



CITY OF OAKLAND

Bureau of Planning

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

NOTICE OF PREPARATION (“NOP”) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (“DEIR”) AND EIR SCOPING MEETING FOR THE 7825 SAN LEANDRO STREET PROJECT

The City of Oakland (“City”) Bureau of Planning is preparing an Environmental Impact Report (“EIR”) for the 7825 San Leandro Street Project (“Project”). The City is requesting comments on the scope and content of the EIR. A description of the Project and its location, together with a summary of the probable environmental effects that will be addressed in the EIR are included herein. Pursuant to California Environmental Quality Act (“CEQA”) Guidelines §15063(a), the City has **not** prepared an Initial Study, nor is it required to if it elects to prepare an EIR for the Project.

The EIR for the Project is being prepared in compliance with CEQA (California Public Resources Code §§21000 et. seq.) and the State CEQA Guidelines (“CEQA Guidelines”) (California Code of Regulations, Title 14, Division 6, Chapter 3, §§15000 et. seq.). The City is the Lead Agency for the Project and is the public agency with the greatest responsibility for considering approval of the Project and/or carrying it out. Pursuant to Guidelines §15082(a), upon deciding to prepare an EIR, the City as the lead agency must issue a Notice of Preparation (“NOP”) to inform the Governor’s Office of Planning and Research (“OPR”), trustee and responsible agencies, and the public of that decision.

The purpose of the NOP is to provide information describing the Project and its potential environmental effects to those who may wish to comment regarding the scope and content of the information to be included in the EIR. This notice is being sent to responsible or trustee agencies and other interested parties. Responsible and trustee agencies are those public agencies, besides the City, that may also have a role in considering approval and/or carrying out the Project. The City encourages responsible and trustee agencies and OPR to provide this information to the City so that the City can ensure that the EIR meets the needs of those agencies. Once the DEIR is published, it will be sent to all responsible or trustee agencies and to others who respond to this NOP or who otherwise indicate that they would like to receive a copy.

SUBMITTING COMMENTS IN RESPONSE TO THIS NOP: Comments may be submitted in writing or made at the public scoping meeting described below. **The City encourages written comments to be submitted electronically via e-mail to Peterson Vollmann, the Case Planner, at pvollmann@oaklandca.gov.** Written comments may also be mailed to: Peterson Vollmann, Planner IV, City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612. Comments should be received via the above e-mail address or mailing address by 4:00 p.m. on **September 30, 2024**. Please reference Case File Number **PLN24086-ER01** in all correspondence.

Comments and suggestions as to the appropriate scope of analysis in the EIR are invited from all interested parties and should focus on the potential physical environmental impacts of the Project.

Commenters are encouraged to identify ways that potential adverse effects resulting from the Project might be minimized and to identify reasonable mitigation measures and alternatives to the Project.

EIR SCOPING MEETING:

The **City of Oakland Planning Commission** will conduct a public scoping meeting on the EIR for the 7825 San Leandro Street Project on **Wednesday, September 18, 2024 at 3pm** in the Council Chambers in City Hall, 1 Frank H. Ogawa Plaza Oakland, CA 94612. For more information about how to participate in this meeting, please visit:

<https://www.oaklandca.gov/boards-commissions/planning-commission>

PROJECT TITLE: 7825 San Leandro Street Project (Case File No. **PLN24086-ER01**)

PROJECT LOCATION: The Project site is an approximately 14.9-acre lot located at 7825 San Leandro Street [Assessor's Parcel Numbers 041 417500302, 041 417501800, 041 417501600, 041 417501000, 041 417500600, 041 417500500, 041 417501700, 041 417501900, 041 420900102, 041 420900700, 041 420900101, 041 420900302, 041 420800100, and 041 420900801]. The Project site is in the General Industrial ("IG") and Commercial Industrial Mix - 2 ("CIX-2") zoning districts and has General Plan land use designations of Business Mix and General Industrial and Transportation. The Project site is bound by Hegenberger Road to the north, San Leandro Street to the east, existing commercial uses and a canal to the south, and train tracks to the west.

PROJECT SPONSOR: Prologis

EXISTING CONDITIONS: The Project site was the former location of the AB&I Foundry, a 14.9-acre commercial and industrial land use that manufactured cast iron and pipe fittings from 1940 until October 2022. The Project vicinity is dominated by roadway and transit, commercial, and industrial uses. The Project site is currently vacant with some existing impervious surfaces that served as parking for the previous on-site uses and associated lighting standards. There are existing connections for water and electricity to the Project site from previous, now demolished uses. The Project site is relatively flat. There is limited existing vegetation on the Project site comprised of three (3) trees on-site and street trees along the eastern side of the Project site along San Leandro Street. A records search of the Regional Water Quality Control Board's Geotracker database found one open record of a site assessment for a site cleanup program requirement case currently investigating non potable water contamination on the Project site.¹ The Alameda County Department of Environmental Health (ACDEH) Local Oversight Program (LOP) oversees the investigation and cleanup of hazardous materials releases to the environment, and the Project site is under ACDEH LOP oversight via Case # RO0003535.

¹ https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000019792

PROJECT DESCRIPTION: The Project Applicant is proposing construct an approximately 311,000 square foot warehouse on the Project site. The applicant proposes the Project on a speculative basis as the end-user and nature of the use are unknown at this time. However, for the purposes of conservative analysis, the end use is assumed to be a distribution warehouse.

