7825 SAN LEANDRO STREET PROJECT

Draft Environmental Impact Report

SCH# 2024090014



OCTOBER 2026

Prepared By:

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Prepared For:

CITY OF
OAKLAND

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1 INTRODUCTION

This Draft Environmental Impact Report (Draft EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to analyze potential physical environmental impacts of the proposed 7825 San Leandro Street Project (Project).[1] This Chapter provides an overview of the Project and the environmental review process, a description of the purpose of this Draft EIR and opportunities for public comment, and an explanation of how this Draft EIR is organized.

1.1 PROJECT OVERVIEW

The Project would redevelop an approximately 14.9-acre site located at 7825 San Leandro Street in Oakland, California, and would include construction of an approximately 311,000-square-foot warehouse. 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 Project site would be accessed by three driveways on the east side of the site from San Leandro Street. Two 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 220[2] parking stalls would be provided on-site, including approximately 46 electric vehicle ("EV") capable stalls. Additionally, 57 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.

Landscaping will remove on-site trees while the existing street trees would be retained. Approximately 130 new trees would be planted throughout the Project site along the site boundaries and within the proposed parking areas. Additional landscaping will be installed along the Project site, including bioretention basins for stormwater treatment.

The Project warehouse would comprise floor space with two potential accessory office space locations on the northeast and southeast corners of the interior of the warehouse. The first floor would comprise approximately 20,000 square feet and the second story would comprise approximately 5,000 square feet of the total office space. The proposed floor area ratio (FAR) is 0.48. The maximum height of the proposed warehouse is 51 feet. The eastern side of the warehouse would include 43 loading dock doors and 46 trailer stalls.

Construction of the Project is expected to commence in April 2027 and last for approximately 22 months.[3].

1 The California Environmental Quality Act can be found in the California Public Resources Code, Section 21000 et seq. The State CEQA Guidelines, formally known as the Guidelines for California Environmental Quality Act, can be found in the California Code of Regulations Title 14, Division 6, Chapter 3, Section 15000 et seq.

[2] Note that the Project design has been refined to include 220 parking spaces. Many of the analyses referred to herein used 222 parking spaces.

[3] An April 2027 start date is used conservatively. The modeling that informs the analysis in this document assumes that equipment becomes more efficient, i.e., lower emission, over time because of regulations that require increased equipment efficiency. Should construction start later than April 2027, the emissions accounted for in this document would be higher than actual.

1.2 ENVIRONMENTAL REVIEW PROCESS

1.2.1 USE OF THIS EIR AND TYPE OF EIR

CEQA requires that all State and local government agencies consider the environmental consequences of projects over which they have discretionary authority. Consistent with CEQA, this Draft EIR is a public information document that assesses the potential physical environmental impacts that could result from construction and use of the Project, recommends mitigation measures to lessen or eliminate adverse impacts, and examines feasible alternatives to the Project. The Draft EIR's key purpose is to inform decision makers at the City of Oakland (City) and other responsible agencies, as well as the public. The City is the Lead Agency for purposes of CEQA and will review and consider the information contained in this Draft EIR prior to taking action on the Project.

This Draft EIR provides information to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project. The City has made this Draft EIR available for review and comment, as indicated in the Notice of Availability issued with this document and explained in Section 1.2.4, Public Review and Comment of this Draft EIR, below.

1.2.2 SCOPE OF THE EIR

This Draft EIR describes herein the Project and the existing environmental setting. It analyzes and discloses the direct and indirect potentially significant impacts that could result from construction and operation of the Project. The existing environmental setting (baseline) for the purpose of environmental review consists of conditions present on the Project site, its surroundings, and the region in August 2024, when the City published the Notice of Preparation (NOP) and began preparation of this Draft EIR.[4] The NOP is included herein as Appendix A.

This Draft EIR concentrates the environmental analysis on the following topics that were identified as having the potential to have significant impacts on the environment at the time the NOP was published:

- Air Quality
- Biological Resources
- Cultural and Historic Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise and Vibration
- Transportation and Circulation
- Tribal Cultural Resources

In accordance with CEQA Guidelines Section 15128, this Draft EIR includes Section 4.10, Effects Not Found to Be Significant, which provides substantial evidence to support the determination for each of the topics listed below (i.e., those not addressed in full detail in this Draft EIR and listed above) that (1) CEQA

[4] Though the A's were still playing at the Coliseum in Aug. 2024, their departure was known at that time and the baseline assumes that The A's are not playing at the Coliseum. Other Coliseum programing, e.g., Roots games, is assumed to occur.

standards triggering preparation of further environmental review do not exist; and (2) impacts under these topics would be less than significant with incorporation of appropriate City Standard Conditions of Approval (SCAs):

- Aesthetics
- Agriculture and Forestry Resources
- Geology and Soils
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems (including Energy)
- Wildfire

1.2.3 NOTICE OF PREPARATION AND EIR SCOPING

The City of Oakland published an NOP on August 30, 2024, pursuant to State CEQA Guidelines section 15082, indicating that an EIR would be prepared for the Project and inviting comments on the scope of the Draft EIR's analysis. The public comment period regarding the scope of the Draft EIR began on August 30, 2024, and ended on September 30, 2024, resulting in a 30-day comment period. The NOP was sent to property owners within 300 feet of the Project site, responsible and trustee agencies, organizations and other interested parties. A copy of the NOP was sent to the State Clearinghouse, to solicit statewide agency participation in determining the scope of the EIR, and to the County Clerk, who posted the NOP for 30 days.

During the comment period, a public scoping session was conducted by the Oakland Planning Commission on September 18, 2024, to provide a forum for public agencies and interested persons or groups to offer comments regarding the scope of the EIR. Oral and written comments received during the comment period addressed a range of CEQA-related topics; the most frequently raised scoping topics included air quality impacts associated with construction; providing viable alternatives to the Project; cumulative impacts with other probable projects near the Project site; hazardous materials release and soil testing requirements, disclosure of hazardous materials transported in and out of Project site; construction noise and vibration; operational noise and air quality issues associated with Project traffic; traffic congestion associated with Project passenger vehicle and truck traffic; wastewater and stormwater collection; and waste generation from construction. The NOP and copies of all written scoping comments submitted are included in Appendix A. All of the comments have been taken into consideration in preparation of this Draft EIR.

1.2.4 PUBLIC REVIEW AND COMMENT OF THIS DRAFT EIR

This Draft EIR is available for public review and comment October 23, 2026 through December 7, 2026, as identified in the Notice of Completion NOC accompanying this document.

This Draft EIR and all supporting technical documents and reference materials are available for public review at the offices of the Oakland Planning and Building Department, located at 250 Frank Ogawa Plaza,

Suite 2114, Oakland under Case PLN24086-ER01. The Draft EIR can also be found at https://www.oaklandca.gov/Planning-Building/Major-Development-Projects/7825-San-Leandro-Street-Project.

As indicated above, during the public review period, the City will hold public hearings where oral comments on the Draft EIR may be stated in the record.

Written comments may also be submitted to the City of Oakland Planning and Building Department at the address indicated on the notice or by email to Senior Planner Peterson Vollmann at pvollmann@oaklandca.gov.

As indicated in the NOC accompanying this Draft EIR, the City need not consider certain comments filed after the close of the public comment period.

1.2.5 FINAL EIR

Following the public review and comment period on this Draft EIR, the City will prepare responses to comments received on the environmental analysis. The comments, responses, and any necessary revisions to the text of this Draft EIR will be prepared as a Responses to Comments document and made available to all persons who provided comments. The Draft EIR and its appendices, together with the Responses to Comments document will constitute the Final EIR, which shall be considered for certification by the City of Oakland Planning Commission. Before any approval of the Project, the City, as lead agency and the decision-making entity, is required to certify that this EIR has been completed in compliance with CEQA, that the information in the EIR has been considered, and that the EIR reflects the independent judgment of the City. CEQA requires decision makers to balance the benefits of a project against any identified unavoidable environmental consequences. If environmental impacts are identified as significant and unavoidable, the City may still approve a project if it finds that social, economic, or other benefits outweigh the unavoidable impacts. The City would then be required to state in writing the specific reasons for approving a project, based on information in the EIR and other information sources in the administrative record. This reasoning is called a “statement of overriding considerations” (PRC Section 21081; State CEQA Guidelines Section 15093).

In addition, the City as lead agency must adopt a mitigation monitoring and reporting program describing the measures that were made a condition of project approval to avoid or mitigate significant effects on the environment (PRC Section 21081.6; State CEQA Guidelines Section 15097). The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is adopted at the time of Project approval and is designed to ensure compliance with the Project description, any recommendations identified in City-approved technical reports, EIR mitigation measures, and with all SCAs set forth herein during and after Project implementation. If the City decides to approve the Project, it would be responsible for verifying that the SCAMMRP for this Project is implemented.

The EIR will be used primarily by the City and other responsible agencies during any approval of future discretionary actions and permits.

1.2.6 ORGANIZATION OF THIS DRAFT EIR

This Draft EIR document is organized as follows:

Chapter 1, Introduction. This chapter includes a brief overview of the Project and the environmental review process, a description of the purpose of this Draft EIR and opportunities for public comment, and an explanation of how this Draft EIR is organized.

Chapter 2, Summary. This chapter summarizes the Draft EIR, including a brief description of the Project based on the detailed description in Chapter 3 and summaries of the environmental impact findings from the Project analyses presented in Chapter 4. Pursuant to CEQA Section 15123, the Summary presents: (1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; and (2) areas of controversy known to the City including issues raised by agencies and the public.

Chapter 3, Project Description. This chapter describes the whole of the Project, including off-site improvements and infrastructure proposed to support the Project. The chapter describes the physical location of the site, the site's boundaries, and the Project Applicant's objectives, as well as the proposed uses and the physical design of the Project, its operational characteristics, and its phasing and construction processes. Consistent with State CEQA Guidelines Section 15124, this chapter also describes: (1) a list of the agencies that are expected to use the EIR in their decision making; (2) a list of permits and other approvals required to implement the Project; and (3) a list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies.

Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval. This chapter starts with an introduction that describes key environmental analysis terms used in this document and the analysis, including the impact classifications; applicability of significance criteria; the organization of each technical section of Chapter 4; and the cumulative analysis approach and setting. Following the introduction of the chapter, the analysis of each environmental topic is presented in a separate subsection. Each topical subsection describes the existing environmental setting of the Project site area, as well as the regulatory framework, and the significance criteria and methodology used to analyze each environmental topic. The chapter then presents results of the environmental analysis, including potential environmental impacts of the Project and the level of significance associated with each impact. SCAs that would reduce the significance of potentially significant impacts to the extent feasible are described. The chapter then identifies the level of significance of each impact following incorporation of SCAs. This chapter also includes a cumulative analysis to evaluate whether the Project's incremental effect is cumulatively considerable when combined with other projects causing related impacts. This chapter also includes Section 4.10, Effects Not Found to Be Significant. This section describes and evaluates the topics listed in Section 1.2.2, above. The analysis of each environmental topic applies a similar approach to Sections 4.1 through 4.9. The analysis provides the substantial evidence to support the determination that, for each of the specified topics, the Project would not have a significant impact on the environment.

Chapter 5, Alternatives. This chapter describes and evaluates alternatives that would feasibly attain most of the Project objectives as well as reduce or avoid significant environmental impacts associated with the

Project. This chapter also describes alternatives that were considered but were rejected as infeasible and briefly explains the reasons underlying this determination.

Chapter 6, Other Statutory Sections. This chapter lists all Significant and Unavoidable Impacts and discusses Significant Irreversible Environmental Changes, and Growth-Inducing Impacts.

Chapter 7, Report Preparers. This chapter identifies the preparers of this Draft EIR. Persons and documents consulted during preparation of the analysis are listed at the end of each section in Chapter 4 and the Appendices.

Appendices. A series of appendices includes supporting background information relevant to the impact analyses contained in this Draft EIR.

2 SUMMARY

2.1 INTRODUCTION

As provided by Section 15123 of the California Environmental Quality Act (CEQA) Guidelines (CEQA Guidelines), this chapter provides a summary of the Project and its consequences. This chapter is intended to summarize in a stand-alone section the Project described in Chapter 3, Project Description, the impacts and Standard Conditions of Approval (SCAs) discussed in Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval, and the alternatives analysis presented in Chapter 5, Alternatives, of the Draft Environmental Impact Report (Draft EIR).

The Draft EIR has been prepared to evaluate the anticipated environmental effects of the Project in conformance with the provisions of CEQA and the CEQA Guidelines. The lead agency, the City of Oakland (City), is the public agency that has the principal responsibility for implementing the Project, which includes design review, approval of a tentative parcel map, and other approvals (referred to collectively hereafter as the Project).

2.2 PROJECT LOCATION

The 14.9-acre Project site is located at 7825 San Leandro Street within an existing industrial area near the Coliseum in the City of Oakland. The site is bound by Hegenberger Road to the north, San Leandro Street (and the parallel BART aerial tracks, railroad tracks, and East Bay Greenway bicycle path that run alongside) to the east, existing industrial and commercial uses and Elmhurst Creek to the south, and train tracks on the west (See **Figure 3-1: Regional Map** and **Figure 3-2: Project Vicinity Map**). The Project would consist of redevelopment of an approximately 14.9-acre site that was formerly occupied by the AB&I Foundry, a commercial and industrial use that manufactures cast iron and pipe fittings. AB&I Foundry occupied the Project site from 1940 until October 2022. The former existing structures have since been demolished after the cessation of operations, the Project site is currently vacant with existing impervious surfaces that served as foundations and parking for the previous on-site uses and associated lighting standards.

The Project site is accessible from Hegenberger Road, approximately 490 feet north of the site. Multiple transit routes serve the Project site including Alameda-Contra Costa County Transit District (AC Transit) Lines 45, 46L, 73, 90, 98, 646, 657, and 805, along San Leandro Street within approximately 1,000 feet of the Project site. The nearest bus stops to the Project site are on northbound, including the San Leandro Street & 77th Avenue bus stop immediately adjacent to the Project site, and the Coliseum BART Bus stops approximately 0.2 miles north of the Project site. There are three bus stops located at the San Leandro Street & 81st Avenue intersection approximately 200 feet east of the Project site. In addition, the Coliseum Bay Area Rapid Transit District (BART) station is approximately 0.2 miles north of the Project site.

2.3 PROJECT DESCRIPTION

The Project would construct an approximately 311,000 square foot, 51-foot-tall warehouse building with a FAR of approximately 0.48 (see **Figure 3-5: Overall Site Plan**). The new facility would include up to 20,000 square feet of accessory office space with an additional 5,000 square feet of accessory office space provided at a mezzanine level. Approximately 25,000 square feet of which would be split between two

office spaces within the interior of the northern and southeast corners of the building. The Project Applicant proposes a speculative warehouse as the future tenant and nature of the use are currently unknown. However, for the purposes of conservative analysis, the end use of the proposed warehouse is assumed to be a distribution center.

In addition to the warehouse building, the Project would include 220 parking spaces in two employee parking lots located primarily on the north and south sides of the warehouse building, with some parking stalls also located on the eastern side of the building near the loading docks and trailer stalls as well as parallel parking along the western side of the building. On the eastern side of the Project site, the Project would construct a loading dock with 43 dock doors and 57 trailer stalls. The Project would also include an outdoor patio area adjacent to the north corner of the warehouse building for use by employees.

The Project would make street and sidewalk improvements along San Leandro Street located at the intersection with 81st Avenue. Improvements would include an extended left turn lane on San Leandro Street heading northwest bound, add a new curb cut, re-stripe the existing crosswalk, and re-locate an existing traffic signal pole (see Section 3.3.3 below).

Although the previous structure occupying the Project site has been demolished, additional demolition related to the existing impervious surfaces will be required. Project construction is expected to commence in April 2027 and occur over approximately 22 months.

2.4 IMPACTS OF THE PROJECT

As provided by CEQA Guidelines Section 15123(b)(1), an EIR must provide a summary of the impacts, mitigation measures, and significant impacts after mitigation for a proposed Project. This information is presented in Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval, of this EIR, and summarized in **Table 2-1: Summary of Impacts, Standard Conditions of Approval, Mitigation Measures, and Residual Impacts** at the end of this chapter.

No Project Impacts were identified for several topics including: Air Quality (health risk to new receptors); Biological Resources (conflicts with conservation plans); Cultural Resources (historic resources); Hazards and Hazardous Materials (wildland fires); Hydrology and Water Quality (housing and structure flood hazards); Transportation and Circulation (induced automobile traffic); Aesthetics (variance requirements); Agriculture and Forestry Resources (agriculture and forestry resources); Geology and Soils (fault rupture, landfills, and wastewater disposal); Land use and Planning (conflicts with conservation plans); Mineral Resources (mineral resources); Population and Housing (displacement); and Wildfire (wildfire risk).

With Standard Conditions of Approval (SCAs) applied, the Project would result in impacts that would not require additional measures to mitigate the impact—i.e., that would be “less than significant”—for all remaining topics including Aesthetics; Air Quality; Biological Resources; Cultural and Historic Resources; Energy; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise and Vibration; Population and Housing; Public Services; Recreation; Transportation and Circulation; Tribal Cultural Resources; and Utilities and Service Systems.

No topics require mitigation measures in addition to SCAs and no topics would result in a significant and unavoidable impact.

2.5 ALTERNATIVES TO THE PROJECT

Chapter 5, Alternatives, analyzes a range of reasonable alternatives to the Project, including the No Project Alternative, Community Center Alternative, and the Reduced Size Alternative. Project impacts that would be significant and unavoidable have not been identified; accordingly, the focus of the alternatives analysis is on assessing: (1) the extent to which the alternative would avoid or lessen the identified less-than-significant (with or without SCAs) environmental effects of the Project identified in Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval; and (2) whether the alternatives meet the basic objectives of the Project.

The analysis of the alternatives, including a comparison of alternatives to the Project, is presented in Chapter 5, which provides a summary of impact levels within all environmental topic areas. Based on the evaluation described in Chapter 5, the No Project Alternative would be environmentally superior to the Project. However, the No Project Alternative would not meet any of the basic objectives of the Project. CEQA requires that a second alternative be identified when the "No Project" alternative is the environmentally superior alternative (CEQA Guidelines, Section 15126.6(e)). Therefore, the Reduced Size Alternative has been identified as the environmentally superior alternative because the shorter construction period would further reduce the already less-than-significant construction period NO_x emissions of the Project, it would meet some of the Project Objectives, and it would support the City's general Plan goals to enhance industrial sectors.

2.6 COMMENTS ON NOTICE OF PREPARATION

In accordance with the CEQA Guidelines, the City distributed a Notice of Preparation of an EIR (NOP) for the EIR to affected agencies and the public for the required 30-day period. The public comment period regarding the scope of the Draft EIR began on August 30, 2024, ending on September 30, 2024, resulting in a 30-day comment period. The NOP and comments submitted during the EIR scoping comment period are included in Appendix A of this Draft EIR.

2.7 AREAS OF CONTROVERSY

Section 15123(b)(2) of the State CEQA Guidelines requires that an EIR summary identify areas of controversy known to the Lead Agency (City of Oakland), including those issues and concerns identified by agencies, organizations, and individuals in response to the City's NOP published on August 30, 2024. Areas of potential controversy or interest regarding the Project, based on the number of public comments received, address:

- Air quality (operational air quality associated with Project traffic, trucks, and parking; construction impacts from hazardous soils removal and demolition);
- Alternatives (alternatives suggested include development of 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 on-site);
- Cumulative impacts (disclosure of foreseeable and probable projects);
- Geology and soils (testing of on-site soil and introduced fill material);

- Greenhouse gas emissions (vehicle emissions during construction, project waste disposal emissions);
- Hazards and hazardous materials (disclose hazardous materials transported in and out of project site);
- Noise (construction noise and vibration, and operational noise associated with Project traffic, parking, and trucks);
- Transportation (increased congestion from truck and car trips); and
- Water quality and hydrology (applicability of a Water Supply Assessment (WSA), wet weather flows concern for wastewater collection on Project site, incorporation of water conservation measures).

The NOP and comments received in response to the NOP are included in Appendix A.

2.8 ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123(b)(3) requires that an EIR present the issues to be resolved including the choice among alternatives and whether or how to mitigate identified significant effects. The major issues to be resolved for the Project include decisions by the City, as the Lead Agency, as to whether:

- This EIR adequately describes the environmental impacts of the Project;
- Additional mitigation measures need to be applied to the Project;
- Feasible alternatives exist that would achieve the objectives of the Project and reduce significant environmental impacts; and
- The Project should or should not be approved.

2.9 PROJECT TITLE AND FILE NUMBER

7825 San Leandro Street Project

Case File No.: PLN24086-ER01

2.10 LEAD AGENCY CONTACT

Peterson Vollmann, Planner IV
Phone: (510) 238-6167
Email: pvollmann@oaklandca.gov

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

2.11 PROPERTY OWNER/PROJECT APPLICANT REPRESENTATIVE

Prologis
Pier 1, Bay 1
San Francisco, California 94111
Representative: Bianca Liu and Blair Rushing
Phone: (415) 733-9515
Email: bliu@prologis.com

2.12 ASSESOR'S PARCEL NUMBERS

APNs: 041 417500302, 041 417501800, 041 417501600, 041 417501000, 041 417500600, 041 417500500, 041 417501700, 041 417501900, 041 42000102, 041 420900700, 041 420900101, 041 420900302, 041 420800100, and 041 420900801

2.13 ZONING DISTRICT AND GENERAL PLAN DESIGNATION

General Plan: Business Mix, General Industry and Transportation

Zoning: Commercial Industrial Mix-2 (CIX-2), General Industrial (IG)

2.14 SPECIFIC PLAN DESIGNATION

None.

2.15 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Table 2-1: Summary of Impacts, Standard Conditions of Approval, Mitigation Measures, and Residual Impacts

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
EIR Section 4.1, Air Quality		
Impact AIR-1: Project construction would not generate average daily emissions in excess of 54 pounds per day of ROG, NO_X, or $PM_{2.5}$ or 82 pounds per day of PM_{10}. *(Criterion 1) (Less than Significant with Mitigation and SCAs)*	**SCA AIR-1: Dust Controls – Construction Related.** *(Standard Condition of Approval 22)* **Required:** The project applicant shall implement all of the following applicable dust control measures during construction of the project: a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) Limit vehicle speeds on unpaved roads to 15 miles per hour.	Less than Significant

[5] SCAs applicable to the project reflect the conditions adopted the City of Oakland on Nov. 3, 2008, last revised on August 1, 2025.

