and
  - v. Stormwater treatment measures to remove pollutants from stormwater runoff.
- 2) The following additional information shall be submitted with the post-construction stormwater pollution management plan:
  - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
  - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures.
- 3) All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if approval is secured from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.
- 4) Prior to final permit inspection, the applicant shall implement the approved stormwater pollution management plan.

## **STANDARD CONDITION HYD-2: (Maintenance Agreement for Stormwater Treatment Measures)**

### ***Prior to final zoning inspection***

For projects incorporating stormwater treatment measures, the applicant shall enter into the “Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement,” in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- 1) The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
  - 2) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder’s Office at the applicant’s expense.
- b) The shallow groundwater in the project area is not considered potable and is not used as a public drinking water supply. The proposed project will not require the use of groundwater for water supplies. Temporary dewatering, as discussed above, may result in short-term lowering of the groundwater table. However, once pumping ceases, the water table will be expected to recover to pre-pumping levels.

The project site is currently a parking lot and the majority of the site has impervious surfaces. The proposed project will develop the majority of the site and will also include creating landscaped areas. The addition of the landscaped areas will create a slight increase in pervious surfaces over existing conditions, thereby slightly increasing the ability for groundwater recharge. Therefore, the proposed project will have a less than significant impact on groundwater supplies or interfering with groundwater recharge.

- c) Project construction will involve clearing, grading, demolition, excavation, and construction of new structures on the project site. As a result, disturbances to subsurface soils and any stockpiling of loose soils could expose the soils to water-induced erosion causing sedimentation of runoff, if not appropriately protected. Earthwork and grading activities will result in the disturbance of more than one acre of land. The project will be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Stormwater Permit requirements. According to the NPDES permit, the project applicant will be required to develop and submit a site-specific plan called the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will include a description of appropriate Best Management Practices (BMPs) that minimize the discharge of pollutants from the site. Construction contractor(s) are responsible for implementation of the SWPPP, which includes maintenance, inspection, and repair of erosion and sediment control measures and water quality BMPs throughout the construction period; and they

are also responsible for the maintenance of all protective devices in good and effective condition. In addition, the project will be required to implement and comply with the following uniformly-applied standard condition of approvals. Therefore, the potential impacts related to erosion and sedimentation would be considered less than significant.

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

#### *Prior to any grading activities*

- 1) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.
  - 2) Throughout grading and construction activities, the project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.
- d) The proposed project will not increase the amount of impervious surfaces at the project site since the site is currently almost entirely paved. The inclusion of landscaped areas as proposed as part of the project will likely cause a slight reduction in stormwater runoff. As part of the City's uniformly-applied standard conditions, the applicant will be required to design a stormwater system by a registered civil engineer to accommodate the proposed project. The proposed project will be connected to the City of Oakland's storm drain system, but the project will not substantially alter the existing drainage pattern on the site. Therefore, the project will not result in substantial flooding on- or off-site. The following standard condition of approval will be applied to the proposed project. Incorporation of this standard condition will ensure the project impact is less than significant.

### **STANDARD CONDITION HYD-4: (Stormwater and Sewer)**

#### *Prior to completing the final design for the project's sewer service*

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer

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

- e) As mentioned above, the stormwater drainage system for the proposed project will be designed by a registered civil engineer in accordance with city and county requirements. The proposed project will likely reduce the total volume of runoff from the site and therefore will not create or contribute to runoff that cannot be accommodated by existing or planned stormwater drainage systems. The potential impact to the existing or planned stormwater drainage systems is less than significant.
- f) See discussion a), above.
- g) See discussion a), above.
- h) The proposed project site is located in Zone B, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map (FEMA, 1982). This zone is defined as “areas that are between the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile”. The 100-year flood zone is calculated to be an area where flooding has a one percent chance of being equaled or exceeded in any single year and the 500-year flood zone has a 0.2 percent chance in any single year. However, prior to approval of the building permit, the City of Oakland Building Department will review building design against flood zone mapping and provide any necessary adjustments, if any, to protect against any potential flooding. Therefore, the proposed project will have minimal risk for flooding hazards and will have a less than significant impact related to flooding.
- i) See discussion h), above.
- j) See discussion h), above.
- k) The project site is located inland of the San Francisco Bay and is also protected from the bay by Alameda Island. Therefore, the site is not located close enough to any body of water to be at risk of inundation from seiche or tsunami waves. The potential for mudslides to occur in the area of the site is low due to the developed urbanized nature of the surrounding area and the lack of exposed slopes. Therefore, there will be no impacts with respect to seismic-related flood hazards or unstable soils that result in mudflows.

- l) The proposed project will not significantly alter the existing drainage pattern of the site as described above. The impervious surfaces will slightly decrease so there will be no increase in off-site stormwater flow. As described above, the project will not result in substantial erosion, siltation, or flooding both on- or off-site. The potential impact related to the change in drainage patterns of the site will be less than significant.
- m) See discussions a), c), and e). With implementation of the proposed project, designed in accordance with the City of Oakland and Alameda County controls on operational stormwater quality, and the likely improvement of stormwater quality compared to the existing conditions, the proposed project will not impact any receiving waters of the stormwater runoff from the project. The proposed project will not otherwise conflict with elements of the City of Oakland Creek Protection ordinance. The project impact will be less than significant.