The warehouse would comprise floor space with two potential two-story accessory office space locations on the northeast or southeast corners of the interior of the warehouse. The first-floor office space would comprise approximately 20,000 square feet and the second story office space would comprise approximately 5,000 square feet. The proposed floor area ratio (FAR) is 0.48. The maximum height of the proposed warehouse is 51 feet. The eastern elevation of the warehouse would include 43 loading dock doors.

The Project site would be accessed by three (3) driveways on the east side of the site from San Leandro Street. Two (2) driveways will be 40 feet wide, and one driveway will be 30 feet wide. On-site parking will be accessed by internal drive aisles at least 26 feet wide and illuminated. Approximately 228 parking stalls would be provided on-site, including approximately 116 electric vehicle (“EV”) capable stalls. Forty-six (46) trailer parking stalls would also be provided on-site. The Project would be supplied electricity by Pacific Gas and Electric (“PG&E”) and water and wastewater services by East Bay Municipal Utility District (“EBMUD”). Waste disposal services would be supplied by Waste Management.

The on-site trees would be removed while the existing street trees would be preserved in place. Approximately one hundred and thirty (130) new trees would be planted throughout the Project site along the site boundaries and within the proposed parking areas. Additional landscaping would also be installed along the Project site boundaries, including bioretention basins for stormwater treatment. The proposed landscaped portion of the site is approximately 12% of the total Project site area.

Construction of the Project is expected to commence in 2026 and last for approximately eighteen (18) months. Construction is expected to consist of two phases: 1) demolition, remediation, grading and utility relocation (6 months), and 2) building and onsite improvements (12 months).

PROBABLE ENVIRONMENTAL EFFECTS AND PROPOSED SCOPE OF THE EIR:

Probable environmental effects to be addressed and evaluated in the EIR include: air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, transportation, and tribal cultural resources.

Environmental factors that are expected to have no impact or a less-than-significant impact will be discussed in the EIR, and are expected to include: aesthetics, wind and shadow; agriculture and forestry resources; energy; geology and soils; hydrology and water quality; land use and planning; mineral resources; population and housing; public services; recreation; utilities and service systems; and wildfire.

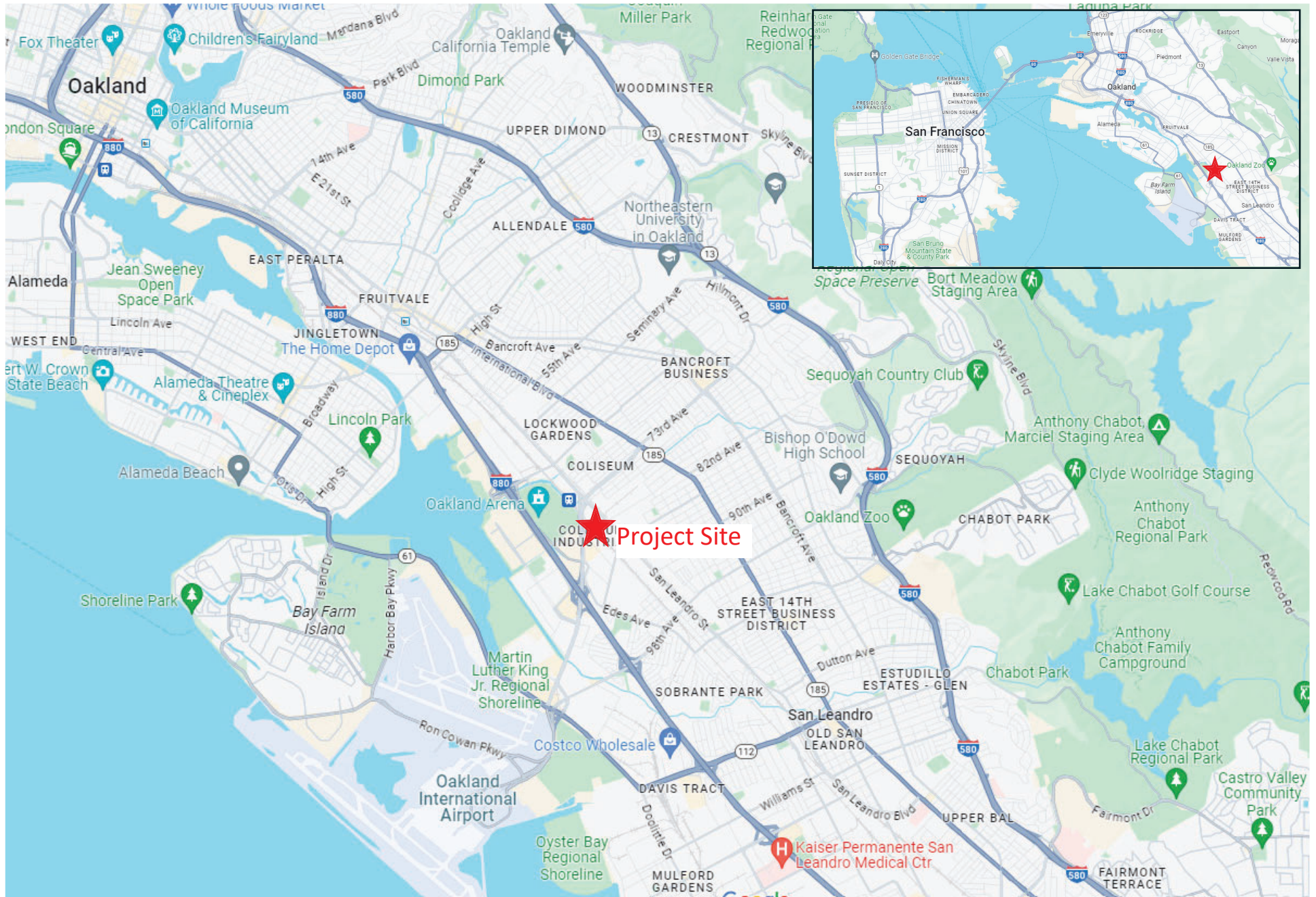
The DEIR will also examine a reasonable range of alternatives to the Project, including the CEQA-mandated No Project Alternative, and other potential alternatives capable of reducing or avoiding potential significant environmental effects.