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	e) All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. f) All trucks and equipment, including tires, shall be washed off prior to leaving the site. g) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. i) Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities. j) Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than 10 days. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). k) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. l) When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity. m) Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	numbers of the City's Code Enforcement unit and the Bay Area Air District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours. n) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. o) Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. p) Plant vegetation in areas designated for landscaping as soon as possible and water appropriately until vegetation is established. **SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related.** *(Standard Condition of Approval 23)* **Required:** The project applicant shall implement all of the following applicable basic and enhanced control measures for criteria air pollutants during construction of the project as applicable: a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use ore reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23,	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations"). c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed. d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. e) Low-VOC (i.e., ROG) coatings shall be used that comply with Bay Area Air District Regulation 8, Rule 3: Architectural Coatings. f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations"), the project applicant shall provide written documentation that fleet requirements have been met. g) Criteria Air Pollutant Reduction Measures: The project applicant shall retain a qualified air quality consultant to prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the project is proposed. The project-level assessment shall either include a comparison of the project with other similar projects where a quantitative analysis has been	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	conducted or shall provide a project-specific criteria air pollutant analysis to determine whether the project exceeds the City's criteria air pollutant thresholds. In the event that a project-specific analysis finds that the project could result in criteria air pollutant emissions that exceed City significance thresholds (54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10), the project applicant shall identify criteria air pollutant reduction measures to reduce the project's average daily emissions below these thresholds. The following emission reduction measures shall be implemented to the degree necessary to reduce emissions to levels below the significance thresholds. Additional measures shall be implemented if necessary. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction. *i. Clean Construction Equipment* a) Where access to grid-powered electricity is reasonably available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps. b) Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	thresholds of significance shown in Table 2-1 of Air District CEQA Guidelines. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) type of equipment; (2) engine year and age; (3) number of years since rebuild of engine (if applicable); (4) type of fuel used; (5) engine HP; (6) engine certification (tier rating); (7) verified diesel emission control strategy (VDECS) information if applicable, and other related equipment data. A Certification Statement is also required to be made by the Contractor as documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the Contractor agrees to comply and acknowledges that a violation of this requirement shall constitute a material breach of contract. c) Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g. alternative fuel sources, etc.). d) Exceptions to requirements a), b), and c) above may be granted if the project sponsor has submitted information providing evidence that meeting the requirement (1) is technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, or (3) there is a compelling emergency need to use equipment that do no meet the engine standards and the sponsor has submitted documentation that the requirements of this exception provision apply. In seeking an exception, the	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	project sponsor shall demonstrate that the project will use the cleanest piece of construction equipment available and feasible and strive to meet a performance standard of average construction emissions of ROG, NO_X, PM2.5 below 54 lbs/day, and PM10 emissions below 82 lbs/day. *ii. Super-Compliant VOC Architectural Coatings during Construction* The Project sponsor shall use super-compliant VOC architectural coatings during construction for all interior and exterior spaces and shall include this requirement on plans submitted for review by the City's building official. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113 which requires a limit of 10 grams VOC per liter. *iii. Use Low and Super-Compliant VOC Architectural Coatings in Maintaining Buildings* Subsequent projects shall use super-compliant VOC architectural coatings in maintaining buildings. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113, which requires a limit of 10 grams VOC per liter. *iv. Promote Use of Green Consumer Products* To reduce ROG emissions associated with the Project, the Project Sponsor and/or future developer(s) shall provide	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	education for residential tenants concerning green consumer products. The Project sponsor and/or future developer(s) shall develop electronic correspondence to be distributed by email annually and upon any new lease signing to residential tenants of each building on the Project site that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing. *v. Best Available Control Technology for Projects with Diesel Backup Generators and Fire Pumps* The Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City: a) Pursuant to SCA 24, non-diesel fueled generators shall be installed to replace diesel-fueled generators if feasible. Alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce criteria pollutant emissions compared to diesel fuel b) Pursuant to SCA 24, all new diesel backup generators shall have engines that meet or exceed CARB Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423). If CARB adopts future emissions standards	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	that exceed the Tier 4 requirement, the emissions standards resulting in the lowest criteria pollutant emissions shall apply. c) All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process. d) For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information. *vi. Electric Vehicle Charging* Prior to the issuance of the building's final certificate of occupancy, the project applicant shall demonstrate that the project is designed to comply with EV requirements in the	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	most recently adopted version of CALGreen Tier 2 at the time of project-specific CEQA review. The installation of all EV charging equipment shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City. *vii. Additional Operational Emissions Reduction Measures* The project sponsor shall implement the following additional measures to reduce operational criteria air pollutant emissions: a) Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit. b) All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading. c) Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site. d) Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	viii. Construction Emissions Minimization Plan The project sponsor shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following: a) An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date. b) A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. **SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.** *(Standard Condition of Approval 24)* **Required:** *a) Particulate Matter Reduction Measures*	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter (PM2.5) in exhaust and fugitive emissions from construction activities. The project applicant shall choose to implement i or both ii and iii: i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the Office of Environmental Health and Hazard Assessment, and the Bay Area Air District to determine the health risk to sensitive receptors exposed to DPM and PM2.5 from exhaust and fugitive emissions from project construction. The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then DPM and PM2.5 reduction measures are not required. If the HRA concludes that the health risk exceeds the City's health risk significance thresholds for projects, DPM and PM2.5 reduction measures shall be identified to reduce the health risk to below the City's health risk significance thresholds as set forth under subsection b below. Identified DPM and PM2.5 reduction measures shall be submitted to the City for review and approval prior to the issuance of building	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	permits and the approved DPM and PM2.5 reduction measures shall be implemented during construction. OR ii. The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. • All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. • Where access to grid-powered electricity is available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes,	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	forklifts, cement and mortar mixers, pressure washers, and pumps. Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.). AND iii. The project applicant shall implement all enhanced control measures included in [SCA AIR-1: Dust Controls – Construction Related]. *b) Construction Emissions Minimization Plan (if required by a above)* The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following: i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.	
Impact AIR-2: Project operation would not generate average daily emissions of 54 pounds per day of ROG, NO_x, or $PM_{2.5}$ or 82 pounds per day of PM_{10}; or result in maximum annual emissions of 10 tons per year of ROG, NO_x, or $PM_{2.5}$ or 15 tons per year of PM_{10}. *(Criterion 2) (Less than Significant with SCAs)*	**SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related**. See Impact AIR-1 above. **SCA AIR-4. Stationary Sources of Air Pollution (Toxic Air Contaminants).** (*Standard Condition of Approval 26)* **Required.** The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods: a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements and in accordance with Bay Area Air District CEQA guidance for HRAs to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds the City's health risk significance thresholds for projects, health risk reduction measures shall be identified to reduce the health risk to the City's	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	health risk significance thresholds for projects. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable. -or- The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: I. Installation of non-diesel fueled generators, if feasible, or; II. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible. If CARB adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest DPM emission shall apply. III. All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process. IV. All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks	

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	could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors. V. For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information. **SCA AIR-5: Truck-Related Risk Reduction Measures (Toxic Air Contaminants).** *(Standard Condition of Approval 27)* **Required:** *a. Truck Loading Docks* The project applicant shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	b. Truck Fleet Emissions Standards The project shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, higher-tier diesel engine trucks with added Particulate Matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines. *c. Diesel Truck Emission Reduction Measures* The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. Emissions from Project-related diesel trucks shall be reduced through implementing the following measures, if feasible: i. Prohibit Transportation Refrigeration Units (TRUs) from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit. ii. All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	does not apply to temporary street parking for loading or unloading. iii. Require TRU trucks to use TRUs that meet Tier 4 emission standards. iv. Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site. v. Requiring truck-intensive tenants to use advanced exhaust technology (e.g., hybrid) or alternative fuels. vi. Prohibit trucks from idling for more than two minutes. vii. Establish truck routes to avoid sensitive receptors in and around the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. viii. Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions. ix. The project sponsor shall develop a Truck Route Plan that establishes operational truck routes to avoid sensitive receptors as identified in the environmental review analysis completed for the project. The purpose of the Truck Route Plan is to route trucks on streets that are located as far from offsite sensitive receptors as possible, while still maintaining	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	the operational goals of the project. The Truck Route Plan must include route restrictions, truck calming, truck parking, and truck delivery restrictions to minimize exposure of nearby sensitive receptors to truck exhaust and fugitive particulate emissions. Prior to the commencement of operational activities, the project sponsor shall certify (1) compliance with the Truck Route Plan, and (2) all applicable requirements of the Truck Route Plan have been incorporated into tenant contract specifications.	
Impact AIR-3: Project construction would not contribute to CO concentrations that exceed the CAAQS of 9 ppm averaged over eight hours and 20 ppm for one hour. *(Criterion 3) (Less than Significant)*	None required.	Less than Significant
Impact AIR-4: The Project would not create new sources of TACs during Project construction or operation that would expose existing sensitive receptors in the vicinity to health risk levels in excess of the City's project-level thresholds. *(Criterion 4) (Less than Significant w/ SCA's)*	**SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.** See Impact AIR-1 above. **SCA AIR-4. Stationary Sources of Air Pollution (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-5: Truck-Related Risk Reduction Measures (Toxic Air Contaminants).** See Impacts AIR-2 above.	Less than Significant
Impact AIR-5: The Project would not create or expose sensitive receptors to substantial odors affecting a substantial number of people. *(Criterion 6) (Less than Significant)*	None required.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact AIR-6: Construction and operation of the Project would not conflict with or obstruct implementation of the applicable air quality plan. *(Appendix G Criterion A) (Less than Significant)*	**SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related**. See Impact AIR-1 above.	Less than Significant
Impact AIR-1.CU: The Project would not result in a cumulatively considerable increase in emissions for which the SFBAAB is in non-attainment under an applicable federal or State ambient air quality standard. *(Less than Significant with Mitigation and SCAs)*	**SCA AIR-1: Dust Controls – Construction Related.** See Impact AIR-1 above. **SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related**. See Impact AIR-1 above. **SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.** See Impact AIR-1 above. **SCA AIR-4. Stationary Sources of Air Pollution (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-5: Truck-Related Risk Reduction Measures (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-6: Asbestos in Structures**. *(Standard Condition of Approval 28)* **Required:** The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.	Less than Significant
Impact AIR-2.CU: The Project would not contribute to cumulative CO concentrations that exceed the CAAQS of	**SCA AIR-1: Dust Controls – Construction Related**. See Impact AIR-1 above.	Less than Significant

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9 ppm averaged over eight hours and 20 ppm for one hour. *(Less than Significant with Mitigation and SCAs)*	**SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related.** See Impact AIR-1 above. **SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.** See Impact AIR-1 above. **SCA AIR-4. Stationary Sources of Air Pollution (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-5: Truck-Related Risk Reduction Measures (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-6: Asbestos in Structures**. See Impact AIR-1.CU above.	
Impact AIR-3.CU: The Project would not contribute considerably to cumulative emissions of TACs and $PM_{2.5}$ that could expose sensitive receptors to substantial pollutant concentrations or health risks above the City's cumulative thresholds. *(Less than Significant with Mitigation and SCAs)*	**SCA AIR-1: Dust Controls – Construction Related**. See Impact AIR-1 above. **SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related.** See Impact AIR-1 above. **SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.** See Impact AIR-1 above. **SCA AIR-4 Stationary Sources of Air Pollution (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-5: Truck-Related Risk Reduction Measures (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-6: Asbestos in Structures**. See Impact AIR-1.CU above.	Less than Significant
Impact AIR-4.CU: The Project, in combination with other cumulative projects, would not create or expose sensitive receptors to substantial odors affecting a substantial number of people.	**SCA AIR-1: Dust Controls – Construction Related**. See Impact AIR-1 above. **SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related.** See Impact AIR-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
(Less than Significant with Mitigation and SCAs)	**SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.** See Impact AIR-1 above. **SCA AIR-4 Stationary Sources of Air Pollution (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-5: Truck-Related Risk Reduction Measures (Toxic Air Contaminants).** See Impact AIR-2 above. **SCA AIR-6: Asbestos in Structures**. See Impact AIR-1.CU above.	
EIR Section 4.2, Biological Resources		
Impact BIO-1: Implementation of the Project would not have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS (nesting birds and roosting bats). *(Criterion 1) (Less than Significant with SCAs)*	**SCA BIO-1: Avoid and Minimize Impacts on Special-Status Roosting bats in Trees.** *(Standard Condition of Approval 33)* **Required**: To avoid and minimize impacts on special-status roosting bats in trees, the project applicant shall comply with the following requirements: a) A qualified biologist (as defined by California Department of Fish and Wildlife) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost sites. b) Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1). c) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	d) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe). e) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day. **SCA BIO-2: Tree Removal During Bird Breeding Season.** *(Standard Condition of Approval 34)* **Required:** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based 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	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	disturbance anticipated near the nest. **SCA BIO-3: Tree Permit.** *(Standard Condition of Approval 35)* **Required:** ***a) Tree Permit Required*** Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit. ***b) Tree Protection During Construction*** Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist: i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree. iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	water to prevent buildup of dust and other pollution that would inhibit leaf transpiration. v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed. vi. All debris created 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. ***c) Tree Replacement Plantings*** Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	i. 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. ii. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye), *Umbellularia californica* (California Bay Laurel), or other tree species acceptable to the Tree Division. iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. iv. Minimum planting areas must be available on site as follows: • For Sequoia sempervirens, three hundred fifteen (315) square feet per tree; • For other species listed, seven hundred (700) square feet per tree. v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	all such revenues applied toward tree planting in city parks, streets and medians. vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.	
Impact BIO-2: Implementation of the Project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS. *(Criterion 2)* (*Less than Significant with SCAs*)	**SCA HYD-4: Creek Protection Plan.** See Hydrology and Water Quality below.	Less than Significant
Impact BIO-3: Implementation of the Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	**SCA HYD-1: State Construction General Permit.** See Hydrology and Water Quality below. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Hydrology and Water Quality below. **SCA HYD-3: Vegetation Management of Creekside Properties.** See Hydrology and Water Quality below. **SCA HYD-4: Creek Protection Plan.** See Hydrology and Water Quality below.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
(Criterion 3) (Less than Significant with SCAs)	**SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	
Impact BIO-4: Implementation of the Project would not interfere substantially with the movement of a 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. *(Criterion 4) (Less than Significant)*	None required.	Less than Significant
Impact BIO-5: Implementation of the Project would not conflict with any applicable habitat conservation plan or natural community conservation plan. *(Criterion 5) (No Impact)*	None required.	No Impact
Impact BIO-6: Implementation of the Project would not conflict with City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances. *(Criterion 6) (Less than Significant with SCAs)*	**SCA BIO-3: Tree Permit**. See Impact BIO-1 above.	Less than Significant
Impact BIO-7: Implementation of the Project would not conflict with the City of Oakland Creek Protection Ordinance	**SCA HYD-4: Creek Protection Plan.** See Hydrology and Water Quality below.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
(OMC Chapter 13.16) intended to protect biological resources. *(Criterion 7) (Less than Significant with SCAs)*		
Impact BIO-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts on biological resources. *(Less than Significant with SCAs)*	**SCA BIO-1: Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings.** See Impact BIO-1 above. **SCA BIO-2: Tree Removal During Bird Breeding Season.** See Impact BIO-1 above. **SCA BIO-3: Tree Permit.** See Impact BIO-1 above. **SCA HYD-1: State Construction General Permit.** See Hydrology and Water Quality below. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Hydrology and Water Quality below. **SCA HYD-3: Vegetation Management on Creekside Properties.** See Hydrology and Water Quality below. **SCY HYD-4: Creek Protection Permit.** See Hydrology and Water Quality below. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	Less than Significant
EIR Section 4.3, *Cultural and Historic Resources*		
Impact CUL-1: The Project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5. *(Criterion 1) (No Impact)*	None required.	No Impact

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact CUL-2: The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. *(Criterion 2) (Less than Significant with SCAs)*	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** *(Standard Condition of Approval 38)* **Required:** Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense. In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant. **SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.** *(Standard Condition of Approval 39)* **Required:** The project applicant shall implement Provision A (Intensive Pre-Construction Study) and Provision B (Construction ALERT Sheet) concerning archaeological resources. If Native American archaeological resources are identified or suspected in a project site, the City shall consult with a Native American representative(s) registered with the Native American Heritage Commission that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. **Provision A: Intensive Pre-Construction Study.** The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include: a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction. **Provision B: Construction ALERT Sheet.**	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site. The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.	
Impact CUL-3: The Project would not destroy a unique paleontological resource or site or unique geologic feature.	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** See Impact CUL-2 above. **SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.** See	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
(Criterion 3) (Less than Significant with SCAs)	Impact CUL-2 above.	
Impact CUL-4: The Project would not disturb any human remains, including those interred outside of formal cemeteries. *(Criterion 4) (Less than Significant with SCAs)*	**SCA CUL-3: Human Remains – Discovery During Construction.** *(Standard Condition of Approval 40)* **Required:** Pursuant to Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.	Less than Significant
Impact CUL-1.CU: The Project, combined with cumulative development in the project vicinity and citywide, would not contribute to cumulative adverse impacts on historical resources. *(No Impact)*	None required.	No Impact
Impact CUL-2.CU: The Project, combined with cumulative development in the	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** See Impact CUL-2 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
project vicinity and citywide, would not contribute to cumulative adverse impacts on archaeological resources and human remains. *(Less than Significant with SCAs)*	**SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.** See Impact CUL-2 above. **SCA CUL-3: Human Remains – Discovery During Construction.** See Impact CUL-4 above.	
EIR Section 4.4, Greenhouse Gas Emissions		
Impact GHG-1: The Project would not produce total emissions of more than 10,000 metric tons of CO_2e annually. *(Criterion 1) (Less than Significant with SCAs)*	**SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan.** *(Standard Condition of Approval 48)* **Required:** *a. Greenhouse Gas (GHG) Reduction Plan Required* The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan: The goal of the GHG Reduction Plan shall be to increase energy efficiency and to reduce GHG emissions to at least the amount that would be achieved by committing to all of the emissions reductions strategies identified on the ECAP Consistency Checklist as the City's project-level implementation of its Equitable Climate Action Plan (adopted in 2020), which calls for reducing city-wide GHG emissions by 56 percent below 2005 levels by 2030 and 83 percent by 2050. The GHG Reduction Plan shall include, at a minimum, (a) a detailed quantified GHG emissions inventory for the project taking into consideration energy efficiencies included as part of the project (including proposed mitigation measures, project design features, those strategies being implemented and other City requirements), (b) for each ECAP Consistency Checklist strategy that the project will not meet, a quantified calculation of the additional GHG emission	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	reductions that would have occurred had it implemented the GHG emissions reduction measure consistent with the ECAP Consistency Checklist, (c) a quantified strategy for achieving an GHG emission reduction equivalent to the reduction that would have resulted from complying with the ECAP Consistency Checklist strategy, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase. Potential additional GHG reduction measures to be considered include, but are not be limited to, measures recommended in Bay Area Air District's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below. The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; then (4) off-site within the State of California. As with preferred locations for the implementation of all GHG	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; then (3) within the State of California. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's net difference operational emissions estimated in the GHG Reduction Plan for the project as compared to the Checklist baseline. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. *b. GHG Reduction Plan Implementation During Construction* The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval. These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects). *c. GHG Reduction Plan Implementation After Construction*	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	d. The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis. The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan. **Annual Report.** Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report ("Annual Report"), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City's choosing, to be paid for by the project applicant. The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	annual project emissions to the Checklist baseline emissions reported in the GHG Plan. The GHG Reduction Plan shall be considered fully attained when project emissions are less than the Checklist baseline, as confirmed by the City through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below. **Corrective Procedure.** If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures ("Corrective GHG Action Plan"). The project applicant shall then implement the approved Corrective GHG Action Plan. If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	revoked, altered or additional conditions of approval imposed. The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved compared to the applicable numeric significance thresholds described in the GHG Reduction Plan. In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan. The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the Equitable Climate Action Plan. **Timeline Discretion and Summary.** The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.	
Impact GHG-2: The Project would not fail to demonstrate consistency with the 2030 Equitable Climate Action Plan (ECAP) adopted by the City Council on July 28, 2020. *(Criterion 2) (Less than Significant with SCAs)*	**SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan**. See Impact GHG-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact GHG-1.CU: The Project would not, combined with cumulative development in the Project vicinity, result in significant cumulative impacts relative to greenhouse gas emissions. *(Less than Significant with SCAs)*	**SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan.** See Impact GHG-1 above.	Less than significant
EIR Section 4.5, Hazards and Hazardous Materials		
Impact HAZ-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. *(Criterion 1) (Less than Significant with SCAs)*	**SCA HAZ-1: Hazardous Materials Related to Construction.** *(Standard Condition of Approval 49)* **Required:** The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** *(Standard Condition of Approval 50)* **Required:** **a) Hazardous Building Materials Assessment** The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. **b) Environmental Site Assessment Required** The project applicant shall submit a Phase I Environmental Site Assessment report. If the Phase I Environmental Assessment report reveals potential contamination or a recognized environmental condition, the project applicant shall complete a Preliminary Endangerment Assessment, as defined in Health and Safety Code Section 78095. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards.	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. c) **Health and Safety Plan Required** The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan. **d) Best Management Practices (BMPs) Required for Contaminated Sites** The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following: i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building. **SCA HAZ-3: Hazardous Materials Business Plan.** *(Standard Condition of Approval 51)* **Required:** The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following: a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b. The location of such hazardous materials. c. An emergency response plan including employee training information. d. A plan that describes the manner in which these materials are handled, transported, and disposed. **SCA HYD-1: State Construction General Permit.** See Hydrology and Water Quality below.	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact HAZ-2: The Project would not 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. *(Criterion 2) (Less than Significant with SCAs)*	**SCA HAZ-1: Hazardous Materials Related to Construction.** See Impact HAZ-1 above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Impact HAZ-1 above. **SCA HAZ-3: Hazardous Materials Business Plan.** See Impact HAZ-1 above. **SCA HYD-1: State Construction General Permit.** See Hydrology and Water Quality below.	Less than Significant
Impact HAZ-3: The Project would not create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors. *(Criterion 3) (Less than Significant with SCAs)*	**SCA HAZ-1: Hazardous Materials Related to Construction.** See Impact HAZ-1 above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Impact HAZ-1 above. **SCA HAZ-3: Hazardous Materials Business Plan.** See Impact HAZ-1 above.	Less than Significant
Impact HAZ-4: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. *(Criterion 4) (Less than Significant with SCAs)*	**SCA HAZ-1: Hazardous Materials Related to Construction.** See Impact HAZ-1 above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Impact HAZ-1 above. **SCA HAZ-3: Hazardous Materials Business Plan.** See Impact HAZ-1 above.	Less than Significant
Impact HAZ-5: The Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (i.e., the "Cortese List") and, as a	**SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Impact HAZ-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
result, create a significant hazard to the public or the environment. *(Criterion 5) (Less than Significant with SCAs)*		
Impact HAZ-6: The Project would not result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions. *(Criterion 6) (Less than Significant)*	None required.	Less than Significant
Impact HAZ-7: The Project would not result in a significant safety hazard for people residing or working in the project area in relation to a public airport or public use airport. *(Criterion 7) (Less than Significant)*	None required.	Less than Significant
Impact HAZ-8: The Project would not be located within the vicinity of a private airstrip, and result in a significant safety hazard for people residing or working in the project area. *(Criterion 8) (Less than Significant)*	None required.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact HAZ-9: The Project would not fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. *(Criterion 9) (Less than Significant with SCAs)*	**SCA TRANS-1: Construction Activity in the Public Right of Way.** See Transportation and Circulation below.	Less than Significant
Impact HAZ-1.CU: The Project would not, combined with cumulative development in the Project vicinity, result in significant cumulative impacts relative to hazards and hazardous materials. *(Less than significant with SCAs)*	**SCA HAZ-1: Hazardous Materials Related to Construction.** See Impact HAZ-1 above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Impact HAZ-1 above. **SCA HAZ-3: Hazardous Materials Business Plan.** See Impact HAZ-1 above.	Less than Significant
EIR Section 4.6, *Hydrology and Water Quality*		
Impact HYD-1: The Project would not violate any water quality standards or waste discharge requirements. *(Criterion 1) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** *(Standard Condition of Approval 56)* **Required:** The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** *(Standard Condition of Approval 60)* **Required:**	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	a) Post-Construction Storm Water Management Plan Required The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following: i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. ***b) Maintenance Agreement*** The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following: i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense. **SCA HYD-3: Vegetation Management on Creekside Properties.** *(Standard Condition of Approval 65)* **Required** The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project: a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat; b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	c. Leave stumps and roots from cut down trees to prevent erosion; d. Plant fire-appropriate, drought-tolerant, preferably native vegetation; e. Provide erosion and sediment control protection if cutting vegetation on a steep slope; f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management; g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches diameter at breast height or dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine); h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat; i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development; j. Do not trim/prune branches that are larger than 4 inches in diameter; k. Do not remove tree canopy; l. Do not dump cut vegetation in the creek; m. Do not cut tall shrubbery to less than 3 feet high; and n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high. **SCA HYD-4: Creek Protection Plan.** *(Standard Condition of Approval 66)* **Required:**	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	a) *Creek Protection Plan* The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the OMC including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d). **b) Construction BMPs** The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following: i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek. ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	staked tarps when rain is occurring or is expected. iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible. iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted. v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains. vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek. viii. Create a contained and covered area on the site for	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site. ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution. x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work. xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains. xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field	