## References

- BKF Engineers. *Fruitvale Bart Housing Project, Oakland California, Conceptual Storm Water Quality Plan* (October 11, 2007).
- Federal Emergency Management Administration (FEMA). *Flood Insurance Rate Map, Community Panel 065048 0025B* (September 30, 1982).
- Treadwell & Rollo. *Geotechnical Investigation Fruitvale Transit Village, Phase 2* (December 16, 2005).

## IX. Land Use and Planning

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. Land Use and Planning—Would the project:</b>					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a fundamental conflict between adjacent or nearby land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Fundamentally conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

- a) The project site is located within an urban area of the City of Oakland. Land uses in the vicinity of the project are a mix of retail stores, businesses, restaurants, services (such as clinics), private homes, and multi-family developments. The proposed project will occupy a site that is currently an underutilized BART surface parking lot. Although the proposed project will result in more intense development at that site, it will complement other buildings and uses in the area and will not affect current public access ways. The proposed project will not divide an established community. The project will have no impact.
- b) The proposed project is designed to complement the Fruitvale Transit Village Phase 1 development across 35th Avenue, a successful neighborhood center of commercial and residential uses with direct access to the Fruitvale BART station. Other uses in the area are a mix of retail stores, businesses, a school serving the population in the nearby private residences. The proposed residential use and associated parking will contribute to the existing residential and mixed use character of the project vicinity. As such, the proposed project will not result in a conflict between adjacent and nearby land uses. The project will have no impact.
- c) The project site is within the Transit Oriented Development Zone (S-15). This zone is “intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development.” Multi-family residential development is a permitted use in this zone. The proposed project meets the requirements for residential density, building height. A planned unit development permit will be pursued in keeping with Section 17.97.200 of the Municipal Code. The Oakland General Plan LUTE Objective T2 is to “provide mixed-use, transit-oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes.”

Further, Policy T2.1 encourages transit-oriented development and specifically mentions development around the Fruitvale BART station which is “envisioned as a “Transit Village”: a catalyst for community realization that provides a variety of retail opportunities, housing, and community services.” By providing multi-family housing next to the BART station and the close proximity of retail and commercial services, the proposed project will be consistent with the objectives of the Oakland General Plan LUTE.

The following goal and policies of the 2004 Housing Element are relevant to the proposed Fruitvale Transit Village Phase 2 project:

**Goal 7: Promote Sustainable Development and Smart Growth**

*Policy 7.3 – Infill Development*

*Policy 7.5 – Mixed Use Development*

The proposed project will be consistent with the objectives of the 2004 Housing Element.

The project site is within the City’s General Plan San Antonio-Fruitvale-Lower Hills Planning Area, and the western portion of the City’s Coliseum Redevelopment Project Area. The Coliseum Redevelopment Project Area is the largest redevelopment area in the City of Oakland, encompassing approximately 11 square miles. The Redevelopment Area is generally bordered by 22nd Avenue to the north, the Oakland/San Leandro border to the south, International Boulevard (East 14th Street) to the east and the Estuary and Oakland International Airport to the west. The Redevelopment Plan for the Coliseum Area Redevelopment Project was adopted in 1995 and amended in 2007. The goals of the Coliseum Area Redevelopment Plan that are relevant to the proposed project include:

- elimination of blight and correct environmental deficiencies;
- ability to assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation;
- development of underdeveloped areas;
- strengthening retail and other commercial uses in the project area;
- expanding and improving the community’s supply of low- and moderate-income housing;
- providing adequate land for parking and open spaces; and
- establishing and implementing performance criteria to “assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project.”

The proposed project will construct 275 residential units on the site that will be privately-financed. The project will not make use of Redevelopment Agency subsidies, nor will it require the authority of the Redevelopment Agency to implement the project. Regardless, the project will complement the goals of the Coliseum Area Redevelopment Project Plan by assembling a group

of underutilized parcels for development, and by expanding the local customer base that could strengthen nearby commercial and retail uses.

The proposed project will conform to all applicable land use plans, policies, and regulations of the City of Oakland. The project impact will be less than significant.

- d) The project site is on land that is not governed by a habitat conservation plan or natural community conservation plan. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan. The project will have no impact.

## References

City of Oakland. Community and Economic Development Agency, Planning and Zoning Division, *City of Oakland General Plan and Zoning Map* (January 1, 2008).

City of Oakland. *City of Oakland Housing Element Jan 1, 1999–Jun 30, 2006* (adopted by City Council, June 15, 2004).

Redevelopment Agency of the City of Oakland. *Redevelopment Plan for the Coliseum Area Redevelopment Project* (Adopted June 23, 1995 as amended up to May 25, 2007).

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## X. Mineral Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Condition of Approval	Less than Significant	No Impact
<b>X. Mineral Resources—Would the project:</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

- a) The project site has a Mineral Land Classification of MRZ-1, “areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.” The proposed project will not result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state. The project will have no impact.
- b) There are no locally important mineral resource recovery sites in or around the project site. The proposed project will not result in the loss of availability of a locally important mineral resource recovery site. The project will have no impact.