August 30, 2024
Case File Number: PLN24086-ER01



Ed Manasse
Environmental Review Officer
Planning and Building Department

Attachments:
Figure 1, Regional Map
Figure 2, Project Vicinity Map



Source: Google Earth, 2024

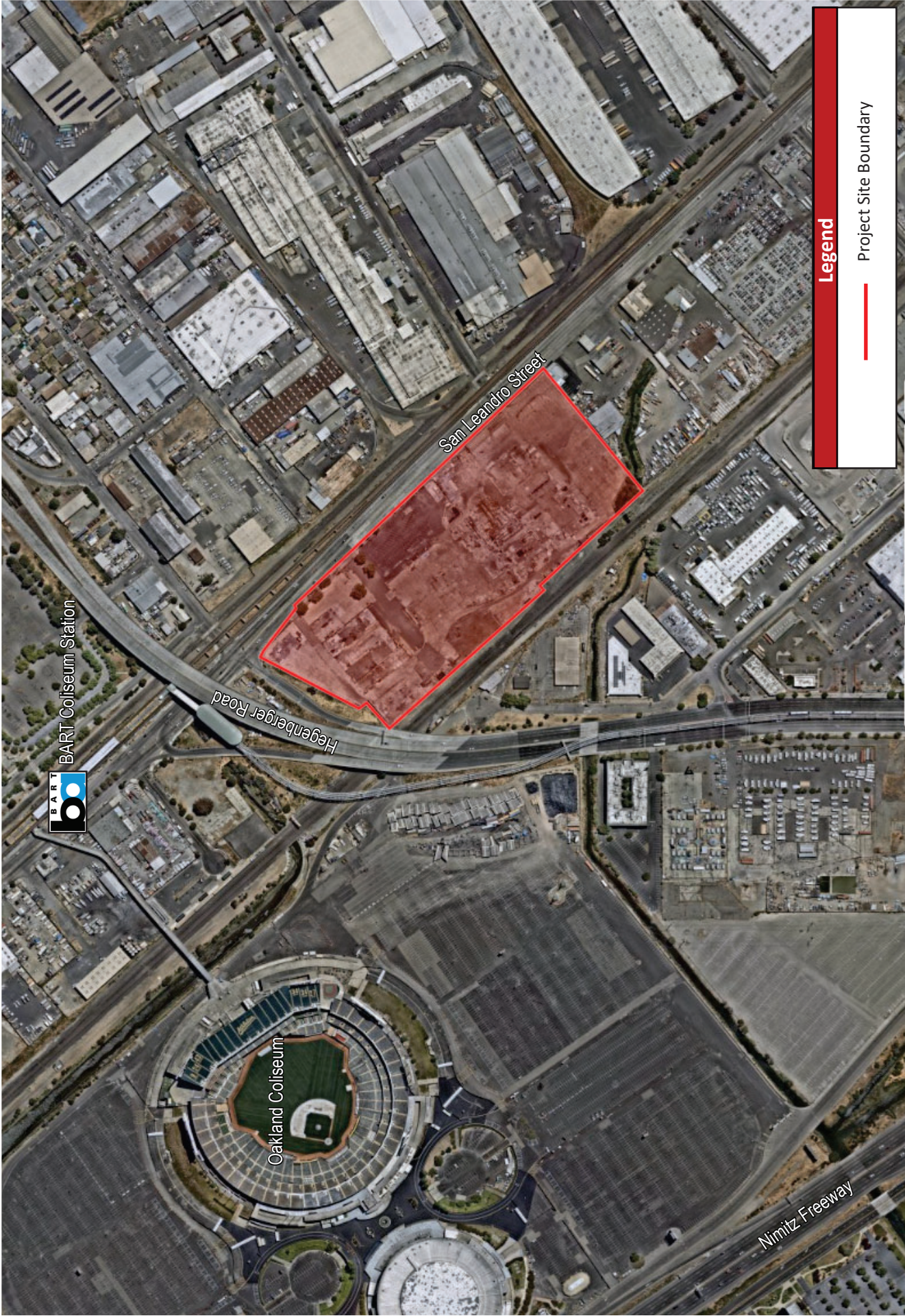
Figure 1: Regional Map

7825 San Leandro Street
Notice of Preparation



Not to scale

Kimley»Horn



Source: Nearmap, 2024

Figure 2: Project Vicinity Map

7825 San Leandro Street
Notice of Preparation



Not to scale



September 10, 2024

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland, CA 94512

RE: 7825 San Leandro Street Project, SCH #2024090014

Dear Mr. Vollmann:

Thank you for the opportunity to provide comments on the Notice of Preparation for the 7825 San Leandro Street project. While the logistics industry is an important component of our modern economy, warehouses can bring various environmental impacts to the communities where they are located. For example, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate can contribute to traffic jams, deterioration of road surfaces, traffic accidents, and unsafe conditions for pedestrians and bicyclists. Depending on the circumstances of an individual project, warehouses may also have other environmental impacts.