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	Manual published by the Regional Water Quality Control Board (RWQCB). xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City. **c) Post-Construction BMPs** The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. **d) Creek Landscaping** The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season. Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	replanted with mature native riparian vegetation and be maintained to ensure survival. **e) Creekside Protection Plan Implementation** The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately. **SCA UTIL-6: Storm Drain System**. See Utilities and Service Systems below.	
Impact HYD-2: The Project would not 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. *(Criterion 2) (Less than Significant)*	None required.	Less than Significant
Impact HYD-3: The Project would not result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters. *(Criterion 3) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-3: Vegetation Management on Creekside Properties.** See Impact HYD-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	SCA HYD-4: Creek Protection Plan. See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System**. See Utilities and Service Systems below.	
Impact HYD-4: The Project would not result in substantial flooding on- or off-site. *(Criterion 4) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-4: Creek Protection Plan.** See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	Less than Significant
Impact HYD-5: The Project would not create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems. *(Criterion 5) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-4: Creek Protection Plan.** See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	Less than Significant
Impact HYD-6: The Project would not create or contribute substantial runoff which would be an additional source of polluted runoff. *(Criterion 6) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-4: Creek Protection Plan.** See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	Less than Significant
Impact HYD-7: The Project would not otherwise substantially degrade water quality. *(Criterion 7) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-3: Vegetation Management on Creekside Properties.** See Impact	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	HYD-1 above. **SCA HYD-4: Creek Protection Plan.** See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System**. See Utilities and Service Systems below.	
Impact HYD-10: The Project would not expose people or structures to a substantial risk of loss, injury, or death involving flooding. *(Criterion 10) (Less than Significant)*	None required.	Less than Significant
Impact HYD-11: The Project would not expose people or structures to a substantial risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow. *(Criterion 11) (Less than Significant)*	None required.	Less than Significant
Impact HYD-12: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site. *(Criterion 12) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-3: Vegetation Management on Creekside Properties.** See Impact HYD-1 above. **SCA HYD-4: Creek Protection Plan.** See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System**. See Utilities and Service Systems below.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact HYD-13: The Project would not fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. *(Criterion 13) (Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-3: Vegetation Management on Creekside Properties.** See Impact HYD-1 above. **SCA HYD-4: Creek Protection Plan.** See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System**. See Utilities and Service Systems below.	Less than Significant
Impact HYD-1.CU: The Project combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts on surface water or groundwater quality. *(Less than Significant with SCAs)*	**SCA HYD-1: State Construction General Permit.** See Impact HYD-1 above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Impact HYD-1 above. **SCA HYD-3 Vegetation Management on Creekside Properties.** See Impact HYD-1 above. **SCA HYD-4: Creek Protection Plan.** See Impact HYD-1 above. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	Less than Significant
EIR Section 4.7, Noise and Vibration		
Impact NOI-1: The project would not Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts; during the hours of 7	**SCA NOI-1: Construction Days/Hours.** *(Standard Condition of Approval 71)* **Required:** The project applicant shall comply with the following restrictions concerning construction days and hours: a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.	Less than Significant

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p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition would not exceed the applicable nighttime operational noise level standard. *(Criterion 1) (Less than Significant with SCAs)*	b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise-generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice. **SCA NOI-2: Construction Noise.** *(Standard Condition of Approval 72)* **Required:** The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:	

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	a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible. b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c. Applicant shall use temporary power poles instead of generators where feasible. d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	SCA NOI-3: Construction Noise Complaints. *(Standard Condition of Approval 75)* **Required:** The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include: a. Designation of an on-site construction complaint and enforcement manager for the project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; c. Protocols for receiving, responding to, and tracking received complaints; and d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. d.	
Impact NOI-2: The Project would not generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise. *(Criterion 2) (Less than Significant with SCAs)*	**SCA NOI-1: Construction Days/Hours**. See Impact NOI-1 above. **SCA NOI-2: Construction Noise.** See Impact NOI-1 above. **SCA NOI-3: Construction Noise Complaints.** See Impact NOI-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact NOI-3: The Project would not generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise. *(Criterion 3) (Less than Significant)*	**SCA NOI-1: Construction Days/Hours**. See Impact NOI-1 above. **SCA NOI-2: Construction Noise.** See Impact NOI-1 above. **SCA NOI-3: Construction Noise Complaints.** See Impact NOI-1 above.	Less than Significant
Impact NOI-4: The Project would not **g**enerate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project and a 3 dBA permanent increase is attributable to the project. *(Criterion 4) (Less than Significant with SCAs)*	**SCA NOI-1: Construction Days/Hours**. See Impact NOI-1 above. **SCA NOI-2: Construction Noise.** See Impact NOI-1 above. **SCA NOI-3: Construction Noise Complaints.** See Impact NOI-1 above.	Less than Significant
Impact NOI-5: The Project would not **e**xpose persons to interior L_{dn} or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities per California Noise Insulation Standards (CCR Part 2, Title 24). *(Criterion 5) (Less than Significant with SCAs)*	**SCA NOI-1: Construction Days/Hours**. See Impact NOI-1 above. **SCA NOI-2: Construction Noise.** See Impact NOI-1 above. **SCA NOI-3: Construction Noise Complaints.** See Impact NOI-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact NOI-6: The Project would not **e**xpose itself to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval. *(Criterion 6) (Less than Significant with SCAs)*	**SCA NOI-1: Construction Days/Hours**. See Impact NOI-1 above. **SCA NOI-2: Construction Noise.** See Impact NOI-1 above. **SCA NOI-3: Construction Noise Complaints.** See Impact NOI-1 above.	Less than Significant
Impact NOI-7: The Project would not **e**xpose persons to or generate noise levels in excess of applicable standards established by a regulatory agency. *(Criterion 7) (Less than Significant with SCAs)*	**SCA NOI-1: Construction Days/Hours**. See Impact NOI-1 above. **SCA NOI-2: Construction Noise.** See Impact NOI-1 above. **SCA NOI-3: Construction Noise Complaints.** See Impact NOI-1 above.	Less than Significant
Impact NOI-8: The Project would not, during either project construction or project operation, expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA). *(Criterion 8) (Less than Significant)*	None required.	Less than Significant
Impact NOI-9: The Project would not be located within an airport land use plan and expose people residing or working in	None required.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
the project area to excessive noise levels. *(Criterion 9) (Less than Significant)*		
Impact NOI-10: The Project would not be located within the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels. *(Criterion 9) (Less than Significant)*	None required.	Less than Significant
Impact NOI-1.CU: The Project, combined with cumulative development in the Project vicinity, would not result in significant cumulative impacts relative to noise and vibration. *(Less than Significant with SCAs)*	**SCA NOI-1: Construction Days/Hours**. See Impact NOI-1 above. **SCA NOI-2: Construction Noise.** See Impact NOI-1 above. **SCA NOI-3: Construction Noise Complaints.** See Impact NOI-1 above. **SCA NOI-4: Operational Noise.** *(Standard Condition of Approval 78)* **Required:** Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the OMC. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City. **SCA NOI-5: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities.** (*Standard Condition of Approval 80*) **Required:** The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located adjacent to San	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	Leandro Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.	
EIR Section 4.8, Transportation and Circulation		
Impact TRANS-1: The Project would not conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities (except for automobile level of service or other measures of vehicle delay). *(Criterion 1) (Less than Significant with SCAs)*	**SCA TRANS-4: Transportation and Parking Demand Management.** *(Standard Condition of Approval 88)* **Required:** 1. ***Transportation and Parking Demand Management (TDM) Plan*** Required The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. i. The goals of the TDM Plan shall be the following: • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. • Achieve the following project vehicle trip reductions (VTR): ○ Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR ○ Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: • Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. • Proposed TDM strategies to achieve VTR goals (see below). iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of OMC Chapter 10.68 Employer-Based Trip Reduction Program. iv. The following TDM strategies **must** be incorporated into a TDM Plan (see Section 4.9.3, Regulatory Setting) based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR. v. Other TDM strategies to consider include, but are not limited to, the following: • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines and any applicable streetscape plan. • Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. • Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	another transit agency). • Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. • Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). • Guaranteed ride home program for employees, either through 511.org or through separate program. • Pre-tax commuter benefits (commuter checks) for employees. • Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. • On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	carpools and vanpools. • Distribution of information concerning alternative transportation options. • Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. • Parking management strategies including attendant/valet parking and shared parking spaces. • Requiring tenants to provide opportunities and the ability to work off-site. • Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). • Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report. 2. ***TDM Implementation – Physical Improvements*** For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project. 3. ***TDM Implementation – Operational Strategies*** For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.	
Impact TRANS-2: The Project would not cause substantial additional vehicle miles	None required.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
traveled (per capita, per service population, or other appropriate efficiency measure). *(Criterion 2) (Less than Significant)*		
EIR Section 4.9, Tribal Cultural Resources		
Impact TRI-1: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074. *(Less than Significant with SCAs)*	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** See Cultural and Historical Resources above. **SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.** See Impact Cultural and Historical Resources above. **SCA CUL-3: Human Remains – Discovery During Construction.** See Cultural and Historical Resources above. **SCA CUL-4: Tribal Consultation Results** *(Standard Condition of Approval 113)* As a result of conducting a scoping consultation with a California Native American tribe, the following conditions apply to the project: a. Enforceable Agreement The City, the applicant, and the California Native American tribe have reached an enforceable agreement on the methods, measures, and conditions for tribal cultural resource identification, treatment, and protection, including consideration of enforcement, and that enforceable agreement and the requirements therein are incorporated as part of the conditions of approval for the proposed project. The terms of the agreement are enforceable against the applicant by the City and the California Native American tribe. b. Tribal Monitoring The California Native American tribe has requested, and therefore the project	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	is required to include, tribal monitoring during all ground-disturbing activities of the project. The California Native American tribe shall designate the monitor. The tribal monitor shall comply with applicant's site access and workplace safety requirements. The applicant shall compensate the tribal monitor at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as scope and duration of the project. c. Avoidance of Tribal Cultural Resources Tribal cultural resources shall be avoided where feasible, in accordance with Public Resources Code Section 21084.3(a). In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes. d. Treatment of Tribal Cultural Resources All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Public Resources Code Section 21083.9. e. Records Searches A California Historic Resources Information Systems archaeological records search and a tribal cultural records search shall be completed for the project site. A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission. f. Application of Tribal Ecological Knowledge	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	Any habitat restoration efforts undertaken by the project, as applicable to the specific environmental context and conditions of the project, shall apply tribal ecological knowledge.	
Impact TRI-1.CU: The Project, combined with cumulative development in the project vicinity and citywide, would not contribute to cumulative adverse impacts on archaeological resources, human remains, and tribal cultural resources. *(Less than Significant with SCAs)*	**SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.** See Cultural and Historical Resources above. **SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.** See Cultural and Historical Resources above.	Less than Significant
Effects Found Not to Be Significant Section 4.10.1; Aesthetics		
Impact AES-1: The Project would not have a substantial adverse effect on a scenic vista. *(Criterion 1) (Less than Significant)*	None required.	Less than Significant
Impact AES-2: The Project would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. *(Criterion 2) (Less than Significant)*	None required.	Less than Significant
Impact AES-3: The Project would not substantially degrade the existing visual character or quality of the site and its	**SCA AES-1: Trash and Blight Removal.** *(Standard Condition of Approval 18)*	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
surroundings. *(Criterion 3) (Less than Significant with SCAs)*	**Required:** The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users. **SCA AES-2: Graffiti Control.** *(Standard Condition of Approval 19)* **Required:**	

	a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation: i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following: i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). **SCA AES-3: Landscape Plan.** *(Standard Condition of Approval 20)*	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	Required: **a) Landscape Plan Required** The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List, and with any applicable streetscape plan. **b) Landscape Installation** The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid. **c) Landscape Maintenance** All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced. **SCA UTIL-1: Underground Utilities.** See Utilities and Service Systems below.	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact AES-4: The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. *(Criterion 4) (Less than Significant with SCAs)*	**SCA AES-4: Lighting.** *(Standard Condition of Approval 21)* **Required:** Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties	Less than Significant
Impact AES-5: The Project would not introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986). *(Criterion 5) (Less than Significant)*	None required.	Less than Significant
Impact AES-6: The Project would not 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. *(Criterion 6) (No Impact)*	None required.	No Impact
Impact AES-1.CU: The Project combined with cumulative development in the Project vicinity and citywide, would not	**SCA AES-1: Trash and Blight Removal.** See Impact AES-3 above. **SCA AES-2: Graffiti Control.** See Impact AES-3 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
result in significant cumulative aesthetic impacts. *(Less than Significant with SCAs)*	**SCA AES-3: Landscape Plan.** See Impact AES-3 above. **SCA AES-4: Lighting.** See Impact AES-4 above.	
Effects Found Not to Be Significant Section 4.10.3, Geology and Soils		
Impact GEO-1: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse, and landslides. *(Criterion 1) (Less than Significant with SCAs).*	**SCA GEO-1: Construction-Related Permit(s).** *(Standard Condition of Approval 42)* **Required:** The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction. **SCA GEO-2: Soils Report.** *(Standard Condition of Approval 43)* **Required:** The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction. **SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction)** *(Standard Condition of Approval 45)* **Required:** The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic	Less Than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction. **SCA HYD-1: State Construction Permit.** See Hydrology and Water Quality above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Hydrology and Water Quality above. **SCA HYD-4: Creek Protection Plan.** See Hydrology and Water Quality above. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	
Impact GEO-2: The Project would not result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways. *(Criterion 2) (Less than Significant with SCAs).*	**SCA GEO-2: Soils Report.** See Impact GEO-1 above. **SCA HYD-1: State Construction Permit.** See Hydrology and Water Quality above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Hydrology and Water Quality above. **SCA HYD-4: Creek Protection Plan.** See Hydrology and Water Quality above. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	Less than Significant
Impact GEO-3: The Project would not create substantial risks to life or property as a result of being located on expansive soil. *(Criterion 3) (Less than Significant with SCAs).*	**SCA GEO-1: Construction-Related Permit(s).** See Impact GEO-1 above. **SCA GEO-2: Soils Report.** See Impact GEO-1 above. **SCA GEO-3: Seismic Hazard Zone (Landslide/Liquefaction).** See Impact GEO-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact GEO-4: The Project would not create substantial risks to life or property as a result of being located above a well, pit, swamp, mound, tank vault, or unmarked sewer line. *(Criterion 4) (Less than Significant with SCAs).*	**SCA GEO-1: Construction-Related Permit(s).** See Impact GEO-1 above. **SCA GEO-2: Soils Report.** See Impact GEO-1 above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Hazards and Hazardous Materials above.	Less than Significant
Impact GEO-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts to geology, soils, and seismicity. *(Less than Significant with SCAs).*	**SCA GEO-1: Construction-Related Permit(s).** See Impact GEO-1 above. **SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction).** See Impact GEO-1 above. **SCA HAZ-2: Hazardous Building Materials and Site Contamination.** See Hazards and Hazardous Materials above. **SCA HYD-1: State Construction General Permit.** See Hydrology and Water Quality above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Hydrology and Water Quality above. **SCA HYD-4: Creek Protection Plan.** See Hydrology and Water Quality above. **SCA UTIL-6: Storm Drain System.** See Utilities and Service Systems below.	Less than Significant
Effects Found Not to Be Significant Section 4.10.4, Land Use and Planning		
Impact LUP-1: The Project would not physically divide an established community. *(Criterion 1) (Less than Significant)*	None required.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Impact LUP-2: The Project would not result in a fundamental conflict between adjacent or nearby land uses. *(Criterion 2) (Less than Significant)*	None required.	Less than Significant
Impact LUP-3: The Project would not fundamentally conflict with any 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 result in a physical change in the environment. *(Criterion 3) (Less than Significant)*	None required.	Less than Significant
Impact LUP-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact to land use and planning. *(Less than Significant)*	None required.	Less than Significant
Effects Found Not to Be Significant Section 4.10.6, Population and Housing		
Impact POP-1: The Project would not induce substantial population growth in a manner not contemplated in the General	**SCA POP-1: Jobs/Housing Impact Fee.** *(Standard Condition of Approval 81)* **Required:** The project applicant shall comply with the requirements of the City	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Plan, either directly or indirectly, such that additional infrastructure is required. *(Criterion 1) (Less than Significant with SCAs)*	of Oakland Jobs/Housing Impact Fee Ordinance (Chapter 15.68 of the OMC).	
Impact POP-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact to population and housing. *(Less than Significant with SCAs)*	**SCA POP-1: Jobs/Housing Impact Fee**. See Impact POP-1 above.	Less than Significant
Effects Found Not to Be Significant Section 4.10.7, Public Services		
Impact PUB-1: The Project would not result in an increase in demand for fire protection, emergency medical response services, police protection, schools, or other public facilities that would require new or physically altered facilities to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. *(Criterion 1) (Less than Significant with SCAs)*	**SCA PUB-1: Capital Improvements Impact Fee.** *(Standard Condition of Approval 83)* **Required:** The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (Chapter 15.74 of the OMC). This condition serves as notice that the 90-day approval period in which the applicant may protest applicability of the impact fee has begun pursuant to California Government Code Section 66020(d)(1).	Less than Significant
Impact PUB-1.CU: The Project, combined with cumulative development in the	**SCA PUB-1: Capital Improvements Impact Fee.** See Impact PUB-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Project vicinity and citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental facilities, construction of which could have significant physical environmental impacts. *(Less than Significant with SCAs)*		
Effects Found Not to Be Significant Section 4.10.8, Recreation		
Impact REC-1: The Project would not increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. *(Criterion 1) (Less than Significant with SCAs)*	**SCA PUB-1: Capital Improvements Impact Fee.** See Public Services above.	Less than Significant
Impact REC-2: The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment. *(Criterion 2) (Less than Significant with SCAs)*	**SCA PUB-1: Capital Improvements Impact Fee.** See Public Services above.	Less than Significant
Impact REC-1.CU: The Project, combined with cumulative development in the	**SCA PUB-1: Capital Improvements Impact Fee.** See Public Services above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
Project vicinity and citywide, would not result in significant cumulative impacts to recreation. *(Less than Significant with SCAs)*		
Effects Found Not to Be Significant Section 4.10.9, Utilities and Service Systems		
Impact UTIL-1: The Project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board. *(Criterion 1) (Less than Significant with SCAs)*	**SCA UTIL-2: Underground Utilities.** *(Standard Condition of Approval 93)* **Required:** The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities. **SCA UTIL-4: Green Building Requirements.** *(Standard Condition of Approval 95)* **Required:** **a) Compliance with Green Building Requirements During Plan-Check** The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the OMC). i. The following information shall be submitted to the City for review and approval with the application for a building permit: • Documentation showing compliance with Title	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	ii. The set of plans in subsection (i) shall demonstrate compliance with the following. • CALGreen mandatory measures. • At least LEED Silver per the appropriate checklist approved during the Planning entitlement process. • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories. **b) Compliance with Green Building Requirements During Construction** The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project). The following information shall be submitted to the City for review and approval: i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. **c) Compliance with Green Building Requirements After Construction** Prior to finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level. **SCA UTIL-5: Sanitary Sewer System.** *(Standard Condition of Approval 97)* **Required:** The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.	
Impact UTIL-2: The Project would not require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects. *(Criterion 2) (Less than Significant with SCAs)*	**SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Hydrology and Water Quality above. **SCA UTIL-2: Underground Utilities.** See Impact UTIL-1 above. **SCA UTIL-5: Sanitary Sewer System.** See Impact UTIL-1 above. **SCA UTIL-6: Storm Drain System.** *(Standard Condition of Approval 98)* **Required:** The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	reduced by at least 25 percent compared to the pre-project condition	
Impact UTIL-3: The Project would not 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. *(Criterion 3) (Less than Significant with SCAs)*	**SCA UTIL-4: Green Building Requirements.** See Impact UTIL-1 above. **SCA UTIL-7: Water Efficient Landscape Ordinance (WELO).** *(Standard Condition of Approval 100)* **Required:** The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less, the project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO. *Prescriptive Measures*: Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance. *Performance Measures*: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following: a. Project Information: i. Date, ii. Applicant and property owner name, iii. Project address,	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or homeowner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and viii. Project contacts ix. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." b. Water Efficient Landscape Worksheet i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use c. Soil management Report d. Landscape Design Plan e. Irrigation Design Plan, and f. Grading Plan Upon installation of the landscaping and irrigation systems, and prior to the final of a construction- related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor	

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	and property owner or his or her designee.	
Impact UTIL-4: The Project would not 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 effects. *(Criterion 4) (Less than Significant with SCAs)*	**SCA UTIL-2: Underground Utilities.** See Impact UTIL-1 above. **SCA UTIL-4: Green Building Requirements.** See Impact UTIL-1 above. **SCA UTIL-5: Sanitary Sewer System.** See Impact UTIL-1 above.	Less than Significant
Impact UTIL-5: The Project would not 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. *(Criterion 5) (Less than Significant with SCAs)*	**SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.** *(Standard Condition of Approval 92)* **Required:** The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the OMC) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center **SCA UTIL-3: Recycling Collection and Storage Space.** *(Standard Condition of Approval 94)* **Required:** The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet. **SCA UTIL-4: Green Building Requirements.** See Impact UTIL-1 above.	
Impact UTIL-6: The Project would not violate applicable federal, state, and local statutes and regulations related to solid waste. *(Criterion 6) (Less than Significant with SCAs)*	**SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.** See Impact UTIL-5 above. **SCA UTIL-3: Recycling Collection and Storage Space.** See Impact UTIL-5 above. **SCA UTIL-4: Green Building Requirements.** See Impact UTIL-1 above.	Less than Significant
Impact UTIL-7: The Project would not violate applicable federal, state and local statutes and regulations relating to energy	**SCA UTIL-4: Green Building Requirements.** See Impact UTIL-1 above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
standards. *(Criterion 7) (Less than Significant with SCAs)*		
Impact UTIL-8: The Project would not 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 . *(Criterion 8) (Less than Significant with SCAs)*	**SCA UTIL-4: Green Building Requirements.** See Impact UTIL-1 above. **SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related**. See Air Quality above. **SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan.** See Greenhouse Gas Emissions above. **SCA TRANS-2: Bicycle Parking.** See Transportation and Circulation above. **SCA TRANS-4: Transportation and Parking Demand Management.** See Transportation and Circulation above.	Less than Significant
Impact UTIL-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact on the capacity of EBMUD's wastewater systems or the City's stormwater drainage system; water supplies; generation of solid waste; or PG&E's power supply. *(Less than Significant with SCAs)*	**SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.** See Impact UTIL-5 above. **SCA UTIL-3: Recycling Collection and Storage Space.** See Impact UTIL-5 above. **SCA UTIL-4: Green Building Requirements.** See Impact UTIL-1 above. **SCA UTIL-5: Sanitary Sewer System.** See Impact UTIL-1 above. **SCA UTIL-6: Storm Drain System.** See Impact UTIL-2 above. **SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related.** See Air Quality above.	Less than Significant

Impacts, Criterion, and Impacts Significance	Standard Conditions of Approval and Mitigation Measures[5]	Significance After Incorporation of Standard Conditions of Approval and Mitigation
	SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan. See Greenhouse Gas Emissions above. **SCA HYD-1: Construction General Permit.** See Hydrology and Water Quality above. **SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.** See Hydrology and Water Quality above. **SCA TRANS-1: Construction General Permit.** See Transportation and Circulation above. **SCA TRANS-2: Bicycle Parking.** See Transportation and Circulation above. **SCA TRANS-4: Transportation and Parking Demand Management.** See Transportation and Circulation above.	