### References

Stinson, Melvin C., Michael W. Manson, and John J. Plappert. California Department of Conservation, Division of Mines and Geology Special Report 146, *Part II: Mineral Land Classification: Aggregate Materials in the San Francisco–Monterey Bay Area*” *Classification of Aggregate Resource Areas: South San Francisco Bay Production-Consumption Region*, (1987).

## XI. Noise

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. Noise—Would the project result in:</b>					
a) Exposure of persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g., OSHA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Violates the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create a vibration not associated with motor vehicles, trains, and temporary construction or demolition work, which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities, except vibration causing activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Expose person to or generate rail-related groundbourne vibration in excess of standards established by the Federal Transit Administration?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Conflicts with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise after incorporation of all applicable Standard Conditions of Approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a) – h) The existing noise environment within the project vicinity will be described based upon 24-hour noise measurements and short term noise measurements. Relative noise ordinances and policies shall be discussed as well as likely noise levels to be generated by construction and project operations and their potential to affect sensitive land uses or conflict with the ordinances and policies. Issues a) through h) will be analyzed in the EIR for this project.
- i) The project site is not located within two miles of a public airport. The nearest public airport is the Metropolitan Oakland International Airport, which is located approximately 2 miles south of the project site. The project site is not within the sphere of influence of the airport, nor is the project site within the 65 DNL contour for the airport. This impact will be less than significant.
- j) The project is not located within two miles of a private airstrip. The project will have no impact.
- k) See discussion j), above.

## References

Port of Oakland, Oakland International Master Plan (2006).

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## XII. Population and Housing

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. Population and Housing—Would the project:</b>					
a) Induce substantial population growth in a manner not contemplated in the General Plan either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

- a) City of Oakland has an estimated population of approximately 420,183 in 2008 (Dept. of Finance, 2008). The City's population increased by about 7.3 percent between 1990 and 2000, from 372,242 to 399,484 (U.S. Census, 2008). According to the Association of Bay Area Governments (ABAG), the City's population is expected to reach approximately 464,700 in 2020, an increase of about 16 percent over the 2000 population (ABAG, 2006).

Citywide, the average household size is 2.63 persons (California Department of Finance, 2008). The proposed project will increase the supply of housing in Oakland and expand the available housing choices. Approximately 275 units will be built during construction phases 2-4 of the project. The unit mix will include 20 studio apartments, 110 single-bedroom units, and 145 two-bedroom units. Based on an average household size of 2.63, the proposed project will generate approximately 723 new residents at buildout.

No residential uses currently exist on the project site. Therefore, the project will result in additional population growth, and the effect of that growth on other environmental issues (such as transportation, public services, utilities, etc.) is evaluated throughout this Initial Study. The project site is located within Census Tract 4061, which is bounded by East 14th Street on the north, 23rd Avenue on the East, High Street on the west, and the Alameda-Oakland channel on the south. In 2000, the population of Census Tract 4061 was approximately 4,301 persons (U.S. Census, 2008). At buildout, the 723 new residents would represent an increase of approximately 17 percent within this census tract in comparison to the year 2000.

The proposed project could also result in affordable housing development within the project area. The Oakland Redevelopment Agency is required by State law to spend at least 20 percent of the tax increment generated by development within the Coliseum Redevelopment Plan Area for the

provision of affordable housing. State law also requires that when residential units are proposed within a redevelopment area, the Agency ensure that at least 15 percent of the total number of new or rehabilitated residential units be made available as affordable housing. The Agency also has the discretion to provide affordable units outside the Redevelopment Plan Area, provided that twice the number of affordable units (i.e., 30 percent) are provided. The affordable housing requirements apply to the Redevelopment Plan Area in the aggregate, and not to each individual project within the Redevelopment Plan Area.

The project site is designated by the General Plan as Neighborhood Center Mixed Use and is located within the Transit Oriented Development Zone (S-15), which allows for higher density residential land uses. The proposed project is consistent with these land use designations as well as applicable policies of the General Plan LUTE. Specifically, the proposed project is consistent with General Plan Policy N3.2, which encourages infill housing development and Policy N8.1, which promotes the concept of transit villages with residential uses on properties near or adjacent to BART stations.

Development of the project would not extend infrastructure or roadways within the project vicinity, and infrastructure improvements associated with the proposed project would consist of local connections to serve the site. Therefore, the project would not induce substantial population growth in the project area, either directly or indirectly, that was not contemplated by the General Plan, and the impact is less than significant.

- b)–c) As discussed above, there are no residential uses currently on the project site. Therefore, the project will not displace existing housing or people. The project will have no impact.

## References

- Association of Bay Area Governments (ABAG). *Projections 2007* (December 2006).
- California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2008, with 2000 Benchmark* (May, 2008).
- City of Oakland. *General Plan, Land Use and Transportation Element* (1998).
- U.S. Census Bureau. American FactFinder, <http://factfinder.census.gov> (accessed October 8, 2008).