To help lead agencies avoid, analyze, and mitigate warehouses' environmental impacts, the Attorney General Office's Bureau of Environmental Justice has published a document containing best practices and mitigation measures for warehouse projects. We have attached a copy of this document to this letter, and it is also available online.³ We encourage you to

¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

³ <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>.

September 10, 2024

Page 2

consider the information in this document as you prepare the draft environmental impact report for this project.

Priority should be placed on avoiding land use conflicts between warehouses and sensitive receptors and on mitigating the impacts of any unavoidable land use conflicts. However, even projects located far from sensitive receptors may contribute to harmful regional air pollution, so you should consider measures to reduce emissions associated with the project to help the State meet its air quality goals. A distant warehouse may also impact sensitive receptors if trucks must pass near sensitive receptors to visit the warehouse.

The Bureau will continue to monitor proposed warehouse projects for compliance with the California Environmental Quality Act and other laws. We are available to discuss as you prepare the draft environmental impact report and consider how to guide warehouse development in your jurisdiction. Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'CV' or similar initials, written in a cursive style.

CHRISTIE VOSBURG

Supervising Deputy Attorney General

For ROB BONTA
Attorney General



Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

Table of Contents

I.	Background	1
II.	Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies	3
III.	Community Engagement	4
IV.	Warehouse Siting and Design Considerations	5
V.	Air Quality and Greenhouse Gas Emissions Analysis and Mitigation	7
VI.	Noise Impacts Analysis and Mitigation	10
VII.	Traffic Impacts Analysis and Mitigation	11
VIII.	Other Significant Environmental Impacts Analysis and Mitigation	12
IX.	Conclusion	13

In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau's work on warehouse projects, collecting information gained from the Bureau's review of hundreds of warehouse projects across the state.³ It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.⁴ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁵ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.⁶ The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.⁷ Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.⁸ This trend has only accelerated, with e-commerce growing to

¹ <https://oag.ca.gov/environment/justice>.

² <https://oag.ca.gov/environment/ceqa>; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

³ This September 2022 version revises and replaces the prior March 2021 version of this document.

⁴ Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

⁵ As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.

⁶ Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), <https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/> (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).

⁷ U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at <https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm> (last accessed September 18, 2022).

⁸ South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.⁹ The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.¹⁰

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California’s environmental justice screening tool, which measures overall pollution and demographic vulnerability.¹³ That

⁹ U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), available at <https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report> (last accessed September 18, 2022).

¹⁰ CBRE Research, *supra* note 9, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

¹¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (last accessed September 18, 2022) (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts> (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (last accessed September 18, 2022) (DPM).

¹² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

¹³ South Coast Air Quality Management District, “Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305” (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.¹⁴ Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.¹⁵

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors¹⁶ can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

¹⁴ *Id.* at 5-7.

¹⁵ Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported “riskiness” of loaning to their residents. In California cities where such “redlining” maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded “red,” signifying the least desirable areas where investment was to be avoided. See University of Richmond Digital Scholarship Lab, Mapping Inequality, <https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca> (Los Angeles), <https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca> (San Diego), <https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca> (Oakland), <https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca> (Stockton), <https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca> (Fresno) (all last accessed September 18, 2022).

¹⁶ In this document, “sensitive receptors” refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹⁷

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.¹⁸ Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.¹⁹

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

¹⁷ For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

¹⁸ <https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf> (last accessed September 18, 2022).

¹⁹ For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (last accessed September 18, 2022) (Riverside County); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.²⁰
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

²⁰ CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), available at https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf (last accessed September 18, 2022).

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.²¹
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

²¹ CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California’s Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage²² to or from the project site to be zero-emission beginning in 2030.

²² “Drayage” refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

- trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.



September 25, 2024

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report for the 7825 San Leandro Street Project, Oakland (Case File No. PLN24086-ER01)

Dear Mr. Peterson:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for 7825 San Leandro Street Project (Project) (Case File No. PLN24086-ER01) located in the City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines, and Sections 10910-10915 of the California Water Code, the Project may require a Water Supply Assessment (WSA) depending on the Project's end-use. A Project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project; an industrial, manufacturing, or processing plant exceeding 650,000-square-foot of floor area; or a commercial office building greater than 250,000-square-foot of floor area would trigger a WSA. Preparation of the WSA will require that EBMUD contact the project sponsor to gather data and estimates of future water demands for the Project area. Please be aware that completing of the WSA can take up to 90 days from the day the request was received.

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. Individual units in a newly built multifamily or multi-occupancy commercial/industrial premises shall be individually metered. When the development plans are finalized the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the Project. Engineering and installation of water services require substantial lead time, which should be provided for in the City's development schedule.