3 PROJECT DESCRIPTION

This chapter describes all components of the proposed 7825 San Leandro Street Project (Project) proposed by Prologis (Project Applicant) and serves as a basis for the analysis that follows in subsequent chapters of this Draft EIR. This chapter provides an overview of existing conditions on and around the Project site, and existing conditions are described in greater detail in each environmental analysis section in Chapter 4. In addition to describing the Project and providing an overview of existing conditions, this chapter lists the Project Objectives and the discretionary approvals required by the City and various other agencies.

3.1 PROJECT LOCATION

The Project site comprises approximately 14.9 acres located at 7825 San Leandro Street (Assessor's Parcel Numbers 041-4175-010, 041-4175-005, 041-4175-006, 041-4175-016, 041-4175-017, 041-4175-003-02, 041-4209-008-01, 041-4209-001-02, 041-4209-007, 041-4209-001-01, 041-4209-003-02, 041-4208-001, 041-4175-018, 041-4175-019). The Project site is bound by Hegenberger Road to the north, San Leandro Street to the east, existing commercial uses and Elmhurst Creek to the south, and train tracks to the west (see **Figure 3-1: Regional Map** and **Figure 3-2: Project Vicinity Map**). The Project site is within the General Industrial (IG) and Commercial Industrial Mix-2 (CIX-2) zoning districts with General Plan land use designations of Business Mix and General Industry and Transportation, see **Figure 3-3: Land Use Map** and **Figure 3-4: Zoning Map**.

Multiple transit routes serve the Project site including Alameda-Contra Costa County Transit District (AC Transit) Lines 45, 46L, 73, 90, 98, 646, 657, and 805, along San Leandro Street within approximately 1,000 feet of the Project site. The nearest bus stops to the Project site are the San Leandro Street & 77th Avenue bus stop immediately adjacent to the Project site, and the Coliseum BART Bus stops within 1,000 feet north of the Project site. There are three bus stops located at the San Leandro Street & 81st Avenue intersection approximately 200 feet east of the Project site. In addition, the Coliseum BART station is located approximately 1,000 feet north of the Project site.

3.2 EXISTING CONDITIONS

The Project site located at 7825 San Leandro Street was previously occupied by the AB&I Foundry, an industrial land use that manufactured cast iron and pipe fittings. The former AB&I Foundry facility was in operation from 1940 to October 2022. The Project site is currently vacant with existing impervious surfaces comprising degraded asphalt/concrete and some exposed soil that served as foundations of former buildings and parking for the previous on-site uses and associated lighting standards. Subsequent to the circulation of the NOP, the Project site was temporarily occupied by a tow lot from approximately October 2024 through January 2026 that has since ceased operations on the Project site and vacated the Project site. The existing conditions at the time of NOP circulation are considered as the CEQA baseline for this document, and the tow use is described throughout for informational purposes relative to baseline conditions.

3.2.1 EXISTING PROJECT SITE CONDITIONS

The structures previously occupying the Project site were previously demolished, however existing connections for water and electricity from previous uses remain. The tow use temporarily connected to these existing utility connections via trenching before vacating the site. There is limited existing vegetation on the Project site with three trees on-site and street trees along the eastern side of the Project site along San Leandro Street. Elmhurst Creek flows through the southern corner of the Project site. Easements for Alameda County Flood Control & Water Conservation District for Elmhurst Creek may extend into the Project site. The creek is connected to the San Leandro Bay, located approximately 0.9 mile southwest of the Project site.

A record search of the State Water Resources Control Board GeoTracker database found one open record for a cleanup program site on the Project site.[6] The Alameda County Environmental Health Department (ACEHD) Local Oversight Program for Hazardous Materials Releases (LOP) is the agency overseeing the investigation and cleanup of hazardous materials releases to the environment under Voluntary Remedial Action Agreement (VRAA) executed with ACEHD - LOP and the Applicant on April 17, 2023 and Cleanup Program Site (CPS) Case No. RO0003535 and Geotracker Global Id T10000019792. ACEHD Certified Unified Program Agency (CUPA) is the regulatory agency overseeing the demolition and facility closure of the former American Brass and Iron Foundry (AB&I Foundry) in accordance with the California Code of Regulations, Title 22, Division 4.5.

3.2.2 EXISTING SURROUNDING USES

Existing surrounding uses are primarily industrial, commercial (e.g., warehouses, automobile services, and restaurants), and transportation (e.g., the Coliseum BART station and parking lot). While most of the land uses immediately surrounding the Project site are industrial and commercial, there is a single residential dwelling unit located along 75th Avenue approximately 625 feet northeast of the Project site. The single residence is the only residential unit within 1,000 feet of the Project site. The next nearest residential unit is located beyond the Coliseum BART station and over 1,100 feet north of the Project site.

North of the Project site are commercial uses such as Omega Termite & Pest Control, Creative Wood Products, Coliseum Auto Body Shop, and ABC Supply Co Inc roofing. The Coliseum BART station and parking lot are located approximately 1,000 feet north of the Project site.

Across San Leandro Street to the east of the Project site is U-Haul Moving Storage of Oakland Coliseum and an industrial complex with multiple businesses (West Coast Moving Systems, Energy Feeds International, and Garda World). Oakland Public Library 81st Avenue Branch and the campus of Encompass Academy Elementary School and Acorn Woodland Elementary School, are also located approximately 0.4 miles and 0.3 miles east of the Project site, respectively.

Immediately south of the Project site are the Eastbay Truck Wash, Pick-n-Pull used auto parts, and Estrellas De Sinaloa, a local Mexican restaurant. Beyond the train tracks to the west of the Project site are

[6] State Water Resources Control Board. GeoTracker. Available at: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000019792. Accessed on June 30, 2026

commercial uses consisting of businesses such as Golden Gate Truck Center, restaurants, and the Coliseum Center strip mall.

A temporary shelter for the unhoused is located approximately 730 feet to the west The Oakland Coliseum, Oakland Arena, and the surface parking lots associated with the two venues are also located further west of the Project site across Hegenberger Road.

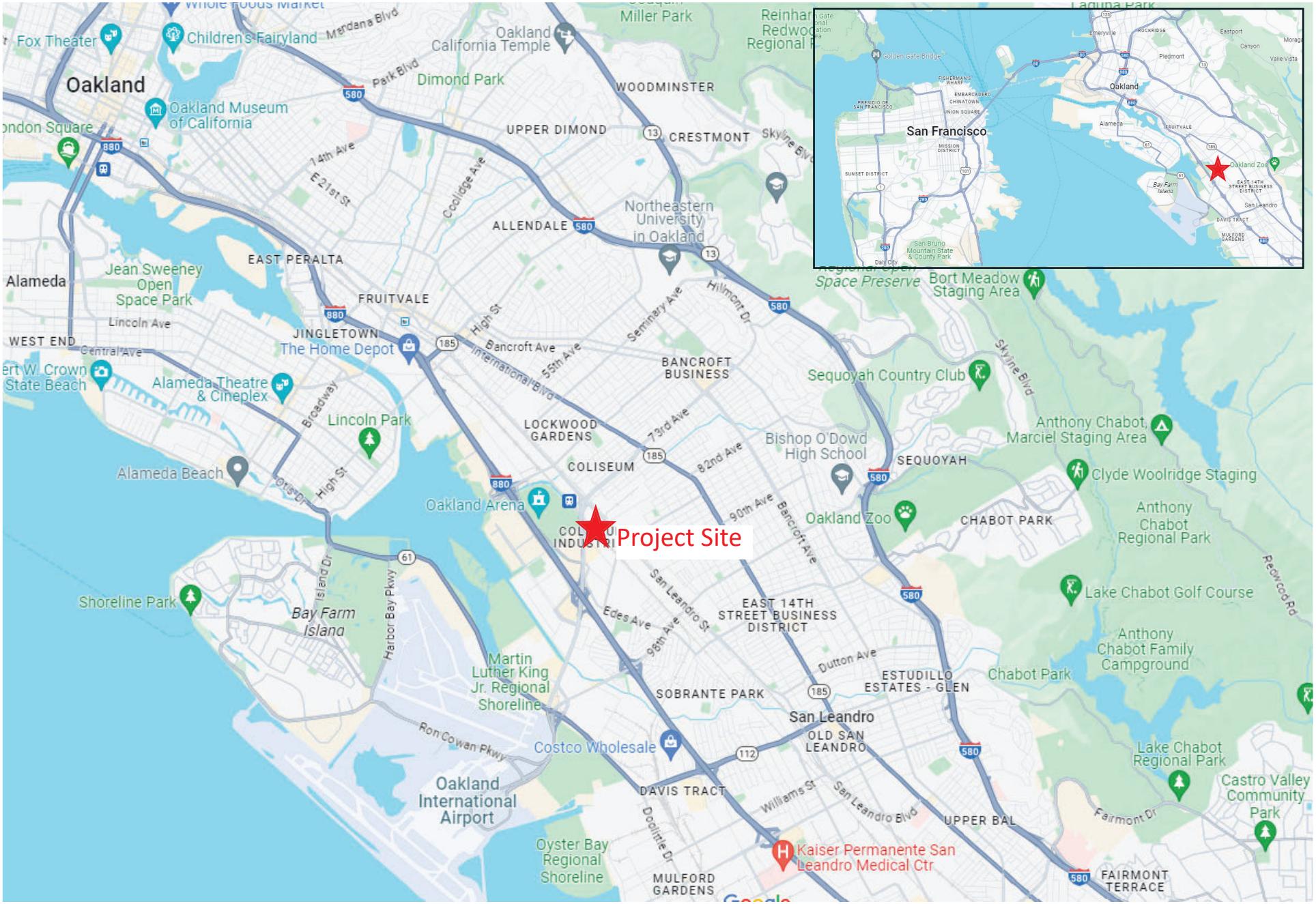
3.2.3 EXISTING GENERAL PLAN DESIGNATIONS AND ZONING

The General Plan land use designations for the Project site are General Industry and Transportation and Business Mix. The intent of the General Industry and Transportation designation is to create, preserve, and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. Maximum intensity allowed in the General Industry and Transportation designated area is a floor area ratio (FAR) of 2.0 per parcel.

The intent of the Business Mix designation is to create, preserve, and enhance industrial areas that are appropriate for a wide variety of commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas. Maximum intensity allowed in the Business Mix designated area is FAR of 4.0 per parcel.

The Project site is within the General Industrial (IG) and Commercial Industrial Mix-2 (CIX-2) zoning districts. IG zoning has the same maximum intensity, intent, and desired character and uses as described above for General Industry and Transportation land uses. Similarly, CIX-2 corresponds with the maximum intensity, intent, and desired character and uses described for and Business Mix land use designations. See **Figure 3-3: Land Use Map** and **Figure 3-4: Zoning Map**.

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Source: Google Earth, 2024

Figure 3-1: Regional Map

7825 San Leandro Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn



Source: Google Earth, 2024

Figure 3-2: Project Vicinity Map

7825 San Leandro Street Project
Draft Environmental Impact Report

Kimley»Horn

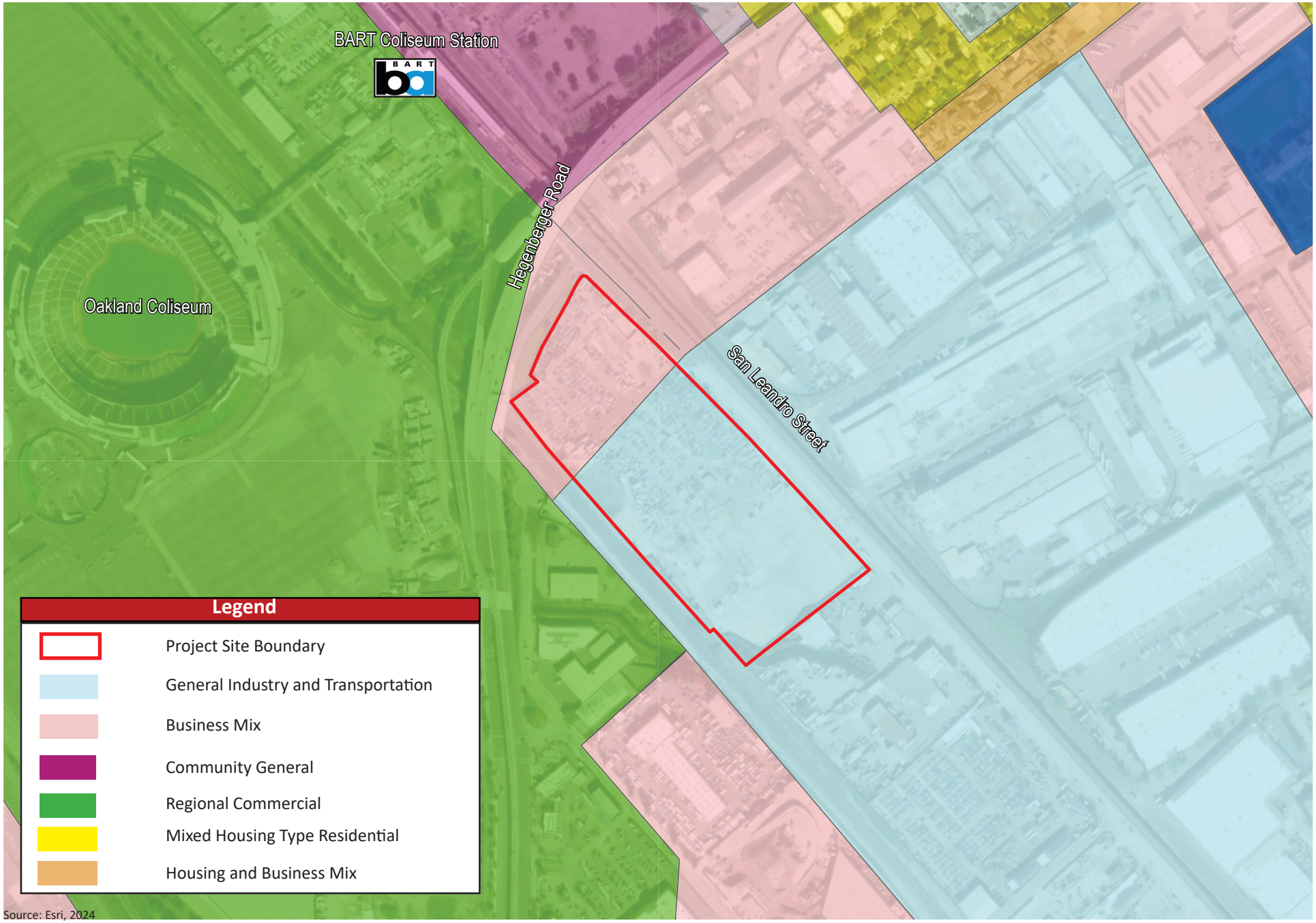
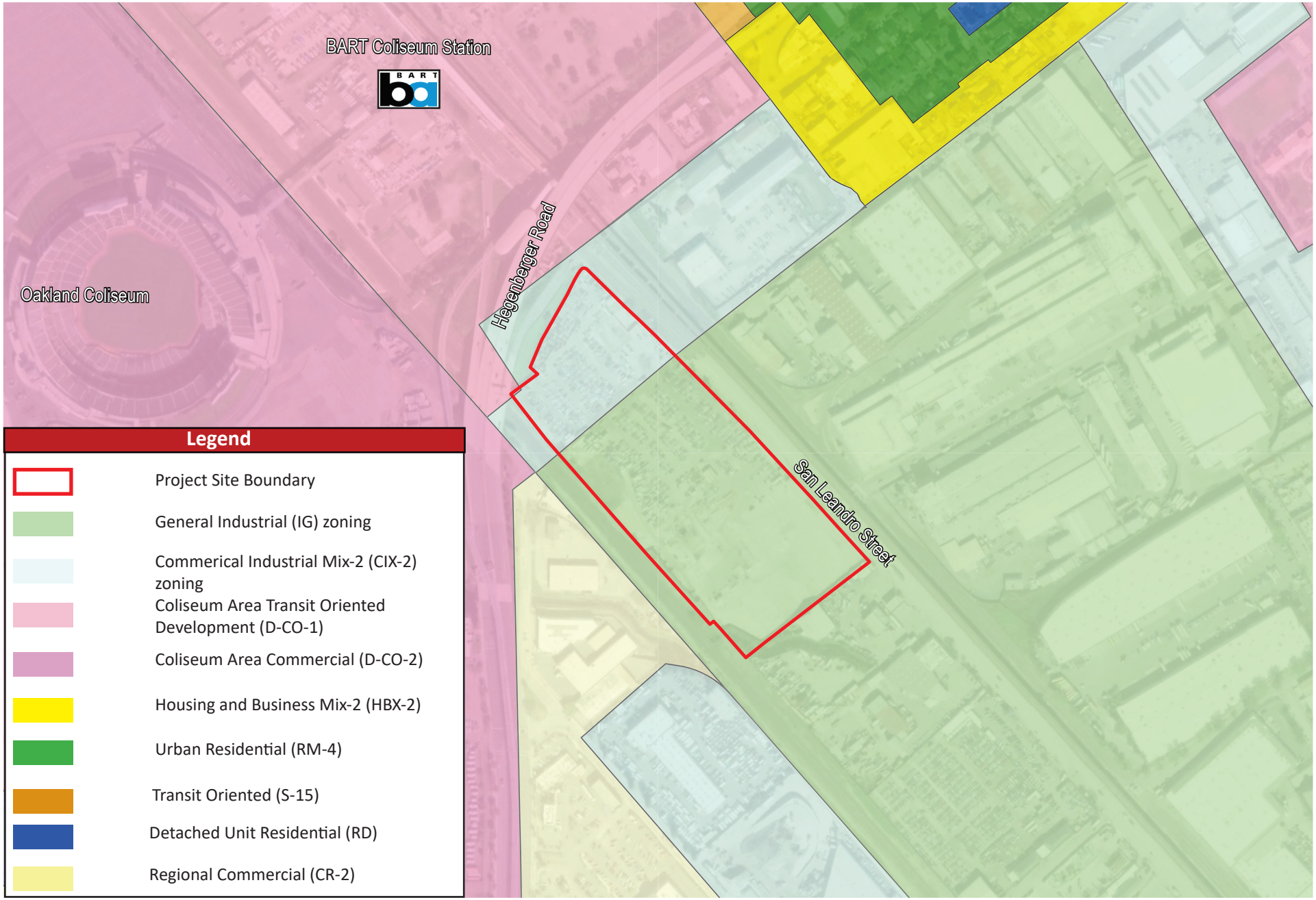


Figure 3-3: Land Use Map

7825 San Leandro Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn



Source: Esri, 2024

Figure 3-4: Zoning Map

7825 San Leandro Street Project
Draft Environmental Impact Report

Kimley»Horn

3.3 PROJECT CHARACTERISTICS

3.3.1 PROJECT PROGRAM

The Project is proposing to construct an approximately 311,000 square foot, 51-foot-tall warehouse building with a FAR of approximately 0.48 (see **Figure 3-5: Overall Site Plan**)**.** The Applicant proposes a speculative warehouse at this time, as the future tenant and nature of the ultimate use are currently unknown. The zoning also allows the building to be used for manufacturing and other light industrial uses. However, for the purposes of conservative environmental analysis in this EIR, the end use of the proposed warehouse is generally assumed to be a distribution center.

The main building entrance and employee amenity space would be located at the northern end of the building. The new facility would include up to 20,000 square feet of ground-level accessory office space with an additional 5,000 square feet of accessory office space provided at the mezzanine level. The eastern side of the warehouse would include 43 loading dock doors. Truck parking would also be located on the east side of the Project site. In addition, the Project would include three vehicle parking lots to the north, east and south of the warehouse building on the Project site. See **Figure 3-6: Building Height Elevation** and **Figure 3-7: Building Height Elevation & Colors**.

The Project would also include street and sidewalk improvements along San Leandro Street located at the intersection with 81st Avenue. Improvements would include an extended left turn lane on San Leandro Street heading northwest bound, a new curb cut, re-striping of the existing crosswalk, and re-locating an existing traffic signal.

3.3.2 OPEN SPACE AND LANDSCAPING

Approximately 130 new trees would be planted throughout the Project site along site boundaries and within the proposed parking areas. After Project implementation, the southwest corner of the Project site containing a portion of Elmhurst Creek would have an approximately 82,000 square foot landscaped area consisting of low and medium water use shade trees along with understory plant palettes that consist of low water use shrubs, ground cover, and ornamental grasses. Vegetation along the creek banks would remain, the Project does not propose any work within the banks of the creek. The nearest Project work to the creek would occur immediately adjacent to the creek for construction of a fire access road.

The Project would include an outdoor amenities area with outdoor furniture, lighting, and seating located outside, north of the warehouse building. See **Figure 3-8: Landscape Plan**.