### XIII. Public Services

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. Public Services—Would the project:</b>					
a) 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 following public services:					
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

- a.i) The Oakland Fire Department provides fire protection services and emergency medical services throughout the City of Oakland. The Fire Department operates 25 fire stations, including a facility at the Oakland International Airport. The Fire Department operates 25 engine companies with approximately four personnel per engine, and seven truck companies with four to five personnel per truck. Total Department staffing consists of 500 uniformed personnel. The actual number of assigned personnel per station depends on the needs of that station. All personnel are trained as Paramedics or Emergency Medical Technicians. The Oakland Fire Department Dispatch Center (FDC) is located in downtown Oakland and is responsible for fire and medical emergency coordination and response. The FDC receives approximately 60,000 calls for response annually, of which 80 percent are medical emergencies.

The proposed project is located in an area served by Station 13, located at East 12th Street and Derby Avenue, about one-half mile from the project site. Station 13 responded to 3,429 calls for service in 2006. Approximate response time to the project site is estimated to be within seven minutes of notification 90 percent of the time, which is the goal established by the Fire Department.

Future residential development generated by the proposed project could result in approximately 275 new residential units in the project area, which will likely increase the number of calls for fire and emergency services. However, the Fire Department will most likely not have to add staff or facilities, or alter existing facilities, to maintain current response ratios and service standards. In accordance with the State Fire Code, the Department will require that fire prevention measures, such as automatic sprinklers, smoke detectors, fire alarm systems, and fire resistant construction, be incorporated into final project plans for each building. The appropriate building and fire code

requirements adopted by the City of Oakland will be incorporated into project construction and the Department will also review provisions for site access, exits, and any necessary special equipment to assist fire fighters onsite. With implementation of the standard condition listed below, the project impact to the provision of fire protection and emergency medical response services will be less than significant.

**STANDARD CONDITION PUB-1: (Conformance with Other Requirements)**

***Prior to issuance of a demolition, grading, P-job, or other construction related permit:***

- 1) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.
- 2) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

- a.ii) The project site currently consists of a surface parking lot under jurisdiction of the BART police. The BART Police Department is a full-service law enforcement agency responsible for all law enforcement activities on BART property, including BART stations and parking lots. Its responsibilities are similar to those of the Oakland Police Department (OPD), and include routine patrols, crime suppression and investigation, and gathering of field evidence. The BART Police Department has a uniformed force of approximately 206 officers assigned to four geographical patrol zones. The Fruitvale BART station is served by Zone 1, with headquarters at Lake Merritt BART station.

During the first construction phase of the proposed project, a new parking structure will be constructed on the site, although this facility will be used exclusively by the new residents that will be generated by the project. However, surface parking for BART patrons will continue to exist on the site through construction phase 3. As such, it is anticipated that BART will have jurisdiction of the surface parking lot through construction phase 3 and that BART police will continue to patrol these areas.

At project buildout, the OPD will provide police services to the residents of the project site. The OPD is headquartered at 455 7th Street in downtown Oakland and provides patrol and emergency services throughout the City. As of August 2008, the OPD had 778 sworn officers and a civilian staff of approximately 339. The OPD anticipates adding 25 officers to the Department by the end of 2008.

The City is geographically divided into 35 patrol beats. Each neighborhood services coordinator handles multiple patrol beats. Neighborhood service coordinators are civilian employees who serve as a liaison between the community and the OPD, and work with residents, businesses, schools, and other institutions to set priorities and develop strategies to improve public safety and

reduce crime. The project site is located within patrol beat 23X. Beat 23X is generally bounded by Foothill Boulevard to the north, High Street to the south, Fruitvale Drive to the west, and the Alameda-Oakland channel. Patrol beats have one officer assigned 24 hours a day. Officers generally work ten-hour shifts four times each week. At any one time, citywide, there are 35 officers, a watch commander, and up to six supervising sergeants on duty, all of whom are sworn personnel.

Buildout of the project site for residential uses will add approximately 723 residents to the area, which will increase the demand for police services. The need for increased police service was examined in the Coliseum Redevelopment Area Plan EIR. The EIR indicated that the implementation of the Redevelopment Plan, which includes the project site, will not require the construction of any new police facilities. For this reason, the proposed project impact on police protection services will be less than significant.

- a.iii) The Oakland Unified School District (OUSD) operates the public school system in the City of Oakland. During the 2007-2008 school year, the OUSD administered 64 elementary schools, 20 middle schools, 23 high schools, and 34 charter schools (OUSD, 2007).

The project site is located within the attendance areas for Lazear Elementary, Roosevelt Middle, and Fremont Federation High School. The OUSD Long Range Facilities Master Plan indicates that Lazear Elementary is somewhat underutilized in terms of capacity and enrollment while Roosevelt Middle and Fremont Federation High School are severely over capacity. To estimate the number of students generated by new housing development, the OUSD uses student generation rates developed by the California State Department of Education. This rate estimates that one dwelling unit will generate about 0.43 students who will attend kindergarten through grade 6, 0.12 students who will attend grades 7 and 8, and 0.24 students who will attend high school (grades 9 through 12). Therefore, at buildout the proposed project could generate approximately 118 students who will attend kindergarten through grade 6, 33 students who will attend grades 7 and 8, and 66 students who will attend high school.