EBMUD's Standard Site Assessment Report indicates the potential for contaminated soils or groundwater to be present within the Project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to

be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation. Alternatively, EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD's work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD's standards.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this Project and to treat such flows provided that the wastewater generated by the Project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this

requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed Project contributes to these legally required I/I reductions, the lead agency should require the Project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the City to require the following mitigation measures for the proposed Project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the Project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

WATER CONSERVATION

The Project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City includes in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:CRS:kn
wdpd24_171_7825 San Leandro Street Project.doc

Peterson Vollmann, Planner IV
September 25, 2024
Page 4

bcc: Serge Terentieff
Sandra Mulhauser
Carina Swann
Matt Elawady
Matthew Hoeft
Chandra Johannesson
A-1035

September 30, 2024

Peterson Z. Vollmann

Planner IV

vollmann@oaklandca.gov

City of Oakland Bureau of Planning,

250 Frank H. Ogawa Plaza,

Suite 2114,

Oakland, CA 94612

Re: CEQA Scoping Comments for 7825 San Leandro Avenue
Case File Number: PLN24086-ER01

Dear Mr. Peterson Z. Vollmann and City of Oakland:

Communities for a Better Environment (CBE) submits the following comments on the 7825 San Leandro Avenue project Notice of Preparation (NOP) to convey the flaws in the NOP, request additional information about the proposed project, and identify key requirements of the California Environmental Quality Act (CEQA). CBE is an environmental health and justice organization with thousands of members throughout California. Hundreds of our members live, work, and breathe in East Oakland. CBE's organizational goals include protecting and enhancing the environment and public health by reducing air and water pollution and minimizing hazards in the area surrounding the proposed project site.

Historical Background

The AB&I Foundry operated at 7825 San Leandro Street for over one hundred years. AB&I spewed emissions into the air and soil until it closed in October 2022. Residents of the densely populated surrounding neighborhoods of Coliseum, Fitchburg, Woodland, and Arroyo Viejo advocated for years to hold AB&I accountable for the toxic pollution it poured out into their air and soil. The neighborhoods closest to 7825 San Leandro Street are primarily people of color (on average 57% Hispanic and 30% Black),¹ with 43% to 65% living two-times below the Federal Poverty Level.² Residents in these neighborhoods face 99th and 100th percentiles in

¹ OEHHA CalEnviroScreen 4.0. Accessed Sept. 27, 2024 for census tracts 6001408800 (Coliseum), 6001408900 (Fitchburg), 6001409500 (Woodland), and 6001408500 (Arroyo Viejo):

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

² California Office of Environmental Health Hazard Assessment (OEHHA) California Communities Environmental Health Screening Tool: CalEnviroScreen 4.0 Release date October 2021 (CalEnviroScreen 4.0). Poverty Indicator

California for asthma related emergency room visits.³ According to the State's CalEnviroScreen cumulative impacts analysis examining pollution exposure, environmental effects, and population characteristics, neighborhoods surrounding 7825 San Leandro Street rank from the 91st to 96th percentile in pollution burden.⁴

The AB&I foundry's long history of environmental impacts is particularly evidenced by the long-term emission of hexavalent chromium (Cr(VI)), a carcinogenic and reproductively toxic compound. Following decades of pollution and irreparable harm to the downwind community, and under pressure from direct community action, hundreds of odor complaints, a Notice of Violation of the Clean Air Act from the United States Environmental Protection Agency (USEPA),⁵ and multiple lawsuits,⁶ the foundry ceased operation in October 2022.

Since learning of the planned site redevelopment in late 2022, community members have expressed concerns related to exposure during digging and proposed concrete crushing/storage for reuse on-site, increased particulate matter exposure and traffic due to trucks entering and leaving the site, and a lack of proactive engagement with community that has suffered from multiple environmental and health impacts of AB&I for decades.

East Oaklanders continue to suffer the consequences of past and present decision-making driven by economic gains at the expense of public good. This is a time when public agencies ought to incentivize and encourage investments in a healthy future for all Oaklanders, rather than doubling down on the same toxic land uses of the past. Despite the clear environmental harms to Oakland residents, the City is considering an obscure warehouse proposal at 7825 San Leandro Avenue, Oakland CA East Oakland.

Results accessed Sept. 27, 2024 for census tracts 6001408800 (Coliseum), 6001408900 (Fitchburg), 6001409500 (Woodland), and 6001408500 (Arroyo Viejo):
<https://oehha.ca.gov/calenviroscreen/indicator/poverty#:~:text=How%20do%20we%20measure%20poverty,times%20the%20federal%20poverty%20level.>

³ OEHHA CalEnviroScreen 4.0. Accessed Sept. 27, 2024 for census tracts 6001408800 (Coliseum), 6001408900 (Fitchburg), 6001409500 (Woodland), and 6001408500 (Arroyo Viejo):
<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁴ OEHHA CalEnviroScreen 4.0. Accessed Sept. 27, 2024 for census tracts 6001408800 (Coliseum), 6001408900 (Fitchburg), and 6001409500 (Woodland): <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁵ United States Environmental Protection Agency – Region 9, Re: Finding and Notice of Violation, AB&I Foundry, Oakland, California. R9-CAA-22-1008. April 25, 2022.