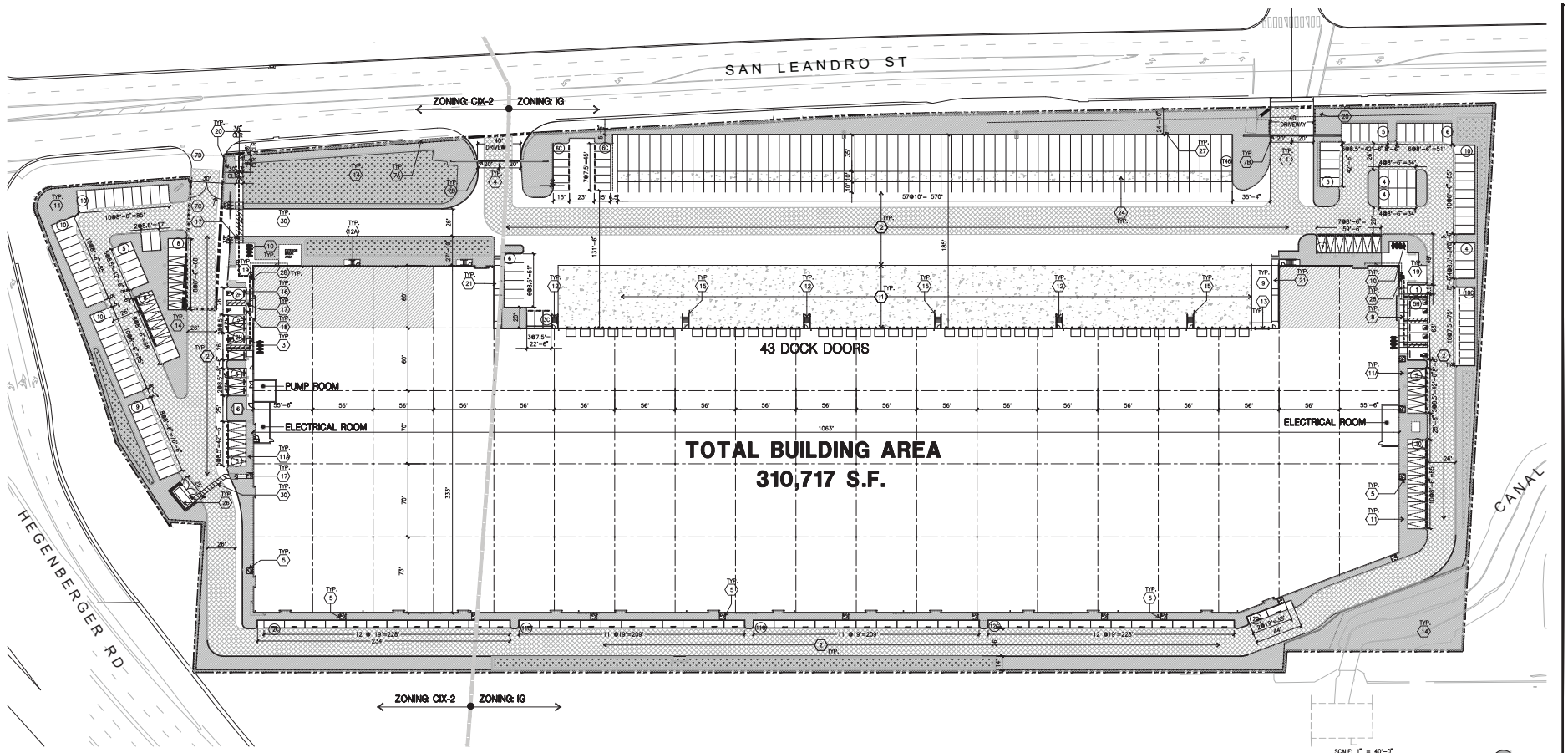
3.3.3 ACCESS, PARKING, AND CIRCULATION

Automobile access would be provided via three driveways on the east side of the Project site from San Leandro Street. The northernmost driveway along San Leandro Street would be 30 feet wide, while the two southern driveways along San Leandro Street would be 40 feet wide. Trucks would access the site utilizing the two southern 40-foot-wide driveways along San Leandro Street. Passenger vehicles would access the site through the northern 30-foot-wide driveway along San Leandro Street intersecting with 77th Avenue. Passenger vehicles would use this driveway to access the north vehicle parking area via the

26-foot-wide internal driveways along the western, southern, and eastern boundaries of the proposed warehouse.

The Project would include two vehicle parking lots along the east and southsides of the Project site providing a total of 220 vehicle parking spaces. The vehicle parking spaces would comprise 96 standard spaces, 48 compact parallel spaces, 25 compact spaces, 21 standard electric vehicle (EV) ready spaces, 23 EV capable spaces equipped for future electric charging stations, five Americans with Disabilities Act accessible car spaces, one EV ready Americans with Disabilities Act accessible car space, two Americans with Disabilities Act accessible van spaces, and one EV ready van space. Out of the 220 parking spaces proposed, 10 percent would be EV spaces (23 spaces) and an additional 10 percent would be EV-capable spaces (23 spaces). The Project would include 32 stalls for bicycle parking, including 16 bicycle stalls for short term and 16 bicycle stalls for long term bicycle parking. The eastern side of the building would include a loading dock area with 43 dock doors and a parking lot accommodating 57 trailer stalls.

The Project would improve existing pedestrian and vehicle access to the site from San Leandro Street. The Project would reconfigure the existing intersection including - restriping the existing crosswalk south of the intersection of San Leandro Street and 81st Avenue, adding a new curb ramp to the west end of the restriped crosswalk, and relocating the existing traffic signal pole that currently exists where the new curb ramp would be constructed to adjacent to the new curb ramp. The left turn lane along San Leandro Street northbound would also be extended. Existing striping would be removed and striping to reflect the extended turn lane would be applied.



SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONCRETE PAVEMENT.
2. ASPHALT CONCRETE (AC) PAVING
3. ACCESSIBLE PATH OF TRAVEL
4. DRIVEWAY APRONS
5. 5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH SLOPE TO BE 1/4" : 12" MAX.
6. APPROXIMATE LOCATION OF TRANSFORMER.
7A. 6' HIGH BLACK METAL TUBULAR STEEL SECURITY FENCE.
7B. 6' HIGH BLACK METAL TUBULAR STEEL SLIDING SECURITY GATES.
7C. 6' HIGH BLACK METAL TUBULAR STEEL DOUBLE SWING SECURITY GATE.
7D. 6' HIGH GATE CONNECTED WITH PERIMETER SECURITY FENCE. OPERABLE LEVER COMPLY WITH SECTION 11B-309.4 AND 11B-404.2.7. CROSS SLOPE OF AREA LANDING NOT EXCEED 2% IN ANY DIRECTION.
8. CONCRETE WALKWAY, MEDIUM BROOM FINISH. SEE "L" DRAWINGS.
9. CONCRETE RAMP WITH CONCRETE GUARD WALL. SEE "C" DRAWINGS.
10. SHORT TERM BIKE RACK.
11. FUTURE ELECTRIC VEHICLE CHARGER.
11A. ELECTRIC VEHICLE CHARGER.
12. EXTERIOR METAL STEEL STAIR.
12A. EXTERIOR CONCRETE STAIR.
13. 12' x 14' DRIVE-IN DOOR
14. LANDSCAPE.
15. CONC. FILLED GUARD POST 6" DIA. U.N.O. 48" H.
16. PRE-CAST CONC. WHEEL STOP.
17. TRUNCATED DOMES.
18. ACCESSIBLE PARKING STALL SIGN.
19. HARDSCAPE AT ENTRANCE.
20. ACCESSIBLE ENTRY SIGN.
21. PUMP ROOM.
22. PEDESTRIAN RAMP
23. ELECTRICAL ROOM.
24. CONCRETE DOLLY PAD. SEE SITE PLAN FOR WIDTH AND "C" DRAWINGS.
25. LONG TERM BIKE RACK.
26. TRASH ENCLOSURE LOCATION
27. EXTERIOR PARKING LIGHT POLE.
28. NO SMOKING SIGNAGE
29. APPROXIMATE LOCATION OF FIRE HYDRANT. SEE "C" AND "FP" DRAWINGS. PROVIDE CONCRETE BOLLARD PROTECTION AS REQUIRED.
30. 4' MIN ACCESSIBLE PEDESTRIAN ROUTE. ROUTES SHALL BE STRIPED WITH THE SAME CONFIGURATION AND COLORS AS THE ACCESSIBLE AISLE.

SITE PLAN GENERAL NOTES

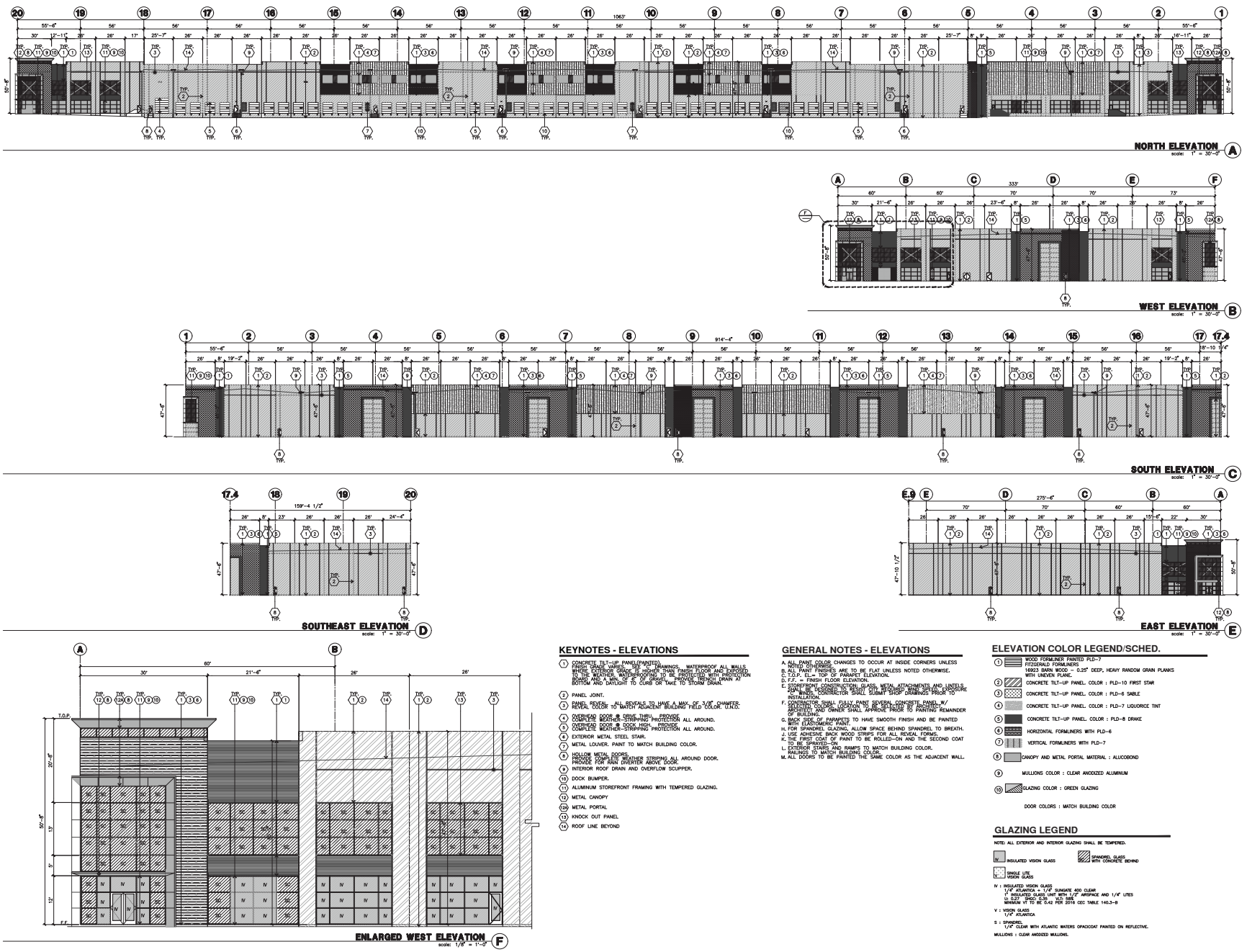
1. THE SITE PLAN BASED ON THE SOILS REPORT PREPARED BY GEOTECHNICAL ENGINEER, DATE, PROJECT NUMBER #
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES
5. PROVIDE STRUCTURAL CALCULATION AND CONSTRUCTION ANCHORAGE DETAIL FOR TRANSFORMER PRIOR TO INSTALLATION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". FINISH TO BE A MEDIUM BROOM FINISH
11. U.N.O. PROVIDE KNOX BOXES AT ALL OFFICE ENTRANCES.
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. ON-SITE FIRE MAIN, FIRE SPRINKLER, AND SPRINKLER MONITORING SYSTEM SHALL BE SUBMITTED SEPARATELY TO THE FIRE DEPARTMENT FOR REVIEW AND PERMITTING.
14. ALL VERTICAL MOUNTING POLES OF FENCING SHALL BE CAPPED.
15. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
16. ALL INTERIOR AND EXTERIOR WALK SURFACES TO BE NON-SLIP TYPE

SITE PLAN GENERAL LEGEND

- CONCRETE PAVING. SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (8'-0" X 18')
- COMPACT PARKING STALL (7'-6" X 15')
- PARALLEL COMPACT PARKING STALL (7' X 19')
- EV CHARGING ONLY WITH CHARGER
- CLEAN AIR/ VANPOOL/EV WITH CONDUIT STUB FOR FUTURE EV WITHOUT CHARGER
- TRAILER PARKING (10' X 53')
- NUMBER OF PARKING STALLS
- ACCESSIBLE PARKING STALL (9' X 18') ACCESSIBLE AISLE
- ACCESSIBLE PARKING (VAN) STALL (12' X 18') + 5' W/ ACCESSIBLE AISLE
- PATH OF TRAVEL. MINIMUM WIDTH TO BE 4'. SLOPE NOT TO EXCEED 5% IN THE DIRECTION OF TRAVEL AND CROSS SLOPE NOT TO EXCEED 2%, SEE CIVIL FOR GRADING PLAN
- POTENTIAL OFFICE
- LANDSCAPED AREA
- FIRE ACCESS LINE

Source: HPA, 2025

Figure 3-5: Overall Site Plan



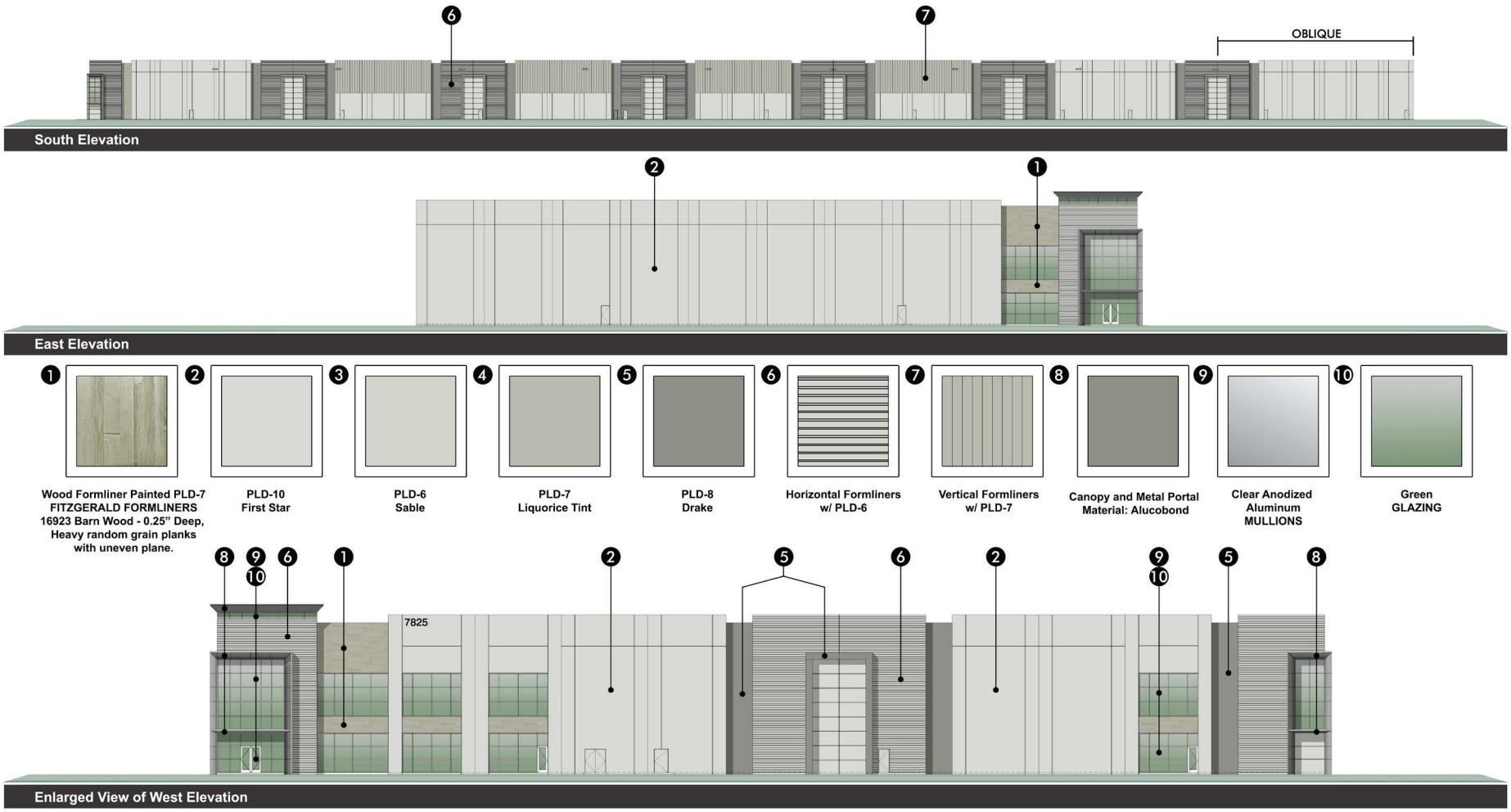
Source: HPA, 2025

Figure 3-6: Building Height Elevation

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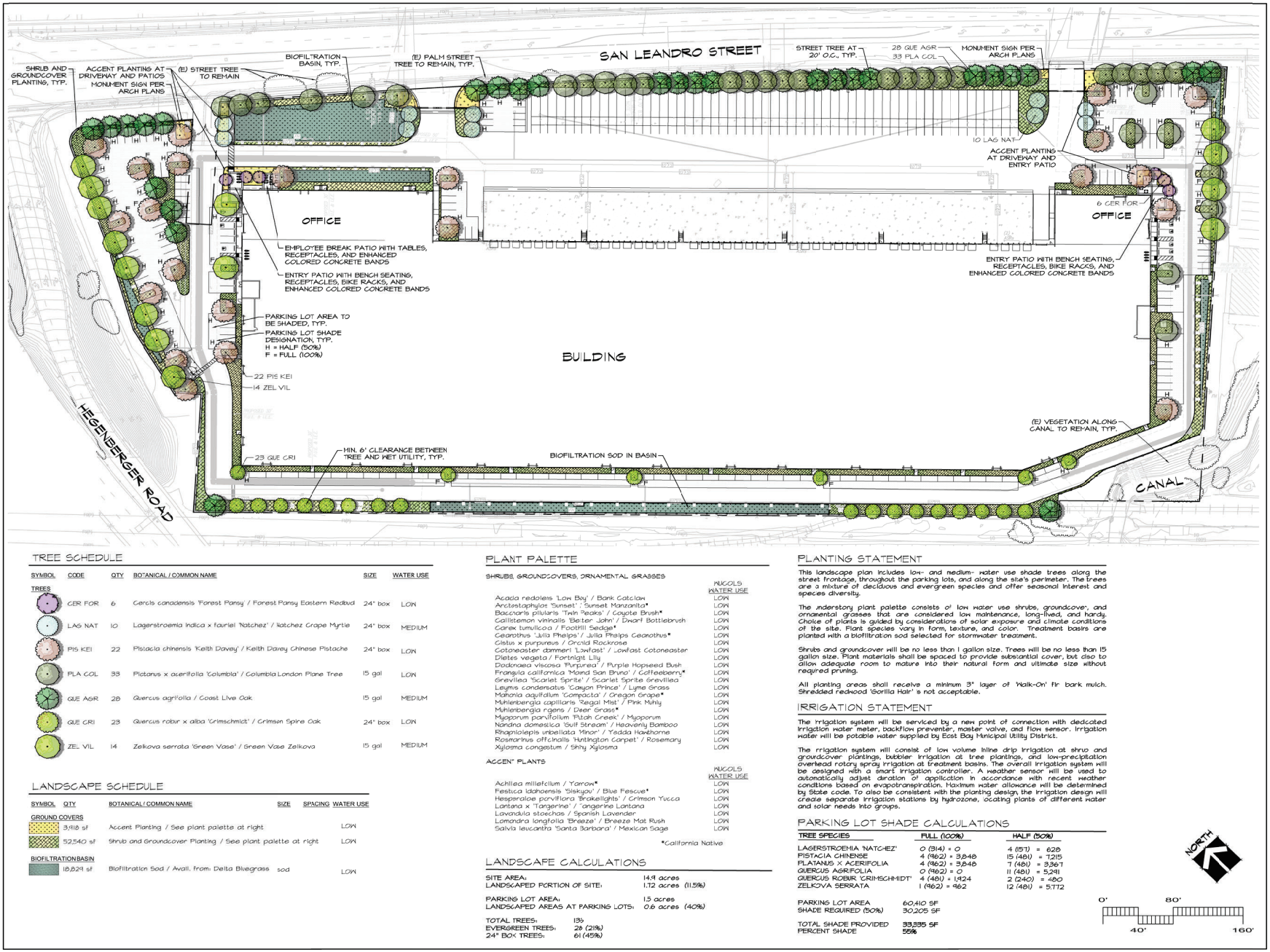
Source: HPA, 2024

Figure 3-7: Building Height Elevation & Colors

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TREE SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	WATER USE
TREES					
	CER FOR	6	Cercis canadensis 'Forest Pansy' / Forest Pansy Eastern Redbud	24" box	LOW
	LAG NAT	10	Lagerstroemia indica x fauriei 'Natchez' / Natchez Crape Myrtle	24" box	MEDIUM
	PIS KEI	22	Pistacia chinensis 'Keith Davey' / Keith Davey Chinese Pistache	24" box	LOW
	PLA COL	33	Platanus x acerifolia 'Columbia' / Columbia London Plane Tree	15 gal	LOW
	QUE AGR	28	Quercus agrifolia / Coast Live Oak	15 gal	MEDIUM
	QUE CRI	23	Quercus robur x alba 'Crimschmidt' / Crimson Spire Oak	24" box	LOW
	ZEL VIL	14	Zelkova serrata 'Green Vase' / Green Vase Zelkova	15 gal	MEDIUM

LANDSCAPE SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	WATER USE
GROUND COVERS					
	3,918 sf	Accent Planting / See plant palette at right			LOW
	52,540 sf	Shrub and Groundcover Planting / See plant palette at right			LOW
BIOFILTRATION BASIN					
	18,829 sf	Biofiltration Sod / Avail. from: Delta Bluegrass	sod		LOW

PLANT PALETTE

SHRUBS, GROUNDCOVERS, ORNAMENTAL GRASSES

	WUCOLS WATER USE
Acacia redolens 'Low Boy' / Bank Catclaw	LOW
Arctostaphylos 'Sunset' / 'Sunset Manzanita'	LOW
Baccharis pilularis 'Twin Peaks' / Coyote Brush*	LOW
Callistemon viminalis 'Better John' / Dwarf Bottlebrush	LOW
Carex tumulicola / Foothill Sedge*	LOW
Ceanothus 'Lilla Phelps' / Lilla Phelps Ceanothus*	LOW
Cistus x purpureus / Orchid Rockrose	LOW
Cotoneaster dammeri 'Lowfast' / Lowfast Cotoneaster	LOW
Dietes vegeta / Fortnight Lily	LOW
Dodonaea viscosa 'Purpurea' / Purple Hopseed Bush	LOW
Frangula californica 'Mound San Bruno' / Coffeeberry*	LOW
Grevillea 'Scarlet Sprite' / Scarlet Sprite Grevillea	LOW
Leymus condensatus 'Canyon Prince' / Lyme Grass	LOW
Mahonia aquifolium 'Compacta' / Oregon Grape*	LOW
Muhlenbergia capillaris 'Regal Mist' / Pink Muhly	LOW
Muhlenbergia rigens / Deer Grass*	LOW
Myoporum parvifolium 'Putah Creek' / Myoporum	LOW
Nandina domestica 'Gulf Stream' / Heavenly Bamboo	LOW
Rhaphiolepis umbellata 'Minor' / Yedda Hawthorne	LOW
Rosmarinus officinalis 'Huntington Carpet' / Rosemary	LOW
Xylosma congestum / Shiny Xylosma	LOW

ACCENT PLANTS

	WUCOLS WATER USE
Achillea millefolium / Yarrow*	LOW
Festuca idahoensis 'Siskiyou' / Blue Fescue*	LOW
Hesperaloe parviflora 'Brakelights' / Crimson Yucca	LOW
Lantana x 'Tangerine' / 'angerine Lantana	LOW
Lavandula stoechas / Spanish Lavender	LOW
Lomandra longifolia 'Breeze' / Breeze Mat Rush	LOW
Salvia leucantha 'Santa Barbara' / Mexican Sage	LOW

*California Native

LANDSCAPE CALCULATIONS

SITE AREA:	14.9 acres	
LANDSCAPED PORTION OF SITE:	1.72 acres	(11.5%)
PARKING LOT AREA:	1.5 acres	
LANDSCAPED AREAS AT PARKING LOTS:	0.6 acres	(40%)
TOTAL TREES:	139	
EVERGREEN TREES:	28 (21%)	
24" BOX TREES:	61 (45%)	

PLANTING STATEMENT

This landscape plan includes low- and medium- water use shade trees along the street frontage, throughout the parking lots, and along the site's perimeter. The trees are a mixture of deciduous and evergreen species and offer seasonal interest and species diversity.