The impact on local schools serving students generated by the project will be incremental as the project will be constructed in phases. In addition, some students will attend private schools in Oakland, further reducing the impact on public schools in the vicinity.

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), restricts the ability of local agencies, such as the City of Oakland, to impose additional mitigation measures or deny land use approvals on the basis that public school facilities are inadequate. SB 50 establishes the base amount of allowable developer fees at \$2.24 per square foot for residential construction, which are meant to fully mitigate project impacts. Payment of these required fees is the State-mandated mitigation measure for impacts to affected public schools under CEQA. Based on the above, the project impact to local schools will be less than significant.

- a.iv) Other public facilities potentially impacted by the proposed project include library facilities. The City of Oakland's Public Library system includes a Main Library and 15 branch libraries. The

library also provides many other services to the community, such as the Bookmobile and adult literacy programs. The Main Library serves residents from all of Oakland, with heavy use by residents around Lake Merritt and in the downtown area, and is one of the largest public library facilities in the Bay Area. The Cesar E. Chavez Branch Library, formerly the Latin American Library Branch, opened at its current location in 2004. It was one of the first public libraries in the United States to offer services and materials in Spanish. This branch is located only a couple blocks away from the project site at 3301 East 12th Street. The branch is fully bilingual and offers information services and collections in Spanish and English. The proposed project will not impose a burden on library services or any other public facilities in Oakland. Therefore, the project impact on public facilities is considered to be less than significant.

Oakland is well-served by regional parks and open space which provide primarily passive, undeveloped parks located on East Bay Regional Park District (EBRPD) land along the eastern perimeter of Oakland. EBRPD has 73,000 acres of park land in Alameda and Contra Costa Counties. The closest parks to the project site include Foothill Meadows Park, a neighborhood park; Foothill Meadows Extension, an active mini park; and Sanborne Park, a neighborhood park. School facilities, although not always open to the public, provide additional recreational facilities and open space. Schools in the broader area include Lazear Elementary, Roosevelt Middle, and Fremont Federation High School.

The General Plan Open Space, Conservation and Recreation (OSCAR) Element identifies a service standard of ten acres of parkland and four acres of local-serving parks per 1,000 residents. The project site is located in the Fruitvale Planning Area, as defined in the OSCAR. The Fruitvale Planning Area is underserved by public parks and has a per capita park acreage of 0.68 acres per 1,000 residents, and thus does not meet the citywide goal of four acres of local-serving parks per 1,000 residents. However, none of the planning areas within the City currently meet the acreage goal of parks per residents, and because the Fruitvale Planning Area is largely built-out, opportunities for acquiring the acreage necessary to reach the City's goal would not be feasible, as recognized in the OSCAR.

The project site is zoned S-15 (Transit Oriented Development Zone). As stated in the Oakland Planning Code Section 17.97.170, the project would be required to provide group usable open space of at least 150 square feet per regular dwelling unit plus 100 square feet per efficiency unit. In addition, 30 square feet of private usable open space per regular unit and 20 square feet per efficiency unit is required. All private usable open space may be substituted for group usable open space with a ratio prescribed in Section 17.126.020 except that actual group open space shall be provided in the minimum amount of 75 square feet per regular dwelling unit and 50 square feet per efficiency unit.

The proposed project includes four courtyard areas dispersed throughout the project buildings. These courtyards would be available for recreational activities and cultural events. Adherence to the open space requirements for the S-15 zoning would alleviate to some degree the increased demand for park and recreational facilities in the Fruitvale Planning Area. The project impact would be less than significant.

## References

- Bay Area Rapid Transit (BART). [www.bart.gov/about/police](http://www.bart.gov/about/police) (accessed October 7, 2008).
- City of Oakland. *Coliseum Area Redevelopment Plan DEIR* (February 15, 1995).
- City of Oakland. Fire Department, [www.oakland.net.com/oakweb/fire](http://www.oakland.net.com/oakweb/fire) (accessed October 7, 2008).
- City of Oakland, *General Plan Safety Element* (November 2004).
- City of Oakland. *Oakland General Plan, Land Use and Transportation Element* (1998).
- Oakland Fire Department, Engine 13. [www.oakland13engine.com](http://www.oakland13engine.com) (accessed October 7, 2008).
- Oakland Public Library. [www.oaklandlibrary.org](http://www.oaklandlibrary.org) (accessed October 7, 2008).
- Oakland Unified School District (OUSD). *Annual Report* (2007).
- OUSD, *Long Range Facilities Master Plan, 2007*
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## XIV. Recreation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Condition of Approval	Less than Significant	No Impact
<b>XIV. Recreation—Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a) The proposed project will provide 275 housing units. Open space and recreational areas for the use of the residents will be included in the design of the proposed project. Foothill Meadows Park, a neighborhood park, Foothill Meadows Extension, an active mini park, and Sanborne Park, a neighborhood park, are within 0.5 mile of the project site. While it is likely that residents of the proposed new housing development will use these parks in addition to the recreational spaces provided onsite, the additional use will not cause or accelerate substantial physical deterioration of the existing facilities. The project impact will be less than significant.
- b) The proposed project incorporates four courtyards throughout the project buildings for recreational use by residents and their guests. The courtyards will be on private property and will not be open to the general public for recreational purposes. These newly constructed recreational areas will not have an adverse physical effect on the environment. The project will have no impact.