⁶ Communities for a Better Environment. *Press Release: Lawsuit Filed Against East Oakland Foundry and Bay Area Air Quality Management District To Protect Neighbors From Toxic Air Pollution*. October 25, 2022. California Department of Justice, Office of the Attorney General. *Press Release: Attorney General Bonta Files Lawsuit Against East Oakland Metal Foundry Over Emissions of Hexavalent Chromium, a Dangerous Carcinogen*. February 15, 2022. Accessed May 17, 2023: <https://oag.ca.gov/news/press-releases/attorney-general-bonta-files-lawsuit-against-east-oakland-metal-foundry-over>

I. The NOP sets forth a legally inadequate and vague project description.

As an initial matter, the lack of clarity and specificity regarding the proposed project is extremely concerning because the project is in a predominantly Black and Latine low-income community that due to racist zoning and planning policies has experienced decades of heavy pollution and toxic uses. The environmental review process is intended to be fully open to the public and CEQA documents must include enough specificity and information to enable a careful examination of the environmental consequences of a given project. In addition to the specific concerns outlined below, CBE requests that the forthcoming DEIR provide sufficient detail to enable decision-makers and the public to understand the project and the environmental impacts.

First, the language in the NOP is inadequate, misleading, and effectively prevents the public and decision-makers from meaningfully engaging in the CEQA scoping process. The NOP states that “the applicant proposes the Project on a speculative basis as the end-user and nature of the use are unknown at this time.” The NOP further provides that “Construction is expected to consist of two phases 1) demolition, remediation, grading and utility relocation (6 months), and 2) building and onsite improvements (12 months).” What’s more, the NOP does not set forth any information regarding project activities already taking place at the project site.

A project description that omits these key activities like remediation and demolition will result in inadequate alternatives analyses and mitigation measures that do not address the significant impacts the project may have. CBE members are specifically concerned about the environmental impacts this proposed project is already having. Even though the NOP indicates demolition of the existing structure is part of the proposed project, the community is well aware that demolition has already occurred at the site and there is no existing structure. The community is further aware that remediation plans are underway and have been determined with little to no CEQA process. CBE calls on the City of Oakland to ensure the remediation plans are afforded legally adequate environmental review under CEQA.

The City of Oakland, as the lead agency, must take immediate steps to truthfully inform the public of the proposed project and disclose any existing activities at the project site. Failing to do so deprives the public, and decision makers, of key information about the project and its impacts. CBE requests that the City of Oakland take all necessary steps to ensure full compliance with CEQA including but not limited to securing a “Stop Order” for activities that are found to be in violation of state and local laws.

Second, the NOP states that the site will include 228 parking stalls, with approximately 116 electric vehicle (“EV”) capable stalls as well as 46 trailer parking stalls. However, it is unclear if EV charging capability will be available for the 46 trailer parking stalls. The DEIR

must disclose and provide details related to the number and availability of EV-capable trailer parking stalls. Further the DEIR must analyze the impact of the warehouse and availability of EV charging opportunities at the site on traffic, greenhouse gas emissions, and air quality. This is of particular concern because of the site is within half a mile of the Coliseum Bart Station in a “transit accessible area” for the purposes of Oakland Planning Code Ch. 17.09.040. The DEIR should discuss additional green energy alternatives and ways to move away from patterns of energy use that are creating global climate change.

Third, the NOP states landscaping will make up “12% of this project” and will include tree removal, new trees will be planted, bioretention basins for stormwater treatment will be installed, and utilities will be relocated. While the NOP is not entirely clear, it appears that these project components will undoubtedly require permits, excavation, and other human activity that could result in environmental impacts. The DEIR must disclose and provide details related to all activities related to tree removal, planting, installation of storm water treatment facilities, and relocation of utilities. The DEIR must analyze impacts from these activities including but not limited to traffic, greenhouse gas emissions, air quality, housing, and water.

Installing storm water treatment facilities raises serious environmental concerns. When stormwater management systems fail, they can cause flooding in downstream properties. Stormwater runoff can carry bacteria, pathogens, and other pollutants into swimming areas and water bodies. Unexpected rainfall- like we have seen in recent years- will require appropriately sized systems to avoid overflowing. At the same time, a drought-like we have also seen in recent years- could mean these facilities will be operating at a reduced capacity resulting in clogged pipes and ditches which will lead to flooding.

Relocating a utility is a complex process that involves planning, coordination, and compliance with regulations. The DEIR must identify existing utilities and provide a detailed relocation plan. It must name the utility companies, construction teams, engineering firms, and local government agencies that will be involved in the process. The DEIR must provide the number of jobs expected from the “landscaping” component of the project components will necessarily require additional workers that will be on site preconstruction, during construction, and during ongoing operations. As such, the DEIR must also disclose the number of employees expected from these activities. CBE requests the forthcoming DEIR truthfully inform the public of the proposed project and disclose all project activities with the necessary detail and specificity required by CEQA. Failing to do so deprives the public, and decision makers, of key information about the project and its impacts.

II. There are several topics that are critical for analyses in the forthcoming draft environmental impact report.

The proposed project is located in a community that has been overburdened with environmental stressors and decision-maker neglect. If the City of Oakland certifies the environmental review and approves the proposed project, the disproportionate impacts on minority populations and low-income populations are all but certain. For these reasons, the DEIR must include an analysis of disparate impacts on environmental justice communities in East Oakland. In addition to a thorough environmental justice analysis, the DEIR must also include all the following.