The understory plant palette consists of low water use shrubs, groundcover, and ornamental grasses that are considered low maintenance, long-lived, and hardy. Choice of plants is guided by considerations of solar exposure and climate conditions of the site. Plant species vary in form, texture, and color. Treatment basins are planted with a biofiltration sod selected for stormwater treatment.

Shrubs and groundcover will be no less than 1 gallon size. Trees will be no less than 15 gallon size. Plant materials shall be spaced to provide substantial cover, but also to allow adequate room to mature into their natural form and ultimate size without required pruning.

All planting areas shall receive a minimum 3" layer of 'Walk-On' fir bark mulch. Shredded redwood 'Gorilla Hair' is not acceptable.

IRRIGATION STATEMENT

The irrigation system will be serviced by a new point of connection with dedicated irrigation water meter, backflow preventer, master valve, and flow sensor. Irrigation water will be potable water supplied by East Bay Municipal Utility District.

The irrigation system will consist of low volume inline drip irrigation at shrub and groundcover plantings, bubbler irrigation at tree plantings, and low-precipitation overhead rotory spray irrigation at treatment basins. The overall irrigation system will be designed with a smart irrigation controller. A weather sensor will be used to automatically adjust duration of application in accordance with recent weather conditions based on evapotranspiration. Maximum water allowance will be determined by State code. To also be consistent with the planting design, the irrigation design will create separate irrigation stations by hydrozone, locating plants of different water and solar needs into groups.

PARKING LOT SHADE CALCULATIONS

TREE SPECIES	FULL (100%)	HALF (50%)
LAGERSTROEMIA 'NATCHEZ'	0 (314) = 0	4 (157) = 628
PISTACIA CHINENSE	4 (962) = 3,848	15 (481) = 7,215
PLATANUS X ACERIFOLIA	4 (962) = 3,848	7 (481) = 3,367
QUERCUS AGRIFOLIA	0 (962) = 0	11 (481) = 5,291
QUERCUS ROBUR 'CRIMSCHMIDT'	4 (481) = 1,924	2 (240) = 480
ZELKOVA SERRATA	1 (962) = 962	12 (481) = 5,772

PARKING LOT AREA	60,410 SF	
SHADE REQUIRED (50%)	30,205 SF	
TOTAL SHADE PROVIDED	33,335 SF	
PERCENT SHADE	55%	

NORTH

0' 80' 40' 160'

Source: Yamasaki, 2025

Figure 3-8: Landscape Plan

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3.3.4 UTILITIES AND OTHER IMPROVEMENTS

The Project would construct new water and 30-inch sewer laterals that would connect to existing water and sewer lines in San Leandro Street. The Project would demolish and relocate the existing 60-inch and 48-inch stormwater pipes on the north and south sides of the Project site, respectively.

Stormwater would be collected and treated on-site and conveyed through new 72-inch and 48-inch storm drains on the north or south side of the Project site, which would connect to an existing 60-inch or 48-inch storm drain lines along San Leandro Street.

The Project would either underground electricity lines in compliance with the City's Standard Conditions of Approval or tie into existing overhead electricity lines located along San Leandro Street if undergrounding is prohibited.

The existing Project site contains 642,586 square feet of impervious surface area. After Project development, the Project site would contain approximately 557,208 square feet of impervious surface area and associated stormwater treatment requirements would apply to the entire site. Stormwater management-related site design measures would include directing roof runoff into vegetated areas; directing runoff from sidewalks, walkways, and/or patios onto vegetated areas; and directing runoff from driveways and/or uncovered parking lots onto vegetated areas. The Project would implement source control measures to minimize sources of runoff pollution including measures to minimize run-on to and run-off from the loading area. The Project would include seven bioretention basins that provide a treatment area of approximately 19,699 square feet for stormwater treatment.

3.3.5 HAZARDOUS MATERIALS

The Project site is developed and was in continuous heavy industrial use from 1940 to 2022. The Project site, formerly known as AB&I Foundry, has been the subject of three hazardous materials cases associated with such former uses. One case is open while the other two have been closed. Potential contaminants of concern, as understood at the time of writing, are listed in **Table 4-21: Key Contaminants of Potential Concern**. The Project site was occupied by a tow yard operated by Auto Plus Towing from approximately October 2024 through January 2026. During tow use operation, leaking vehicles and oily fluids were observed on the Project site. (ACEHD, 2025) The Project site is now unoccupied. Development of the Project on the Project site requires consideration of potential on-site contamination.

Environmental conditions at the Project site are subject to the requirements of the ACEHD for the AB&I Foundry facility closure and APT operation & closure and ACEDH LOP, for oversight of site investigation and cleanup under CPS Case No. RO0003535. The Project would comply with any applicable testing or remediation requirements. This includes testing for potential hazardous materials released from historical land use operations at the site including the former AB&I Foundry and towed vehicles that were on-site during the temporary use of the site as a tow yard. Should the testing identify the need for further testing or remediation activities, the ACEHD LOP would require the applicable actions (e.g., testing plan, remedial action plan) and the Project would comply with such requirements.

3.3.6 SUSTAINABILITY

The Project would comply with the City of Oakland's Green Building Ordinance and the Project building is designed to be LEED Silver-certified. The Project would not provide a natural gas connection, consistent with the City of Oakland's ECAP Checklist, Item 9, for projects that do not create any new natural gas connections. In addition, the Project would provide 10 percent EV spaces and 10 percent EV-capable spaces. Furthermore, the Project would plant a greater number of trees than it would remove, in compliance with the requirements of the City's Tree Preservation Ordinance.

3.3.7 PROJECT CONSTRUCTION

The Project site is largely undeveloped under existing conditions. Demolition of approximately 646,343 square feet of the remaining hardscapes and foundations would be completed as part of the Project. In addition to hardscape and foundation removal, Project construction would include soil and/or groundwater remediation work (as required by ACEHD), grading, utility work, building construction, and environmental engineering controls (including vapor intrusion controls and soil capping as appropriate), paving, and architectural coating. Soils work would be completed in compliance with applicable requirements from the California Department of Toxic Substances Control and Community Protection Measures from ACEHD. Refer to **Table 3-1: Daily Construction Worker Trips by Construction Phase** for the anticipated number of construction worker trips per day for each phase of construction. Construction equipment typical to development of warehousing in urban areas is anticipated to be used. No pile driving is anticipated.

Table 3-1: Daily Construction Worker Trips by Construction Phase

Construction Phase	Worker Trips per Day
Site Preparation and Demolition	8
Grading	10
Infrastructure improvements	12
Paving	20
Building Construction	25
Architectural Coatings	10

Approximately 29,687 cubic yards (cy) of soil are anticipated to be cut from the site and used for fill elsewhere on-site.[7] Export of soil from the Project site is anticipated to require approximately 160 truck trips to Kettleman Hills Hazardous Waste Facility located approximately 196 miles from the Project site. Additionally, approximately 18,806 cy of soil is anticipated to be imported as fill to the Project site, while approximately 2,100 cy of soil is anticipated to be exported from the Project site. Soil import and export would be incompliance with ACEHD's *Soil Import/Export Characterization Requirements*. (ACEHD, 2019)

Up to 12 overnight concrete pours are anticipated to be needed for building construction. No other construction activities are anticipated to occur outside of standard construction hours (i.e., outside of 7:00

[7] ACEDH LOP will review the suitability of soil to be reused on site via review of a Site Management Plan.

A.M. to 7:00 P.M. Monday – Friday, 9:00 A.M. to 5:00 P.M. Saturday). Project construction is expected to commence in April 2027 and occur over approximately 22 months.

3.3.8 PROJECT OPERATIONS

Operation of the Project site would require up to 315 employees on-site.[8] Approximately 10 fully electric forklifts are anticipated to be used for cargo handling within the operational building. No generators are proposed, but one diesel-powered fire water pump is proposed for use during Project operations. The fire water pump would be used in case of emergency and once monthly for routine maintenance.

3.4 PROJECT OBJECTIVES

The following objectives have been identified for the Project:

- Receive ACEHD approval to remediate and/or mitigate through environmental engineering controls the environmental contamination caused by decades of heavy industrial use and tow use to clean up the soil, sediment, and/or water.
- Implement the productive reuse of the City's industrial lands which are contaminated by previous heavy industrial uses for new cleaner industrial uses on a site with a Land Use Covenant that precludes residential uses.
- Redevelop an existing, contaminated industrial site on the City's designated truck route and in close proximity to the State highway system that is serviced by adequate existing infrastructure (e.g., roadways and utilities)
- Implement green building design and practices capable of achieving Leadership in Energy and Environmental Design (LEED™) certification.
- Positively contribute to the economy of the region and the City by providing new employment for City residents through new capital investment in redeveloping the site.
- Attract new businesses to the City and promote a jobs-housing balance.
- Support new industrial employment in the City of Oakland's industrial sector.
- Support the Port of Oakland with potential port-serving businesses in close proximity to the Port and Airport on primary designated truck routes.
- Achieve increased economic benefit from the currently vacant site.

3.5 DISCRETIONARY ACTIONS AND OTHER PLANNING CONSIDERATIONS

The Project requires several discretionary permits and approvals. As Lead Agency for the Project, the City is responsible for the majority of approvals required for development, and for preparation of this Draft EIR.

[8] 1 employee per 1,500 SF of warehouse use, and 1 per 200 SF of office use

3.5.1 ACTIONS BY THE CITY OF OAKLAND

The City of Oakland approvals needed for the Project may include the following, without limitation:

- **Bureau of Planning—**Regular Design Review, CEQA Determination, Tentative Parcel Map, Creek Protection Permit, Tree Permit, Conditional Use Permit
- **Building Department—**building permit, demolition permit, grading permit, approval of Post-Construction Stormwater Control Plan demonstrating compliance with Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP)
- **Department of Transportation—**other related off-site work permits (e.g., public right-of-way improvements, and tie backs) as well as encroachment permits
- All other necessary development permits and entitlements from the City

3.5.2 ACTIONS BY OTHER AGENCIES

In addition, the Project may rely on or require review and approval by several public agencies and jurisdictions that have authority over specific aspects of the Project. The approvals needed for the Project may include the following, without limitation:

- **Bay Area Air District –** Issuance of permits for asbestos abatement activities, if any, and for the operational fire water pump.
- **California Regional Water Quality Control Board (RWQCB) –** National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge.
- **East Bay Municipal Utility District (EBMUD) –**Approval of water line, water hookups and review of water needs.
- **Alameda County Environmental Health Department (ACEHD) LOP** – Approval of a Corrective Action Plan after completion of a 30-day public comment period.
- **Alameda County Environmental Health Department (ACEHD) CUPA** – Approval of a Final Facility Closure Report
- **Alameda County Flood Control District** – Review and approval of the stormwater pipe relocation.
- **Bay Conservation and Development Commission –** Require an administrative permit.

4 ENVIRONMENTAL SETTING, IMPACTS, AND STANDARD CONDITIONS OF APPROVAL

4.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS

This chapter presents the environmental analysis of the Project, prepared in accordance with CEQA, as described in Chapter 1, Introduction, of this Draft EIR. This chapter consists of Sections 4.1 through 4.9, which present the technical analysis of each environmental topic or factor (e.g., Section 4.4, Greenhouse Gas Emissions) addressed in this document. This Section 4.0, Introduction to the Environmental Analysis, describes key environmental analysis terms used in this document and analysis, including the impact classifications, the organization of each technical section of this chapter, and the cumulative analysis approach and setting.

4.0.1 SCOPE OF ANALYSIS

EFFECTS NOT FOUND TO BE SIGNIFICANT

As described in Chapter 1, Introduction, the City determined that an EIR is required for the Project for compliance with CEQA. As part of the preparation of the EIR, the City identified resource topics for which the physical environmental impacts of the Project would result in no impact or less-than-significant impacts, and that required City Standard Conditions of Approval (SCAs) would reduce significant impacts to a less-than-significant level. CEQA does not require further assessment of a project's less-than-significant impacts; therefore, those resource topics are included in a separate Section 4.10, Effects Not Found to Be Significant. The issues addressed in Section 4.10 are listed below:

- Section 4.10.1, Aesthetics
- Section 4.10.2, Agriculture and Forestry Resources
- Section 4.10.3, Geology and Soils
- Section 4.10.4, Land Use and Planning
- Section 4.10.5, Mineral Resources
- Section 4.10.6, Population and Housing
- Section 4.10.7, Public Services
- Section 4.10.8, Recreation
- Section 4.10.9, Utilities and Service Systems (including Energy)
- Section 4.10.10, Wildfire

Refer to Section 4.10 for a discussion and the impact analysis of the Project with respect to these resource topics.

EFFECTS WITH THE POTENTIAL TO BE SIGNIFICANT

As part of the preparation of the EIR, the City identified resource topics for which the physical environmental impacts of the Project have the potential to result in significant impacts. The issues addressed in Sections 4.1 through 4.9 are listed below:

- Section 4.1, Air Quality
- Section 4.2, Biological Resources
- Section 4.3, Cultural and Historic Resources
- Section 4.4, Greenhouse Gas Emissions
- Section 4.5, Hazards and Hazardous Materials

- Section 4.6, Hydrology and Water Quality
- Section 4.7, Noise and Vibration
- Section 4.8, Transportation and Circulation
- Section 4.9 Tribal Cultural Resource

4.0.2 ENVIRONMENTAL SETTING AND BASELINE

An environmental setting establishes the baseline physical conditions or point of reference from which the environmental impacts of the Project and the alternatives to the Project are measured to determine if an impact is significant. Each section within this chapter describes an *environmental setting* and a *regulatory setting*. The environmental setting addresses the conditions that exist prior to implementation of the Project and defines relevant scientific terms associated with the environmental topic addressed in the section. The regulatory setting presents relevant information about federal, state, regional, and/or local laws, regulations, and plans or policies that pertain to the environmental topic addressed in the section.

The environmental baseline identifies the existing physical conditions on, around, and affecting the Project site. The baseline is established to provide a point of comparison between pre-Project conditions (the baseline) and post-Project conditions to determine whether the change to the existing environment caused by the Project is significant under CEQA. While stable in terms of its point in time, the baseline condition is tailored to each environmental topic area and is established by the significance criteria (discussed below). The baseline for the Project is the physical environmental conditions on and in the vicinity of the Project, as they existed in August 2024, when the City published the NOP for the Project (CEQA Guidelines Sections 15125(a), 15126.2(a)).

4.0.3 OAKLAND THRESHOLDS OF SIGNIFICANCE

To help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland, the City has established local *CEQA Thresholds of Significance Guidelines* (commonly referred to as "thresholds"), which have been in general use by the City since at least 2002. In Fall 2023, the City of Oakland amended its CEQA Thresholds to align with the mitigation measures in the City of Oakland General Plan Update Phase I Final Environmental Impact Report. The thresholds are intended to help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland. The thresholds are offered as guidance in preparing all environmental review documents and are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, including sections 15064, 15064.4, 15064.5, 15065, 15382 and Appendix G. (The classifications of environmental impact or significance in this Draft EIR are described in 4.0.5 below.) The thresholds are used to evaluate the potential primary and secondary environmental effects of the Project, including potential effects of mitigation measures.

4.0.4 ENVIRONMENTAL IMPACTS

CEQA requires the analysis of the Project on the environment. The levels of impact classifications that the Project may have on the environment in this Draft EIR are described in Section 4.0.5, Impact

Classifications, below (following the description below of key factors related to the level of impact classifications).

As required by section 15126.2(a) of the CEQA Guidelines, the impact analysis addresses direct, indirect, short-term, long-term, onsite and, if applicable, off-site impacts. Under CEQA, economic or social changes by themselves are not considered to be significant impacts but may be considered in linking a project to a physical environmental change, or in determining whether an impact is significant.

This EIR addresses potential adverse effects of the Project on the environment pursuant to CEQA. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this document analyzes potential effects of the environment on the Project (e.g., hazards and hazardous materials) to provide information to the public and decision-makers.

Impact statements have an alpha designation that corresponds to the environmental topic, such as Impact "NOI" for noise. A number follows the alpha designation to designate the sequence of the impact. For example, "Impact NOI-1" is the first noise impact identified. All impact statements are in bold text; the impact statements also indicate the number of the significance threshold/criterion number that the impact statement pertains to and then states the level of impact classification prior to the incorporation of any mitigation measures.

OAKLAND STANDARD CONDITIONS OF APPROVAL

The Standard Conditions of Approval (SCA) were initially and formally adopted by the City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3), and incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, 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 reduce the impact to less-than-significant levels in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

In a CEQA document, such as this EIR, the SCAs applicable to a project are considered requirements of the project and not mitigation. As specified in the City's SCA document, in this Draft EIR the SCAs are included in the regulatory setting discussion (discussed above) of the applicable environmental topic; SCAs are not repeated in the impacts discussion in their entirety, but each SCA has a sequential alpha-numeric reference unique to this Draft EIR.

Many SCAs require the preparation of project-specific technical studies, such as a Construction Noise Management Plan or Transportation Demand Management (TDM) Plan. The technical studies are sometimes required to be prepared during the CEQA review (and the results of the studies incorporated into the CEQA document) rather than after project approval. Technical studies prepared for the Project

are incorporated into the environmental analysis and included in the appendices to this Draft EIR. Technical studies required by SCAs and conducted prior to project approval may include project-specific recommendations for mitigating an environmental effect. These recommendations are considered *SCA Implementation Measures* for the SCA rather than separate mitigation measures. Oakland SCAs have been most recently revised as of August 1, 2025.

4.0.5 IMPACT CLASSIFICATIONS

The following classifications of level of significance or impacts are used throughout this EIR:

Less than Significant. The impact of the Project does not reach or exceed the defined threshold of significance. No mitigation measures or SCAs are required.

Less than Significant with SCAs. The impact of the Project, factoring in the implementation of SCAs (which are considered part of the Project), does not exceed the defined threshold of significance. No mitigation measure is required.

Less than Significant with Mitigation. The impact of the Project, after the implementation of identified mitigation measures, does not exceed the defined threshold of significance. No impacts with this classification are identified in this Draft EIR.

Potentially Significant. The impact of the Project, after the implementation of SCAs, may reach or exceed the defined threshold of significance. However, it is not certain that, even in the theoretical worst-case conditions, a significant impact would occur. Feasible mitigation measures may or may not be identified to reduce the potentially significant impact to a less than-significant level. No impacts with this classification are identified in this Draft EIR.

Significant and Unavoidable. The impact of the Project, after the implementation of SCAs, reaches or exceeds the defined threshold of significance. Significant impacts cannot be reduced to a less than-significant level, even with implementation of all feasible mitigation measures. No impacts with this classification are identified in this Draft EIR.

No Impact. The Project would not cause a noticeable effect on the environment, as measured by the defined threshold of significance. No mitigation would be required.

4.0.6 ORGANIZATION OF EACH TECHNICAL ANALYSIS SECTION

Generally, each section in this chapter is organized in the following sequence:

Environmental Setting. The initial discussion in each section is this overview of the conditions that exist prior to implementation of the Project and defines relevant scientific terms associated with the environmental topic addressed in the section.

Regulatory Setting. Each section discusses the regulatory setting and presents relevant information about federal, state, regional, and/or local laws, regulations, plans or policies and SCAs associated with the environmental topic.

Significance Criteria. This part of each section lists the Oakland significance criteria associated with the environmental topic addressed in the section as specified in the *Oakland Thresholds of Significance* document. This section also discusses the *Approach to Analysis*, which presents the analytical methods and key assumptions used in the evaluation of effects of the Project. Where applicable, this section also summarizes *Topics Considered and No Impact Determined* because a particular issue (significance criterion) would not be affected by the Project or does not pertain to the Project or its setting.

Impacts of the Project. This part of each section presents and discusses in detail the environmental impact analysis for all aspects of the Project. Where applicable, impacts associated with mitigation measures are also identified and discussed. For each significance criterion (or groups of related criteria within an environmental topic), the impact statement precedes the discussion of each impact analysis and summarizes the potential for the Project to have an impact. SCAs are identified. The impact determination is stated at the close of the impact analysis discussion.

Cumulative Analysis. The cumulative analysis for each environmental topic generally is included at the end of each section. Each analysis starts with the geographic context of each cumulative analysis and summarizes the cumulative context (described in detail in Section 4.0.7 below). Each significance criterion on the environmental topic addressed in each section is typically addressed under a single bold impact statement if the cumulative impact is less than significant. However, more than one cumulative impact statement may be warranted if certain criteria result in a significant impact.

References. Each section includes a list of all persons and documents consulted or relied on for that analysis.

4.0.7 CUMULATIVE ANALYSIS

DEFINITIONS

In accordance with CEQA and the Oakland Thresholds, this Draft EIR includes a cumulative analysis to evaluate whether the Project's incremental effect is cumulatively considerable when combined with other projects causing related impacts.

CEQA defines cumulative as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." The cumulative impact from several projects is the change in the environment, which results from the incremental impact of a project when added to other *closely related past, present, and reasonably foreseeable probable future projects* (referred to collectively in this Draft EIR as "cumulative development").

Pursuant to CEQA Guidelines section 15130, this Draft EIR analyzes the potential cumulative effects of the Project combined with cumulative development. If a cumulative effect is identified, the analysis then evaluates whether the Project's contribution to the cumulative effect is *cumulatively considerable*, which is a significant impact. Specifically, a cumulatively considerable contribution means that the incremental effects of an individual project are significant when viewed in connection with the effects of cumulative development.

Geographic Scope

The geographic scope used to assess cumulative impacts may vary depending on the specific environmental topic being analyzed. For example, considerations for cumulative public services effects are different from those used to assess cumulative air quality. Only development within the public service areas and providers of the Project site could contribute to a cumulative public services effect; on the other hand, all development within the air basin contributes to regional emissions of criteria pollutants. Accordingly, the geographic scope of each cumulative analysis discussion can vary and is described at the start of the cumulative impact analysis.

Cumulative Development and Assumptions

CEQA Guidelines section 15130(b)(1) identifies two approaches to cumulative impacts analyses to account for the cumulative development. Consistent with CEQA, the City's adopted thresholds describes a combination of both the *forecast method* (i.e., a projection or model) and/or *list method* (i.e., a list containing past, present, and reasonably foreseeable future projects).

The analyses in this Draft EIR employ a list-based approach and projections-based approach, depending on the environmental topic analyzed. For instance, the cumulative analysis of impacts to historical architectural resources considers individual projects that are anticipated in the Project site vicinity that may affect historical architectural resources also affected by the Project. By comparison, the cumulative population and housing analysis relies on a projection of overall citywide growth and other reasonably foreseeable projects, which is the typical methodology the City applies to analysis of population and housing impacts.