## References

- City of Oakland. Community and Economic Development Agency, Planning and Zoning Division, *City of Oakland General Plan and Zoning Map* (January 1, 2008).
- City of Oakland. *Oakland General Plan, Open Space, Conservation and Recreation Element* (June 1996).

## XV. Transportation/Traffic

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XV. Transportation/Traffic—Would the project:</b>					
<b>Project Impacts</b>					
Cause an increase in traffic which is substantial in relation to the traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or change the condition of an existing street (i.e. street closures, changing direction of travel) in a manner that would substantially impact access or traffic load capacity of the street system?					
Specifically:					
a) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e., E)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) At a study, signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e., F)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity ("V/C") ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) At a study, unsignalized intersection, the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) For a Congestion Management Program (CMP) required analysis, (i.e., projects that generate 100 or more), Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other Thresholds</b>					
h) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant with Standard Condition of Approval	Less than Significant	No Impact
<b>XV. Transportation/Traffic—Would the project:</b>					
i) Substantially increase traffic hazards due to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Result in less than two emergency access routes for streets exceeding 600 feet in length, unless otherwise determined by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic topographic, or other conditions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle routes, pedestrian safety)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Cumulative Impacts**

A project’s contribution to cumulative impacts is considered “considerable” (i.e., significant) when the project exceeds at least one of the intersection-related thresholds listed above in threshold #a through #f for years 2015 or 2030.

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Planning Related Non-CEQA Issues**

The following transportation-related topics are not considerations under CEQA but should be evaluated in order to Inform decision-makers and the public about these issues.

- i) Parking
- ii) Transit
- iii) Queuing
- iv) Traffic Control Devices
- v) Collision History

**Discussion**

a), c), d), e), and f)

The proposed construction of 275 multi-family residential units will increase vehicular traffic in the project vicinity, may decrease the level of service (LOS) or V/C ratio of nearby intersections, and may increase average delay or critical movement delay at signalized or unsignalized intersections, or cause unsignalized intersections to satisfy the Caltrans peak hour warrant all of which could result in significant impacts to traffic. Therefore, the EIR will address the project’s potential traffic impacts.

- b) The project will not affect any signalized intersections in the Downtown area. The project will have no impact.
- g) The project could generate 100 or more PM peak hour vehicle trips. The project may decrease the level of service (LOS) or V/C ratio of nearby Congestion Management Program (CMP) roadway segments. Therefore, the EIR will address the required CMP analysis.

- h) The project will not result in changes to air traffic patterns. The project will have no impact.
- i) The project will not result in unusual design features that could result in traffic hazards, nor will the project result in fewer than two emergency access routes. However, because the project-generated traffic has the potential to create impacts, the project EIR will analyze the project's effects on traffic hazards.
- j) See discussion i), above.
- k) The project will not fundamentally conflict with adopted policies supporting alternative transportation, as the project will be transit oriented development on a site served by existing transit (BART and AC Transit bus service). The project will have no impact.

Regarding Cumulative Impacts, the project could make considerable contributions to cumulative transportation and traffic impacts. The project EIR will analyze the project's potential contributions to cumulative impacts.

Regarding Planning Related Non-CEQA Issues, the project EIR will address the following Non-CEQA transportation related issues:

- i. Parking
- ii. Transit
- iii. Queuing
- iv. Traffic Control Devices
- v. Collision History

## References

HKIT Architects, *Fruitvale BART Housing, Oakland, CA, Site Plan/Project Info.*, Job #60121, prepared for Signature Properties (April 21, 2008).

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## XVI. Utilities and Service Systems

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. Utilities and Service Systems—Would the project:</b>					
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Violate applicable federal, state and local statutes and regulations relating to energy standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

- a) The City of Oakland maintains and operates the subsurface sanitary sewer system that collects wastewater in the Fruitvale area and transmits it to the East Bay Municipal Utility District's (EBMUD) wastewater treatment facilities. As of 2005, EBMUD's wastewater treatment plant had an average dry weather capacity of 168 million gallons per day (mgd), and an average dry weather flow of approximately 77 mgd. During wet weather, the treatment plant has a sustainable primary treatment capacity of 320 mgd and a maximum secondary treatment capacity of 168 mgd. The City's sanitary sewer system consists of pipes ranging from 6 to 72 inches in diameter.

The project site will be served by existing sewer infrastructure located beneath surrounding roadways. According to the project engineer, a 30-inch pipeline is located beneath 35th Avenue and additional pipelines of undetermined width are underneath 37th Avenue and East 12th Street (BKF, 2008). Lateral connections from proposed buildings are planned as 4-inch pipes extending to the project site from 35th Avenue and East 12th Street.