Cumulative impacts include the effects of past, present, and future actions. The DEIR must include a thorough analysis of cumulative impacts. CEQA requires an analysis of cumulatively considerable impacts of projects.⁷ The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.”⁸ The City of Oakland must make a good-faith effort at full disclosure and include information that is available and reasonably practicable to include in the DEIR.⁹

Reasonably foreseeable and probable projects include OAK Airport Expansion, Southbay Connect, and development of the Coliseum. In addition to proposed projects, the DEIR analysis must account for other existing uses such as Premier Organics, R&A Trucking, and other facilities located within 2,000 feet of the proposed project. The East Oakland community is specifically concerned about existing conditions at the Argent Baldwin Street and San Leandro Street facilities which include recycling operations that grind concrete and raw asphalt into base rock and drain rock, producing dust that travels into the nearby community.

Ambient air quality and the presence of air toxins are obvious health concerns and must be disclosed and analyzed. Health impacts resulting from the adverse air quality impacts must also be identified and analyzed. CEQA is clear that a DEIR must disclose and analyze adverse impacts on human beings.¹⁰ The health impacts resulting from the adverse air quality impacts must disclose the severity and significance of those impacts. In addition to this, the DEIR must analyze disparate health concerns and disparate impacts on disadvantaged communities.

Greenhouse gas emissions analysis requires disclosure and information about all the following:

1. Vehicle emissions including but not limited to vehicles and large truck traffic generated by a new development during demolition, construction, operations, and remediation.

⁷ CEQA Guidelines, § 15130

⁸ CEQA Guidelines, § 15355, subd. (b)

⁹ *Kings Cty. Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 729, *Friends of the Eel River v. Sonoma Cty. Water Agency* (2003) 108 Cal. App. 4th 859, 868-69.

¹⁰ Pub. Resources Code § 21083(b)(3); CEQA Guidelines § 15065(a)(4)

2. Energy consumption including but not limited to electricity usage from the power grid, which can be linked to fossil fuel burning.
3. Construction activities include but are not limited to emissions from heavy machinery and material transportation.
4. Waste generation includes emissions from landfills where project waste might be disposed.

Transportation analysis requires disclosure of and analysis of all the following:

1. Identify all potential truck and car routes for all project phases.
2. Identify humans currently residing within 2,000 feet of possible truck routes.
3. Resident count and analysis must include the unhoused population and those living in transitional housing.
4. Analyze environmental impacts to Youth Spirit Artworks and other non-profit organizations located near the project site.
5. Identify all future residents located near the project site based on future development at the coliseum and near Bart.
6. Analyze increased traffic to residents living within 1,000 feet including those in planned residential development near the Coliseum.
7. Analysis of cumulative impacts must incorporate increased traffic combined with the planned development, construction, and ongoing operations from the Airport expansion, South Bay Connect, and Coliseum Specific Plan development.
8. Disclose and analyze the number of truck and car trips during all phases of the project including clean up, remediation, construction and operations.
9. Disclose materials to be received at the facility and transported out of the facility including but not limited to retail, medical equipment, and any hazardous materials.

Noise analysis requires disclosure of all construction equipment and all other equipment to be used on site during all phases of the project. Noise impacts analysis must include all possible equipment as well as cumulative impacts from Airport Expansion activities, development at the Coliseum, and the South Bay Connect.

Hazards and hazardous material analysis must disclose whether any hazardous materials will be transported in and out of the facility during any of the project phases.

III. In addition to those topics identified in the NOP, the DEIR must analyze all the following.

The DEIR must analyze population and housing growth impacts to those living within 2,000 feet of the project and those who may reside near truck and car routes anticipated by the

project. The NOP incorrectly omits information about the unhoused population living near the project site as well as those living in transitional housing located at the Youth Spirit Artworks non-profit building located at 633C Hegenberger Rd, Oakland, CA 94621. In addition to this, the DEIR must disclose how many new low paying jobs will be created by this project as well as the number of high-income jobs. The DEIR must include a jobs/housing match analysis and disclose the housing necessary to house the workforce created by this project including activities related to landscaping.

The NOP mistakenly concludes the project is not expected to have significant impacts on water and hydrology. This is misguided and unfounded. The project site has been cited for water contamination in the past. As such, hydrology and water quality must be analyzed in the DEIR and any groundwater contamination must be disclosed. The DEIR must analyze existing water connections and disclose whether there will be any new connections as part of this project.

IV. Project alternatives should include the East Oakland Environmental Justice Alternative.

As described above, East Oakland experiences some of the worst air quality and environmental health outcomes in the state. Environmental review should include more than just a warehouse or other toxic sites that have burdened the East Oakland community for decades. CBE strongly supports the DEIR include an **“East Oakland Environmental Justice Alternative”** that avoids environmental impacts and improves the community. East Oakland has been subjected to a disproportionate burden of environmental hazards. It is composed predominantly of persons of color and a substantial proportion of persons are living below the poverty line. Rather than continuing the decades long concentration of environmental stressors, decision-makers should target East Oakland for environmental remedies and residents should be afforded special protection from additional toxic sites and adverse impacts.

The East Oakland Environmental Justice Alternative will serve area residents’ desires for access to community, commercial and green/open spaces. CBE requests that the City of Oakland consider and analyze a project alternative that includes all the following: grocery stores and other retail, a community center, a recreation center and roof top green space including a roof top park accessible to the public.