Cumulative development in this Draft EIR is generally established using the City of Oakland's Major Projects list dated June 2025, together with past, present, existing, approved, pending and reasonably foreseeable future projects (summarized consistently in the cumulative analyses in this EIR as "past, present, and reasonably foreseeable") beyond the Project site.[9] Refer to **Figure 4-1: City of Oakland Major Projects Map** for a map of major projects within the Project area.

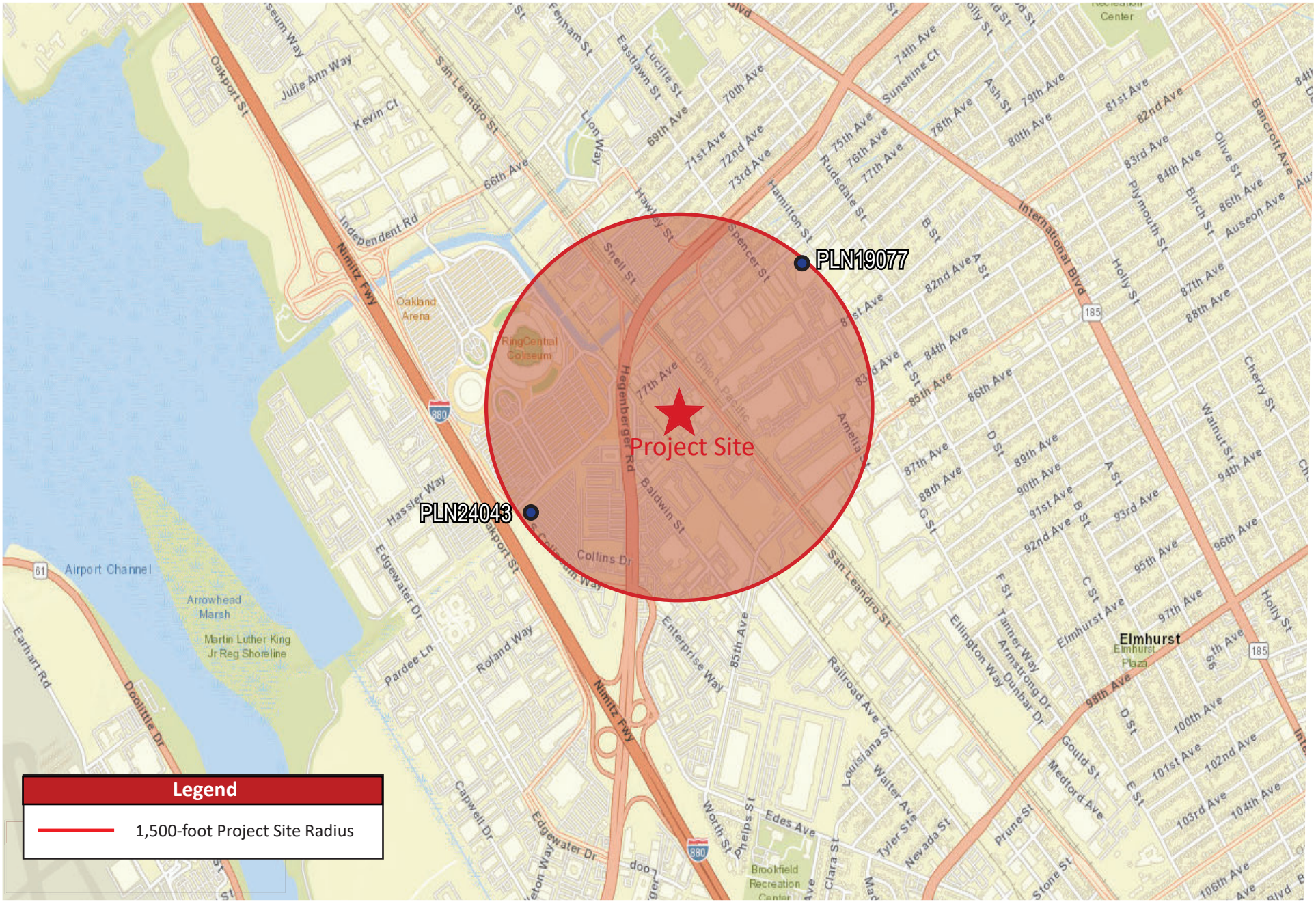
As discussed above, cumulative projects considered in the cumulative context can vary by environmental topic; therefore, some of the Major Projects listed, or other cumulative development, may not be directly relevant to the cumulative context, depending on the environmental topic. In some cases, the cumulative context may include more development than listed in the Major Projects list. A primary example is the transportation analyses (and transportation-related traffic and air quality), which use the Alameda County Congestion Management Program travel demand model (the Countywide Travel Demand Model), which reflects traffic from projects citywide and the broader regional context. Alternatively, Geology and Soils, cumulative impact analysis would primarily consider projects that are more localized or even site-specific, which may not, for example, include all projects on the list that are in distant Oakland areas. The cumulative discussions in each topical section throughout Chapter 4 describe the cumulative context considered for each topic.

[9] City of Oakland Planning Bureau. Major Development Projects. https://oakgis.maps.arcgis.com/apps/mapviewer/index.html?webmap=4ec2a2b79c7f4f689e04550d7d6fa5a9. Accessed September 25, 2025.

Cumulative Projects in the Vicinity of the Project Site

Cumulative projects are those located closest to the Project site. According to the July 2025 map of current projects, there are six cumulative projects within approximately 1,500 feet of the Project site. Refer to **Table 4-1: Major Projects within 1,500 feet of the Project** for a detailed list of those projects.

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Source: City of Oakland Planning Bureau, 2025

Figure 4-1: City of Oakland Major Projects Map

7825 San Leandro Street Project

Draft Environmental Impact Report

Not to scale

Kimley»Horn

Table 4-1: Major Projects within 1,500 feet of the Project

Plan Check No.	Plan Type	Project Name	Open Date	Permit Status	Address	Proposed Use	Zoning	Land Use Designation	Description
PLN19077	Planning/ Applications/ Zoning/ Development Permit	New Non-Residential Warehouse	4/14/2019	Approved	1100 77th Ave., Oakland, CA	Non-Residential	CIX-2; S-19	Business Mix	New 534,547 square foot warehousing facility including office space.
PLN24043	Planning/ Applications/ Zoning/ Development Permit	Roots/Soul Stadium	3/14/2024	Approved	8000 S. Coliseum Way, Oakland, CA	Non-Residential	D-CO-2; S-14; S-13	Regional Commercial	Proposed new interim stadium with a seating capacity of up to 10,000 individuals for the Oakland Roots and Soul soccer clubs.

4.1 AIR QUALITY

4.1.1 INTRODUCTION

This section assesses the potential for the Project to result in significant adverse impacts on air quality. The section first includes a description of the existing environmental setting as it relates to air quality in the Project vicinity and the region and provides a regulatory framework that discusses applicable state and local regulations. The section then includes an evaluation of potential impacts of the Project on air quality, health risk, and odors.

The information and analysis in this section is based on a review of the Project; applicable local policies and regulations; guidance on performing air quality and health risk analyses from the Bay Area Air District and the Office of Environmental Health Hazard Assessment (OEHHA) using emission factors, emissions estimation and dispersion models from the United States Environmental Protection Agency (U.S. EPA), California Air Resources Board (CARB) and the Bay Area Air District. As part of the health risk assessment to evaluate toxic air contaminates associated with diesel particulate matter, an additional multipollutant health risk assessment was conducted for the Project to evaluate the potential for additional toxic air contaminates that could be released from the soil during construction activities as result of the previous use of the Project site as a foundry. The reports prepared for the Project included as Appendix B and Appendix E.

CEQA requires the analysis of potential adverse effects of a project on the surrounding environment. A CEQA evaluation is generally not required to consider potential effects of the environment on a project's future users or local residents, except when the project may exacerbate existing hazards or existing conditions.[10] Though not required by CEQA, the Bay Area Air District California Environmental Quality Act Air Quality Guidelines (CEQA Guidelines) recommend evaluating the potential effects of existing air quality and climate impacts during the environmental review process that are consistent with CEQA requirements (Bay Area Air District, 2022) which may be used to provide information to decision-makers and the public. However, as the Project would not introduce any sensitive receptors to the site, this evaluation was not necessary.

4.1.2 ENVIRONMENTAL SETTING

CLIMATE AND METEOROLOGY

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project is located within the San Francisco Bay Area Air Basin (SFBAAB, Air Basin, or Basin). This Basin comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the southwestern portion of Solano County. Air quality in this area is determined by natural factors such as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and

[10] California Building Industry Association v. Bay Area Air Quality Management District (December 17, 2015) 62 Cal.4th 369

ambient conditions. These factors along with applicable regulations are discussed below. The Bay Area Air District is responsible for local control and monitoring of criteria air pollutants throughout the Basin.

Climate, or the average weather condition, affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

The inversions typical of winter, called radiation inversions, are formed as heat quickly radiates from the earth's surface after sunset, causing the air in contact with it to rapidly cool. Radiation inversions are strongest on clear, low-wind, cold winter nights, allowing the build-up of such pollutants as carbon monoxide (CO), and particulate matter. When wind speeds are low, there is little mechanical turbulence to mix the air, resulting in a layer of warm air over a layer of cooler air next to the ground. During radiation inversions downwind transport is slow, the mixing depths are shallow, and turbulence is minimal, all factors which contribute to ozone (O_3) formation.

The frequency of hot, sunny days during the summer months in the Basin is another important factor that affects air pollution potential. It is at the higher temperatures that O_3 is formed. In the presence of ultraviolet sunlight and warm temperatures, reactive organic gases (ROG) and oxides of nitrogen react to form secondary photochemical pollutants, including O_3.

The climate is dominated by the location and strength of a semi-permanent, subtropical high-pressure cell. In the summer, the Pacific cell is centered over the northeastern Pacific Ocean, resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below the surface because of the northwesterly flow produces a band of cold water off the coast which results in condensation and the presence of fog and stratus clouds along the coast. In the winter, the high-pressure cell weakens and shifts southward, resulting in increased wind flow offshore, the absence of upwelling, and the occurrence of storms.

The Basin is characterized by moderately wet winters (November through March) and dry summers. The rainfall in the mountains reaches 40 inches while the valley sees less than 16 inches. Generally, coastal temperatures can be 35 degrees Fahrenheit cooler than temperatures 15 to 20 miles inland. At night, this contrast usually decreases to less than 10 degrees Fahrenheit. In the winter, the relationship of minimum and maximum temperatures is reversed.

The Project site is located in the City of Oakland in Alameda County, on the northern perimeter of the San Francisco Bay. The City of Oakland has a generally mild climate, with average temperatures in the low 70's Fahrenheit in the summer and high 50's Fahrenheit in the winter. The annual rainfall is approximately 24 inches in the City, primarily between November and mid-April. The regulatory section below discusses the regulations in the place to reduce adverse health and nuisance impacts from air emissions on nearby receptors.

Air Pollutants of Concern

Air pollutants of concern within the SFBAAB include criteria air pollutants and toxic air contaminants (TACs).

Criteria Air Pollutants

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by State and federal laws. These regulated air pollutants are known as "criteria air pollutants" and are categorized into primary and secondary pollutants.

Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_X), sulfur dioxide (SO_2), coarse particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead are primary air pollutants. Of these, CO, NO_X, SO_2, PM_{10}, and $PM_{2.5}$ are primary criteria pollutants. ROG and NO_X are criteria pollutant precursors and form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O_3) is formed by a chemical reaction between ROG and NO_X in the presence of sunlight. O_3 and nitrogen dioxide (NO_2) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in **Table 4-2: Air Contaminants and Associated Public Health Concerns**.

O_3, or smog, is not emitted directly into the environment, but is formed in the atmosphere by complex chemical reactions between ROG and NO_X in the presence of sunlight. O_3 formation is greatest on warm, windless, sunny days. The main sources of NO_X and ROG, often referred to as O_3 precursors, are combustion processes (including motor vehicle engines) the evaporation of solvents, paints, and fuels, and biogenic sources. Automobiles are the single largest source of O_3 precursors in the Basin. Tailpipe emissions of ROG are highest during cold starts, hard acceleration, stop-and-go conditions, and slow speeds. They decline as speeds increase up to about 50 miles per hour (mph), then increase again at high speeds and high engine loads. ROG emissions associated with evaporation of unburned fuel depend on vehicle and ambient temperature cycles. NO_x emissions exhibit a different curve; emissions decrease as the vehicle approaches 30 mph and then begin to increase with increasing speeds.

O_3 levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema. Chronic exposure to high O_3 levels can permanently damage lung tissue. O_3 can also damage plants and trees, and materials such as rubber and fabrics.

Table 4-2: Air Contaminants and Associated Public Health Concerns

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM_{10} and $PM_{2.5}$)	Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.

Pollutant	Major Man-Made Sources	Human Health Effects
Ozone (O_3)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC)[1] and nitrogen oxides (NO_X) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.
Sulfur Dioxide (SO_2)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO_2)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to O_3. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders.

Pollutant	Major Man-Made Sources	Human Health Effects
	the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.	Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lowered IQ.

1. Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

Source: U.S. EPA, *Criteria Air Pollutants*, https://www.epa.gov/criteria-air-pollutants accessed March 2025.

TOXIC AIR CONTAMINANTS (TACS)

TACs are airborne substances capable of causing short-term (acute) and long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

Hazardous Air Pollutants (HAP) is a term used by the Federal Clean Air Act (FCAA) that includes a variety of pollutants generated or emitted by industrial production activities. Identified as TACs under the California Clean Air Act (CCAA), ten have been singled out through ambient air quality data as being the most substantial health risk in California. Direct exposure to these pollutants has been shown to cause cancer, birth defects, damage to the brain and nervous system, and respiratory disorders. The California Air Resources Board (CARB) provides emission inventories for only the larger air basins, including the SFBAAB.

Industrial facilities and mobile sources are significant sources of TACs. The electronics industry, including semiconductor manufacturing, has the potential to contaminate both air and water due to the highly toxic chlorinated solvents commonly used in semiconductor production processes. In addition to industrial sources, various common urban facilities also produce TAC emissions, such as gasoline stations (benzene), hospitals (ethylene oxide), and dry cleaners (perchloroethylene). Automobile exhaust also contains TACs such as benzene and 1,3-butadiene. Diesel particulate matter (DPM) was identified as a TAC by CARB in 1998. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Bay Area Air District research indicates that mobile-source emissions of DPM, benzene, and 1,3-butadiene represent a substantial portion of the ambient background risk from TACs in the SFBAAB. Additionally, given the Project site's long industrial history as a foundry, multiple classes of contaminants of potential concern (COPCs) have been identified in soil, groundwater, and soil vapor, including metals (arsenic, lead, nickel), VOCs such as benzene and trichloroethene (TCE), semi-volatile

organic compounds (SVOCs), petroleum hydrocarbons (TPH), and polychlorinated biphenyls (PCBs). Many of these substances are designated TACs under the CCAA and/or HAPs under the FCAA.

Toxic contaminants occur from a variety of sources. Contamination often results from fugitive emissions during fuel storage and transfer activities, and from leaking valves and pipes. Additionally, the electronics industry, including semiconductor manufacturing, uses highly toxic chlorinated solvents in semiconductor production processes. Sources of air toxics go beyond industry, however. Automobile exhaust also contains toxic air pollutants such as benzene and 1,3-butadiene. Exhaust from trucks, buses, trains, ships, and other equipment with diesel engines contains a mixture of solid particles known as DPM. DPM contains hundreds of different chemicals.

Diesel Particulate Matter

In California, on-road diesel-fueled engines contribute approximately 40 percent of the statewide total DPM, with an additional 57 percent attributed to other mobile sources such as construction and mining equipment, agricultural equipment, and transport refrigeration units.[11] Stationary sources contribute about 5 percent of total DPM.[12] It should be noted that CARB has developed several plans and programs to reduce diesel emissions such as the Diesel Risk Reduction Plan (DRRP), the Statewide Portable Equipment Registration Program (PERP), and the Diesel Off-Road Reporting System (DOORS). The PERP program allows owners or operators of portable engines and certain other types of equipment to register their units to operate their equipment throughout California without having to obtain individual permits from local air districts.

As noted above, diesel exhaust and many individual substances contained in it (including arsenic, benzene, formaldehyde, and nickel) have the potential to contribute to mutations in cells that can lead to cancer. Long-term exposure to diesel exhaust particles poses the highest cancer risk of any TAC evaluated by OEHHA. CARB estimates that about 70 percent of the cancer risk that the average Californian faces from breathing toxic air pollutants stems from diesel exhaust particles.[13]

In its comprehensive assessment of diesel exhaust, OEHHA analyzed more than 30 studies of people who worked around diesel equipment, including truck drivers, railroad workers, and equipment operators. The studies showed these workers were more likely to develop lung cancer than workers not exposed to diesel emissions. These studies provide strong evidence that long-term occupational exposure to diesel exhaust increases the risk of lung cancer. Using information from OEHHA's assessment, CARB estimates that diesel particle levels measured in California's air in 2000 could cause 540 "excess" cancers in a population of 1 million people over a 70-year lifetime.[14] Other researchers and scientific organizations, including the

[11]California Air Resources Board, California Toxics Inventory, 2013. https://ww2.arb.ca.gov/california-toxics-inventory, accessed March 2025.

[12]Ibid.

[13] California Air Resources Board, *Summary: Diesel Particulate Matter Health Impacts*, https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts, accessed March 2025.

[14] California Air Resources Board, *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*, Table 6 and Table 7, October 2000.

National Institute for Occupational Safety and Health, have calculated cancer risks from diesel exhaust similar to those developed by OEHHA and CARB.

Exposure to diesel exhaust can have immediate health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. In studies with human volunteers, diesel exhaust particles made people with allergies more susceptible to the materials to which they are allergic, such as dust and pollen. Exposure to diesel exhaust also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks.

The elderly and people with emphysema, asthma, and chronic heart and lung disease are especially sensitive to fine-particle pollution. Numerous studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Because children's lungs and respiratory systems are still developing, they are also more susceptible than healthy adults to fine particles. Exposure to fine particles is associated with increased frequency of childhood illnesses and can also reduce lung function in children. In California, diesel exhaust particles have been identified as a carcinogen. In addition, several of the COPCs identified at the Project site are recognized carcinogens. For example, arsenic, hexavalent chromium, and nickel compounds are classified by the U.S. EPA and OEHHA as known human carcinogens; benzene and TCE are listed as carcinogenic air toxics with well-established links to leukemia and other cancers; and PCBs are designated as probable human carcinogens.

EXISTING SITE BACKGROUND

Contaminant of Potential Concern

Generally speaking, contaminated soils can pose a serious environmental and public health concern, particularly at sites undergoing cleanup or redevelopment. When soil contains hazardous substances such as metals or VOCs, potential exposure pathways include direct contact, ingestion, inhalation of dust or vapors, or leaching into groundwater. A pathway is considered complete if a contaminant source, transport mechanism, exposure point, and receptor are all present, resulting in a reasonable potential for exposure. Conversely, pathways lacking one or more of these elements are incomplete and would not result in exposure. These distinctions are especially relevant during construction, when activities such as grading, excavation, and earthwork can disturb subsurface materials and mobilize contaminants into the air.

Based on historical Project site operations, as well as analytical data associated with investigation activities, the following COPCs, listed in **Table 4-3: COPCs and Health Risk Data,** have been identified for the Project site (refer to Appendix E for more information). The pollutants listed in **Table 4-3: COPCs and Health Risk Data** were present at detectable levels and have a Cancer Potency Factor assigned to them as shown in *Appendix A of OEHHA's 2009 Technical Support Document for Cancer Potency Factors*. These pollutants additionally have a Reference Exposure Level (REL) assigned to them by *Appendix A, B, and C of OEHHA's 2015 Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments.* The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated with acute, 8-hour, or chronic exposure to the pollutant. The Cancer Potency Factor, RELs, and

sources commonly associated with the pollutants are also summarized in **Table 4-3: COPCs and Health Risk Data**.

Table 4-3: COPCs and Health Risk Data

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
Metals:					
Arsenic	12	0.20	0.015	0.015	Arsenic is a naturally occurring metal that is used in various industrial processes. Common sources of arsenic release include metals production, coal-fired powerplants, arsenic-treated lumber, and arsenic-containing pesticides.
Beryllium	8.4	1	1	0.007	Beryllium is a metal that can be released from both natural and anthropogenic sources. The major anthropogenic source associated with beryllium release is the disposal of waste which includes electronics and fuel containers.
Cadmium	15	1	1	0.02	Cadmium is a naturally occurring metal that is commonly released from smelters, the burning of fossil fuels, and the incineration of municipal waste such as plastics, electronics, and nickel-cadmium batteries. Other common sources include fungicides and the production of pigments.
Chromium	510	1	1	0.2	Chromium is a naturally occurring metal that is used extensively in the production of stainless steel, alloys, and chrome plating, as well as in pigments, leather tanning, and wood preservation. It exists in several oxidation states, with trivalent chromium (Cr(III))

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					being an essential nutrient in trace amounts, while hexavalent chromium (Cr(VI)) is highly toxic and recognized as a human carcinogen. The primary sources of large chromium releases to the environment include metal finishing operations, industrial waste disposal, and emissions from combustion processes.
Cobalt	27	1	1	1	Cobalt is a naturally occurring metal that is mainly found in alloys, batteries, catalysts and pigments used for various technologies. The primary source of large cobalt releases includes waste disposal.
Copper	N/A	100	1	1	Copper is a naturally occurring metal that is widely used in electrical wiring, plumbing, roofing, and industrial machinery due to its high conductivity and durability. It is also found in alloys such as bronze and brass and is used in pesticides, wood preservatives, and pigments. The primary sources of large copper releases to the environment include mining and smelting activities, waste disposal, and corrosion of plumbing systems.
Lead	0.042	1	1	1	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and heavy trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.
Nickel	0.91	0.2	0.06	0.014	Nickel is a metal found in manufactured metal products including stainless steel, permanent magnets, and other alloy-based products. Nickel is also used in alkaline storage batteries, fuel cell electrodes, and in fuel gases. The primary source of nickel in the environment is waste disposal and the combustion of fuels.
Selenium	N/A	1	1	20	Selenium is a naturally occurring element that is widely used in electronics, glass manufacturing, pigments, nutritional supplements, and as an additive in animal feed. It occurs in several forms, both organic and inorganic, with varying levels of toxicity. While selenium is an essential trace nutrient for humans and animals at low levels, excessive exposure can be harmful. The primary sources of large selenium releases to the environment include mining and smelting operations, coal-fired power plants, agricultural runoff, and waste disposal.
Mercury	N/A	0.6	0.06	0.03	Mercury is a naturally occurring element that has been used historically in thermometers, dental amalgams, batteries, switches, and industrial processes such as gold mining and chlor-alkali production. It exists in several forms, including elemental

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					mercury, inorganic mercury compounds, and organic mercury compounds such as methylmercury, which is highly toxic and bioaccumulative. The primary sources of large mercury releases to the environment include coal combustion, mining activities, waste incineration, and improper disposal of mercury-containing products.
VOCs[2]:					
1,1,1-Trichloroethane (TCE)	0.2	1	1	1	Trichloroethene (TCE) is a synthetic VOC historically used as an industrial solvent for degreasing metals, as well as in adhesives, paint removers, and cleaning agents. Although many uses have been phased out due to health concerns, TCE remains a common groundwater and soil contaminant at industrial sites. The primary sources of large TCE releases to the environment include improper disposal of industrial solvents, leaking underground storage tanks, and degreasing operations.
1,1-Dichloroethane (DCA)	0.0057	1	1	1	1,2-Dichloroethane (DCA) is a VOC primarily used as a chemical intermediate in the production of vinyl chloride and other industrial chemicals. It has also been used historically as a solvent, degreaser, and in leaded gasoline additives. The primary sources of large DCA releases to the environment include chemical