The proposed project will construct approximately 130 studio or 1-bedroom apartments and 145 2-bedroom units. Using average daily wastewater generation rates of 150 gallons per day (gpd) and 200 gpd, respectively, from the City's *Sanitary Sewer Design Guidelines*, the proposed project will generate approximately 48,500 gpd of waste water.

Development within the Fruitvale BART station area was previously analyzed on a programmatic level within the Coliseum Area Redevelopment Plan EIR, which indicated that EBMUD has capacity to accommodate the project. The EIR also stated that some City sub-basins may exceed allocated capacity within the Coliseum Redevelopment Area and that some re-allocation may be necessary.

As noted above, the existing sanitary sewer lines located under existing streets will continue to serve the project site. The project does not propose any major replacement or improvement of existing sanitary sewer lines. The proposed project is not anticipated to exceed the wastewater treatment requirements of the RWQCB or to adversely affect the system-wide conveyance and treatment capacity. The project sponsor will be required to implement Standard Condition UTIL-1, which will require the construction of any necessary sewer infrastructure improvements to accommodate the project. Implementation of Standard Condition UTIL-1 will ensure that the project will result in a less than significant impact to wastewater treatment and capacity.

#### **STANDARD CONDITION UTIL-1: (Stormwater and Sewer)**

##### ***Prior to completing the final design for the project's sewer service***

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

- b) The project site is currently a parking lot and the majority of the site has impervious surfaces. The proposed project will develop the majority of the site and will also include creating landscaped areas. The addition of the landscaped areas will create a slight increase in pervious surfaces over

existing conditions, thereby slightly increasing the ability for groundwater recharge. Therefore, the proposed project will have a less than significant impact on groundwater supplies or interfering with groundwater recharge.

Stormwater will continue to run off the project site into the City's existing storm drain facilities. As discussed in Section VIII, Hydrology and Water Quality, the applicant will be required to design a stormwater system by a registered civil engineer to accommodate the proposed project in accordance with Standard Condition HYD-4. The proposed project will be connected to the City of Oakland's storm drain system, but the project will not substantially alter the existing drainage pattern on the site. With implementation of Standard Condition HYD-4, project impacts to storm drainage facilities will be less than significant.

- c) EBMUD supplies water to the City of Oakland. EBMUD supplies water to approximately 1.3 million people within its estimated 331-square-mile service area, and the City of Oakland comprises slightly less than one-third of EBMUD's customers. The proposed project does not exceed the threshold necessary to prepare a water supply assessment by EBMUD per Senate Bill 50.

Existing water lines adjacent to the project site include an 8-inch water line beneath 35th Avenue and a 20-inch water line in East 12th Street (BKF, 2008). Lateral lines serving the project site will connect to these existing mains. The proposed project will construct approximately 275 dwelling units. Using an average daily water demand of 260 gpd per unit, as used in the Oakland General Plan LUTE EIR, the proposed project will generate a daily water demand for approximately 71,500 gpd.

The Coliseum Area Redevelopment Plan EIR determined that EBMUD will be able to meet demand within the Redevelopment Area without expanding major water lines or adding central facilities such as pumping stations or reservoirs. The existing water distribution system will continue to serve the project site and is anticipated to be adequate to accommodate the project's expected water demand. While the project will require water line extensions to create service connections to new buildings, these extensions will be coordinated and financed by the project sponsor. The project will not exceed existing or projected water supply or result in the need for new or expanded water facilities. Therefore, impacts to water supply and delivery will be less than significant.

- d) See discussion a), above.
- e) Non-hazardous waste in the City of Oakland is collected by Waste Management of Alameda County (WMAC), which provides curbside pickup for residential, commercial and industrial non-hazardous waste, and transports it to WMAC's Davis Street Transfer Station in the City of San Leandro. Transfer trucks haul waste to the Altamont Landfill and Resource Facility, located approximately 35 miles east of Oakland, near the City of Livermore. Using an estimated average waste generation rate of five pounds per unit per day for multi-family residential use, the project will generate approximately 1,375 pounds per day of waste (CIWMB, 2008a).

In 2005, the City of Oakland disposed of approximately 416,827 tons of solid waste at the Altamont Landfill (CIWMB, 2008b). Project-generated waste will result in an increase of less than one-percent of the total amount of waste processed annually at this facility. The Altamont Landfill currently has adequate permitted capacity to accommodate this increase in solid waste disposal.

As required by enactment of the California Integrated Waste Management Act (AB 939) in 1989, the City has prepared a Source Reduction and Recycling Element. The City's waste diversion rate has increased from approximately 11 percent in 1990 to an estimated 55 percent in 2004. The project will be required to comply with the City's construction and demolition debris ordinance, which will ensure that the project's short-term impact on solid waste will be less than significant. In addition, adherence to the following Standard Condition will ensure that the project's impact to long-term solid waste impacts will be less than significant.