V. Mitigation measures must be adequate to prevent the negative effects of the proposed project.

CBE strongly opposes the proposed project plans described in the NOP. East Oaklanders have seen countless development proposals adopted by the City of Oakland with promises for jobs and environmental considerations. After over 100 years of secrecy that enabled AB&I to

operate a toxic site that harmed and continues to harm neighboring communities, the City of Oakland has a duty to conduct an adequate and thorough assessment at the project site.

The City of Oakland must engage the affected communities in identifying and developing mitigation measures. In addition to community engagement, the DEIR must assess whether and the extent to which residents of East Oakland could be disproportionately impacted. To this end, CBE offers the following mitigation measures:

1. Building standards must exceed all requirements of the most current building energy efficiency standards specified in Part 6 (commencing with Section 100) of Title 24 of the California Code of Regulations and the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations).
2. Construction standards must include energy efficiency, water conservation, sustainable materials, and waste reduction.
3. Operation measures must include an annual assessment and audit of the environmental impacts of the project and public reporting.
4. Truck and vehicle standards
 - a. Truck routes must be made publicly available in geographic information system (GIS) format and share GIS maps of the truck routes with the public.
 - b. Require anti-idling signs indicating a three-minute heavy-duty truck engine idling restriction to be posted at logistics use developments along entrances to the site and at the truck loading bays.
 - c. Require conspicuous signage identifying truck routes and additional signage for truck parking and appropriate idling facility locations.

In addition to the above-mentioned measures, CBE asks that mitigation measures to address air quality, greenhouse gas emissions, and traffic impacts include the following:

1. Project proponents must provide housing subsidies for local workers and project proposal must include a local hire priority.
2. Trees should be planted around the project site to create a wall of pollution to protect neighboring residents including transitional housing occupants and the unhoused.
3. Solar capability at the site with excess energy made available to the community.
4. A more extensive remediation than minimally required for use as a warehouse anticipating potential future uses at the site, and remediation of the surrounding area where toxics may have flowed from the original point of contamination at the site.
5. Project proponents must be required to contribute funds towards creek rehabilitation and restoration which includes leaving the creek open to the public and promoting access to the creek at the site.

VI. Conclusion

Thank you for your consideration of these comments. We look forward to commenting on the draft environmental impact report.

Sincerely,



Ruby Acevedo

Senior Staff Attorney

Communities for a Better Environment

Lauren Gallagher

Legal Fellow

Communities for a Better Environment

From: [Hernandez, Melissa@DOT](mailto:Hernandez,Melissa@DOT)
To: pvollmann@oaklandca.gov
Subject: 7825 San Leandro Street Project, NOP
Date: Tuesday, October 1, 2024 11:53:59 AM

You don't often get email from melissa.hernandez@dot.ca.gov. [Learn why this is important](#)

Hi Peterson,

Thank you for including Caltrans in this review. We do not have comments on this material provided at this point. Please continue to keep us informed in timely manner, should more information be disclosed and/or any changes be made to this submittal. Any future material or correspondence regarding this project can be submitted to LDR-D4@dot.ca.gov

Thanks,

Melissa Hernandez

Associate Transportation Planner
Caltrans D4, Office of Regional and Community Planning
111 Grand Ave. Oakland, CA 94612
(510) 496-9642



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

October 2, 2024

Peterson Vollmann
Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Suite 2114
Oakland, CA 94612
pvollmann@oaklandca.gov

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE 7825 SAN LEANDRO STREET PROJECT DATED SEPTEMBER 3, 2024,
STATE CLEARINGHOUSE NUMBER [2024090014](#)

Dear Peterson Vollmann,

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the 7825 San Leandro Street Project (Project). The proposed Project would construct an approximately 311,000 square foot distribution warehouse on the 14.9-acre Project site. The warehouse would comprise floor space with two potential two-story accessory office space locations on the northeast or southeast corners of the interior of the warehouse. The first-floor office space would comprise of approximately 20,000 square feet and the second story office space would comprise of approximately 5,000 square feet.

After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. There are several areas of which DTSC has regulatory oversight over that are within the proposed project site, whether they are listed as having

documented contamination, land use restrictions, are subject to a Hazardous Waste Facility Permit, or the potential for the project site to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends further coordination with the Department in the event that the proposed project may impact any of the areas that may fall under DTSC's oversight. Please review the project area in [EnviroStor](#); DTSC's public-facing database and coordinate with the Department if any suspected decisions may impact these areas of which DTSC oversees.

Please refer to the [City of Oakland EnviroStor Map](#) for additional information about the areas of potential contamination. If further concerns or impacts surface in light of the any forthcoming environmental documents, DTSC reserves the right to provide additional and applicable comments at that time.

2. DTSC recommends the City of Oakland enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).
3. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if

applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's PEA Guidance Manual](#).

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the 7825 San Leandro Street Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Peterson Vollmann
October 02, 2024
Page 4

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

----- Forwarded message -----

From: **Lisjan Nation** <cvltribe@gmail.com>

Date: Fri, Oct 11, 2024 at 3:23 PM

Subject: 7825 San Leandro Street Project

To: <EManasse@oaklandca.gov>

Hello and thank you for your letter. The Tribe is requesting a copy of the final CHRIS and EIR for this project, along with the SLF from Native American Heritage Commission and any additional archeological reports.

'Uni (Respectfully),

Cheyenne Zepeda, Cultural Resource Manager I

Confederated Villages of Lisjan Nation