**STANDARD CONDITION UTIL-2: (Waste Reduction and Recycling)**

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

***Prior to issuance of demolition, grading, or building permit***

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at [www.oaklandpw.com/Page39.aspx](http://www.oaklandpw.com/Page39.aspx) or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

***Ongoing***

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

- f) See discussion e), above.
- g) The proposed project will result in an incremental increase in the demand for gas and electrical power given the increase in development on the project site. Overall, the level of public energy required of the proposed project will not be expected to violate applicable federal, state and local

statutes and regulations relating to energy standards or exceed Pacific Gas & Electric's (PG&E) service capacity or require new or expanded facilities. The project will be required by the City to comply with all standards of Title 24 of the California Code of Regulations, aimed at the incorporation of energy-conserving design and construction. Any improvements and extensions required to serve the project will be determined in consultation with PG&E prior to installation. As a result, although the project will increase energy consumption, the impact on energy resources and standards will be less than significant.

h) See discussion g), above.

## References

California Integrated Waste Management Board (CIWMB). *Estimated Solid Waste Generation Rates for Residential Developments*, [www.ciwmb.ca.gov/WasteChar/WasteGenRates/Residential](http://www.ciwmb.ca.gov/WasteChar/WasteGenRates/Residential) (accessed October 9, 2008a).

CIWMB. *Jurisdiction Profile for City of Oakland*, [www.ciwmb.ca.gov/Profiles/Juris](http://www.ciwmb.ca.gov/Profiles/Juris) (accessed October 13, 2008b).

City of Oakland, *Coliseum Area Redevelopment Plan DEIR* (February 15, 1995).

City of Oakland, *General Plan, Land Use and Transportation Element DEIR* (October 31, 1997).

City of Oakland, *Sanitary Sewer Design Guidelines* (November 2004 [Revised August 18, 2005]).

Fruitvale Bart Housing, Tentative Parcel Map No. 9662, BKF Engineers (April 10, 2008).

## XVII. Mandatory Findings of Significance

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant with Standard Condition of Approval</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVII. Mandatory Findings of Significance</b>					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) As discussed in Section IV, Biological Resources, the proposed project will not result in significant effects on the habitat, population, or community of fish, wildlife, or plant species with implementation of Standard Conditions BIO-1, BIO-2, and BIO-3; and BIO-4 if applicable. As discussed in Section V, Cultural Resources, with implementation of Standard Conditions CUL-1 through CUL-3 potential impacts to any potential historic resources will be less than significant; no historic resources exist within the project area. The proposed project will not degrade the quality of the environment. The project impact will be less than significant with implementation of the listed Standard Conditions and Mitigation Measures.
- b) The project-specific effects of the proposed project, when combined with the effects of past, present and reasonably foreseeable future projects in the area, will not result in cumulatively considerable impacts for the topics found to be less-than-significant in this Initial Study. This conclusion is generally supported by the Oakland General Plan LUTE EIR, upon which the Coliseum Area Redevelopment Plan relies. The Coliseum Area Redevelopment Plan Draft EIR (State Clearinghouse No. 94043014) identified potential cumulative impacts for the following topics: transportation, air quality, noise, hazardous materials from commercial or industrial uses, geology and seismicity based on the type of structure, biotic resources, and public services.

The analysis in this Initial Study considers past and present projects as they are included in the existing environmental setting. Reasonably foreseeable projects have been largely considered in the LUTE EIR. Given the highly developed nature of the surrounding areas and the lack of undeveloped land nearby, reasonably foreseeable projects are anticipated to be redevelopment of

existing development. Such development would be consistent with land uses and density/intensity designated for the project area by the LUTE and the Coliseum Redevelopment Plan and previously considered at a cumulative level. The nearby Fruitvale Gateway project proposes an intensification of development, however, it also does not identify significant cumulative impacts considering past, present and reasonably foreseeable projects for topics analyzed in this Initial Study.

As with the proposed project, all present and reasonably foreseeable future projects would be subject to CEQA to assess their environmental effects, individually and cumulatively, and if required, implement all mitigation measures identified; would be required to be consistent with the Oakland General Plan and Redevelopment Plan; would be required to comply with all federal, state and local code requirements and regulations, such as the Oakland Municipal Code and Building Codes; and would be required to adhere to all other applicable policies and processes for project review and approval, such as Design Review, to ensure that no significant adverse effects would result. Given that all current and future projects will be required to take into account the surrounding uses and resources and mitigate any potential impacts to a less than significant level, it is reasonable to assume that the effects of past, current and probable future projects together would not result in cumulatively considerable impacts.

With the exception of air quality, noise, and transportation/traffic, which will be analyzed in the EIR, as the analysis in this Initial Study shows, the proposed project will not have impacts that are individually limited but cumulatively considerable.

However, because the topics of air quality, noise and transportation/traffic require further analysis beyond this Initial Study, the proposed project has the potential for significant impacts.

- c) As discussed in this Initial Study, the proposed project has the potential to have direct or indirect impacts with regard to air quality, noise, and transportation. These issues will be studied, analyzed and discussed in detail in the EIR.

## References

City of Oakland. *Land Use and Transportation Element of the Oakland General Plan Environmental Impact Report* (1998).

Redevelopment Agency of the City of Oakland. *Redevelopment Plan for the Coliseum Area Redevelopment Project* (Adopted June 23, 1995 as amended up to May 25, 2007).