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					manufacturing facilities, improper disposal of industrial solvents, and leaking storage tanks or pipelines.
1,2-Dichlorobenzene	0.04	1	1	800	1,2-Dichlorobenzene is a VOC that has been used as a solvent in industrial processes, in the manufacture of dyes and resins, and as a degreasing and deodorizing agent. It is also used as a chemical intermediate in the production of other chlorinated compounds. The primary sources of environmental releases include chemical manufacturing, improper disposal of chlorinated solvents, and emissions from waste treatment or incineration facilities.
1,3,5-Trimethylbenzene	N/A	2400	8	4	Ethylbenzene is a VOC that is a component in gasoline, synthetic rubber, paints, and insecticides Ethylbenzene is also present in the production of asphalt. The primary sources of Ethylbenzene in the environment includes petroleum combustion or release, waste disposal, and the use of insecticides.
1,4-Dichlorobenzene	0.04	1	1	800	1,3,5-Trimethylbenzene is a VOC commonly used as a solvent and as an additive in gasoline to improve octane ratings. It is also found in paint thinners, varnishes, and industrial coatings. The primary sources of environmental releases include petroleum

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					refining, fuel combustion, and improper disposal of solvent-containing wastes.
Acrylonitrile	1	1	1	5	Acrylonitrile is a VOC widely used in the manufacture of plastics, synthetic rubber, and acrylic fibers. It is also used as a chemical intermediate in the production of resins and adhesives. The primary sources of acrylonitrile releases to the environment include emissions from chemical manufacturing facilities, improper handling or disposal of industrial waste, and accidental spills.
Benzene	0.1	2.7	3	3	Benzene is a VOC that is a component of gasoline, various consumer products including detergent, some pharmaceutical products, and pesticides. The primary sources of benzene in the environment includes oil combustion and extraction, waste disposal, and pesticide usage.
Chlorobenzene	N/A	1	1	1,000	Chlorobenzene is a VOC historically used as a solvent and as an intermediate in the manufacture of pesticides, dyes, adhesives, and rubber. It has also been used in the production of phenol and other industrial chemicals. The primary sources of chlorobenzene releases to the environment include chemical manufacturing,

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					improper disposal of solvent-containing waste, and emissions from incineration processes.
Chloroform	0.019	150	1	300	Chloroform is a VOC that is used to produce dyes, pesticides, and various industrial and waste treatment processes. The primary source of chloroform in the environment is through waste disposal and pesticide usage.
cis-1,2-Dichloroethene	0.0057	1	1	1	Cis-1,2-Dichloroethene (cis-1,2-DCE) is a VOC primarily used as a solvent and in the production of other chlorinated chemicals. It is commonly detected in the environment as a breakdown product of TCE and PCE. The primary sources of environmental releases include improper disposal of chlorinated solvents, leaking underground storage tanks, and industrial waste discharges.
Ethylbenzene	0.0087	1	1	2,000	Ethylbenzene is a VOC that is a component in gasoline, synthetic rubber, paints, and insecticides. Ethylbenzene is also present in the production of asphalt. The primary sources of ethylbenzene in the environment includes petroleum combustion or release, waste disposal, and the use of insecticides.
Styrene	N/A	21,000	1	900	Styrene is a VOC widely used in the production of plastics, synthetic rubber, and resins, including polystyrene and fiberglass-reinforced products. It is released into the environment primarily

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					from industrial manufacturing facilities, plastic production, and emissions from building materials and consumer products. Additional sources include combustion processes and vehicle exhaust.
Tetrachloro-ethene	0.2	1	1	1	Tetrachloroethene (PCE), also known as perchloroethylene, is a VOC commonly used as a dry-cleaning solvent, metal degreaser, and chemical intermediate. It has been one of the most frequently detected groundwater and soil contaminants at industrial and urban sites due to improper disposal, leaks from storage tanks, and historical use in dry-cleaning operations.
Toluene	N/A	5,000	830	420	Toluene is a VOC widely used as an industrial solvent and in the manufacture of paints, coatings, adhesives, and chemical intermediates such as benzene and xylene. It is also a natural constituent of crude oil and gasoline, making vehicle exhaust and fuel handling common sources of environmental releases. The primary sources of toluene contamination include petroleum refining, chemical manufacturing, leaking underground storage tanks, and improper waste disposal.
Trichloroethene	0.057	1	1	1	Trichloroethene is a VOC historically used as a metal degreaser, solvent, and chemical intermediate in the production of refrigerants and other industrial products. Because of widespread

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					industrial use and improper disposal practices, trichloroethene is a common groundwater and soil contaminant at manufacturing and industrial sites. The primary sources of environmental releases include degreasing operations, leaks from underground storage tanks, and waste disposal.
Xylenes	N/A	22,000	1	700	Xylenes are VOCs that exist as three isomers (ortho-, meta-, and para-xylene) and are widely used as solvents in paints, coatings, adhesives, and cleaning agents, as well as in the production of plastics and synthetic fibers. They are also naturally present in petroleum and are common components of gasoline. The primary sources of environmental releases include petroleum refining, vehicle exhaust, leaking underground storage tanks, and industrial solvent use.
SVOCs[3]:					
2,4,6-Tribromophenol	0.07	1	1	1	2,4,6-Tribromophenol (TBP) is a SVOC primarily used as a flame retardant, wood preservative, and chemical intermediate in the production of brominated flame retardants. It is also used as a fungicide and occasionally as an antiseptic. The primary sources of environmental releases include industrial manufacturing

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					processes, treated wood products, and waste disposal from facilities using brominated compounds.
Benzo(a) anthracene	3.9	1	1	1	Benzo(a)anthracene is a SVOC in the polycyclic aromatic hydrocarbon (PAH) family, formed during the incomplete combustion of organic materials such as coal, oil, gas, wood, or tobacco. It is commonly detected in soot, tar, and creosote and may be present at former industrial facilities, waste disposal sites, and areas impacted by combustion processes. The primary sources of environmental releases include industrial emissions, vehicle exhaust, and the burning of fossil fuels and biomass.
Bis(2-chloroethyl)ether	2.5	1	1	1	Bis(2-chloroethyl)ether is a synthetic SVOC historically used as a chemical intermediate in the manufacture of pesticides, resins, and other organic chemicals. It has also been used in limited applications as a solvent and in the production of plastics and rubber. Releases to the environment may occur from industrial processes, improper disposal, and waste sites associated with historical manufacturing activities.
Chrysene	0.039	1	1	1	Chrysene is a SVOC belonging to the PAH family. It is generated primarily during the incomplete combustion of organic materials such as coal, oil, gas, wood, and tobacco. Environmental sources include industrial emissions, vehicle exhaust, residential wood

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
					burning, and deposits from fossil fuel combustion. Chrysene is commonly found in soot, tar, creosote, and impacted soils at former industrial or waste disposal sites.
Dibenz(a,h)anthr-acene	4.1	1	1	1	Dibenz(a,h)anthracene is a SVOC classified as a PAH. It is formed during the incomplete combustion of organic matter such as coal, oil, wood, and tobacco. Environmental contamination is typically associated with industrial emissions, vehicle exhaust, residential wood burning, and waste disposal sites where combustion byproducts accumulate.
Hexachloro-benzene	1.8	1	1	1	Hexachlorobenzene (HCB) is a persistent, SVOC historically used as a fungicide and as an intermediate in the manufacture of other chlorinated chemicals, including solvents, pesticides, and rubber compounds. Releases may occur from legacy contamination at former industrial or waste disposal sites, as well as byproducts of chemical manufacturing and combustion processes.
Indeno(1,2,3-cd)pyrene	0.39	1	1	1	Indeno(1,2,3-cd)pyrene is a SVOC classified as a PAH. It is produced primarily from the incomplete combustion of fossil fuels, wood, and other organic materials. Major environmental sources include vehicle exhaust, coal and oil combustion, residential wood burning, and industrial emissions.

Pollutant	Cancer Potency Slope Factor $(mg/kg\text{-}day)^{-1}$	Acute Reference Exposure Level $(\mu g/m^3)^1$	8-Hour Reference Exposure Level $(\mu g/m^3)^1$	Chronic Reference Exposure Level $(\mu g/m^3)^1$	Major Man-Made Sources
Naphthalene	0.12	1	1	9	Naphthalene is a SVOC that is commonly found in fumigant and insecticides. Naphthalene is also a component in petroleum, coal, and various industrial processes. The primary sources of Naphthalene in the environmental include insecticide usage, oil combustion, and waste disposal
Phenol	N/A	5,800	1	200	Phenol is a SVOC widely used in the manufacture of resins, plastics, pharmaceuticals, and other industrial chemicals. It can also be released into the environment through combustion processes, industrial discharges, and waste disposal activities.

1. When the REL was not available, a default value of 1 $\mu g/m^3$ was conservatively applied as a health-protective placeholder to avoid underestimating risk and to ensure that pollutants with unknown toxicity are included in this analysis.

2. Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels.

3. Semi-Volatile Organic Compounds (SVOCs) are a subgroup of VOCs that are not as volatile and tend to have higher molecular weights and boil point temperatures than other VOCs.

Source: California Office of Environmental Health Hazard Assessment. *Chemicals Database*. Retrieved from https://oehha.ca.gov/chemicals.

California Office of Environmental Health Hazard Assessment. *OEHHA Acute, 8-hour and Chronic Reference Exposure Level (REL) Summary*. Retrieved from https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.

EXISTING AIR QUALITY

Ambient Air Monitoring Data

CARB monitors ambient air quality at approximately 250 air monitoring stations across the State. These stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing ambient air quality levels, historical trends, and projections near the Project are documented by measurements made by the Bay Area Air District's air pollution regulatory agency that maintains air quality monitoring stations, which process ambient air quality measurements.

O_3, and particulate matter (PM_{10}, and $PM_{2.5}$) are pollutants of concern in the Basin. The closest air monitoring station to the Project that monitors ambient concentrations of these pollutants is the Laney College Monitoring Station (located approximately 4.8 miles to the northwest). The second closest is the Oakland-West Monitoring Station (located approximately 6.4 miles to the northwest). PM_{10} is not measured at either monitoring station in Oakland. Local air quality data from 2020 to 2022 are provided in **Table 4-4: Ambient Air Quality Data**, which lists the monitored maximum concentrations and number of exceedances of state or federal air quality standards for each year.

Table 4-4: Ambient Air Quality Data

Criteria Pollutant[1]	**2020**	**2021**	**2022**
Ozone (O_3)			
1-hour Maximum Concentration (ppm)	0.084	0.067	0.054
8-hour Maximum Concentration (ppm)	0.056	0.046	0.041
Number of Days Standard Exceeded			
CAAQS 1-hour (>0.09 ppm)	0	0	0
NAAQS 8-hour (>0.070 ppm)	0	0	0
Carbon Monoxide (CO)			
1-hour Maximum Concentration (ppm)	3.163	2.290	2.167
Number of Days Standard Exceeded			
NAAQS 1-hour (>35 ppm)	-	-	-
CAAQS 1-hour (>20 ppm)	-	-	-

Criteria Pollutant[1]	2020	2021	2022
Nitrogen Dioxide (NO_2)			
1-hour Maximum Concentration (ppm)	0.049	0.049	0.043
Number of Days Standard Exceeded			
NAAQS 1-hour (>100 ppm)	-	-	-
CAAQS 1-hour (>0.18 ppm)	-	-	-
Particulate Matter Less Than 10 Microns (PM_{10})			
National 24-hour Maximum Concentration	-	-	-
State 24-hour Maximum Concentration	-	-	-
State Annual Average Concentration (CAAQS=20 µg/m^3)	-	-	-
Number of Days Standard Exceeded			
NAAQS 24-hour (>150 µg/m^3)	-	-	-
CAAQS 24-hour (>50 µg/m^3)	-	-	-
Particulate Matter Less Than 2.5 Microns ($PM_{2.5}$)			
National 24-hour Maximum Concentration	159.7	25.4	33.8
State 24-hour Maximum Concentration	159.7	25.4	33.8
Number of Days Standard Exceeded			
NAAQS 24-hour (>35 µg/m^3)	8.5	0	0

NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million;

µg/m^3 = micrograms per cubic meter; – = not measured

1. Measurements taken at the Oakland-Laney College Station at Laney College Eighth St. (CARB#60351) and Oakland – West Station at 1100 21st Street (CARB#94607)

Criteria Pollutant[1]	2020	2021	2022
Source: All pollutants, except CO and NO_2, measurements are from the CARB Aerometric Data Analysis and Management system database (https://www.arb.ca.gov/adam). CO and NO_2 measurements were retrieved from the CARB Air Quality and Meteorological Information system https://www.arb.ca.gov/aqmis2/aqdselect.ph, accessed March 2025.			

Existing Health Risk in the Surrounding Area

As discussed previously, the U.S. EPA and CARB recognize that exposure to elevated levels of ground-level ozone and PM can be a cause of respiratory and cardiovascular health effects. Through its Community Air Risk Evaluation (CARE) program, Bay Area Air District compiled estimates of TAC emissions in the SFBAAB for all major source categories including oil refineries, power plants, landfills, dry cleaners, gasoline stations, on-road vehicles, off-road vehicles and equipment, ships, and trains. Bay Area Air District's cancer-risk weighted emissions inventory shows that a small subset of TACs account for approximately 95 percent of the total cancer risk from air pollutants in the Bay Area, and that DPM is by far the largest driver of cancer risk from TACs. CARE estimates are based on the cancer risk calculation methods adopted by the California EPA's OEHHA (OEHHA, 2015).

The Bay Area Air District provides a publicly available inventory of TAC-related health risks for permitted stationary sources throughout the Bay Area as well as for freeways, rail and major roadways. This inventory presents community risk and hazards from screening tools and tables that are intentionally conservative (that is, health protective). The screening-level risk factors derived from the Bay Area Air District's tool are intended to indicate whether additional review related to the impact is necessary and are not intended to be used to assess precise risk levels for all projects. The Bay Area Air District's Google Earth-based inventory of stationary source risks and hazards, most recently updated in 2024, indicates that there are three existing permitted stationary sources within 1,000 feet of the Project site boundaries. The Gas Dispensing facility associated with S.F. Oakland Truck Stop, located approximately 100 feet south of the Project site boundary at 8255 San Leandro Street; automotive body, paint, and interior repair and maintenance associated with the Coliseum Body Shop, located approximately 350 feet northeast of the Project site boundary at 835 75th Avenue; and a generator associated with Agro Merchants Oakland LLC, located at 940 81st Avenue (Bay Area Air District, 2024).

The Bay Area has benefited from dramatic reductions in public exposure to TACs over time. Based on ambient air quality monitoring, the estimated lifetime cancer risk from all TACs for Bay Area residents declined from 4,100 cases per million in 1990 to 690 cases per million people in 2014. This represents an 83 percent decrease between 1990 and 2014. The cancer risk from DPM, which accounts for most of the cancer risk from TACs as discussed above, has declined substantially over the past 15 to 20 years as a result of CARB regulations and Bay Area Air District programs to reduce emissions from diesel engines. However, DPM still accounts for roughly 82 percent of the total cancer risk related to TACs (Bay Area Air District, 2017b).

CalEnviroScreen is a mapping tool developed by the Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the California Environmental Protection Agency (CalEPA), which identifies California communities by census tract that are disproportionately burdened by, and vulnerable to, multiple sources of pollution. It uses environmental, health, and socioeconomic information available from state and

federal government sources to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared.

An area with a high score is one that experiences a much higher pollution burden than areas with low scores. The Project site is located in an area with the highest CalEnviroScreen score between 90 and 100 (OEHHA, 2024).

Odorous Emissions

Although offensive odors rarely cause physical harm, they can be unpleasant and lead to considerable distress among the public. This distress often generates citizen complaints to local governments and air districts. According to Bay Area Air District's California Environmental Quality Act (CEQA) Guidelines and CARB's Air Quality and Land Use Handbook, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, chemical plants, petroleum refineries, auto body shops, coating operations, fiberglass manufacturing plants, foundries, rendering plants, and livestock operations. Bay Area Air District provides recommended screening distances for citing new receptors near existing odor sources.

Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than is the general population. Sensitive receptors that are in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. Consistent with the Bay Area Air District CEQA Air Quality Guidelines (April 2022), sensitive receptors are defined as facilities or land uses that house or attract children, the elderly, people with illnesses, or others who are especially vulnerable to the effects of air pollutants. The nearest sensitive receptor to the Project site is the single-family residence located approximately 625 feet to the northeast. Sensitive land uses nearest to the Project are shown in **Figure 4-4: Sensitive Receptors** and **Table 4-5: Air Quality Sensitive Receptors**.

Table 4-5: Air Quality Sensitive Receptors

Receptor Description	Distance and Direction from the Project[1]
1. Single Family Residence[2]	625 feet northeast
2. Temporary Shelter for the Unhoused[3]	730 feet west
1. Distances are measured from the Project site boundary to the property line. 2. Residence is located at 867 75th Avenue. 3.The City of Oakland Environmental Justice Element (2023) identified the temporary shelter for unhoused persons as a sensitive land use..	
Source: Google Earth, 2025.	

4.1.3 REGULATORY SETTING

FEDERAL AND STATE OF CALIFORNIA

Clean Air Act and National Ambient Air Quality Standards

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the EPA developed the primary and secondary National Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including ozone, nitrogen dioxide (NO_2), carbon monoxide (CO), sulfur dioxide (SO_2), particulate matter less than 10 micrometers in diameter (PM_{10}), particulate matter less than 2.5 micrometers in diameter ($PM_{2.5}$), and lead. Depending on whether the standards are met or exceeded, the local air basin is classified as in "attainment" or "nonattainment." Some areas are unclassified, which means no monitoring data is available. Unclassified areas are considered to be in attainment. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires that each state prepare a State Implementation Plan (SIP) to demonstrate how it will attain the NAAQS within the federally imposed deadlines.

The U.S. Environmental Protection Agency (EPA) has designated enforcement of air pollution control regulations to the individual states. Applicable federal standards are summarized in **Table 4-6: State and Federal Ambient Air Quality Standards.**

Corporate Average Fuel Economy Standards

In October 2012, the U.S.EPA and the National Highway Traffic Safety Administration (NHSTA), on behalf of the Department of Transportation, issued final rules to further reduce greenhouse gas (GHG) emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond (77 Federal Register [FR] 62624). NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO_2) per mile for the fleet of cars and light-duty trucks by model year 2025. In August 2022, NHTSA announced that it intends to prepare an environmental impact statement to analyze the potential environmental impacts of new CAFE standards for model years 2027 and beyond for passenger cars and light trucks, and new fuel efficiency standards for model years 2029 and beyond for heavy-duty pickup trucks and vans. In July 2023, the NHTSA officially proposed the new CAFÉ standards and invited public comments.

Federal Emissions Standards for On-Road Trucks

To reduce emissions from on-road, heavy-duty diesel trucks, the U.S. EPA established a series of increasingly strict emission standards for new engines, starting in 1988. The U.S. EPA promulgated the final and cleanest standards with the 2007 Heavy-Duty Highway Rule.[15] The particulate matter (PM) emission standard of 0.01 gram per horsepower-hour (g/hp-hr) is required for new vehicles beginning

15 United States Environmental Protection Agency (U.S. EPA), Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, Final Rule. 40 Code of Federal Regulations, Parts 69, 80, and 86. January 18, 2001.

with model year 2007. Also, the nitrogen oxide (NO_X) and nonmethane hydrocarbon (NMHC) standards of 0.20 g/hp-hr and 0.14 g/hp-hr, respectively, were phased in together between 2007 and 2010 on a percent of sales basis: 50 percent from 2007 to 2009 and 100 percent in 2010. In December 2022, the U.S. EPA final rule set new, more stringent standards to reduce NO_X pollution from heavy-duty vehicles and engines starting in model year 2027. The rule will reduce NO_X emissions from heavy-duty trucks by almost 50 percent by 2045, producing significant health-related benefits.[16]

Emission Standards for Off-Road Diesel Engines

To reduce emissions from off-road diesel equipment, the U.S. EPA established a series of cleaner emission standards for new off-road diesel engines. Tier 1 standards were phased in from 1996 to 2000 (year of manufacture), depending on the engine horsepower category. Tier 2 standards were phased in from 2001 to 2006. Tier 3 standards were phased in from 2006 to 2008. Tier 1 through Tier 3 standards are to be increasingly more stringent, respectively, and vary by pollutant and engine size. Tier 4 standards, which are incorporated into manufacturing of new equipment or attained through add-on emission control equipment, were phased in from 2008 to 2015. The Tier 4 standards require that emissions of PM and NO_X be further reduced by about 90 percent from Tier 3 standards. CARB is currently developing potential amendments to the off-road diesel engine standards, in a Tier 5 rulemaking. The Tier 5 rulemaking aims to reduce NO_X and PM emissions from new, off-road compression-ignition (CI) engines, by an additional 50 percent to 90 percent, compared to what is allowed by today's Tier 4 final emission standards.

California Air Resources Board

CARB administers California's air quality policy. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in **Table 4-6: State and Federal Ambient Air Quality Standards**, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. In general, the Bay Area experiences low concentrations of most pollutants when compared to federal standards, except for O_3 and PM, for which standards are exceeded periodically. With respect to federal standards, the Bay Area's attainment status for 8-hour ozone is classified as "marginal nonattainment" and for $PM_{2.5}$ is "nonattainment." The region is also considered to be in nonattainment with the CAAQS for PM_{10} and $PM_{2.5}$. Area sources generate the majority of these airborne particulate emissions. The Basin is considered in attainment or unclassified with respect to the CO, NO_2 and SO_2 NAAQS and CAAQS.

The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for the preparation of the SIP for meeting federal clean air standards for the State of California. Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that

16United States Environmental Protection Agency (U.S. EPA), Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, Final Rule. 40 Code of Federal Regulations, s 2, 59, 60, 80, 85, 86, 600, 1027, 1030, 1031, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1066, 1068, and 1090. January 24, 2023.

are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. The applicable State standards are summarized in **Table 4-6: State and Federal Ambient Air Quality Standards**.

Table 4-6: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards[1]		Federal Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Ozone (O_3)	8 Hour	0.070 ppm (137 µg/m³)	N[9]	0.070 ppm	N[4]
	1 Hour	0.09 ppm (180 µg/m³)	N	NA	N/A[5]
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m³)	A	9 ppm (10 mg/m³)	A[6]
	1 Hour	20 ppm (23 mg/m³)	A	35 ppm (40 mg/m³)	A
Nitrogen Dioxide (NO_2)	1 Hour	0.18 ppm (339 µg/m³)	A	0.100 ppm[11]	U
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	-	0.053 ppm (100 µg/m³)	A
Sulfur Dioxide[12] (SO_2)	24 Hour	0.04 ppm (105 µg/m³)	A	0.14 ppm (365 µg/m³)	A
	1 Hour	0.25 ppm (655 µg/m³)	A	0.075 ppm (196 µg/m³)	A
	Annual Arithmetic Mean	NA	-	0.03 ppm (80 µg/m³)	A
Particulate Matter (PM_{10})	24-Hour	50 µg/m³	N	150 µg/m³	-U
	Annual Arithmetic Mean	20 µg/m³	N[7]	NA	-
Fine Particulate Matter ($PM_{2.5}$) [15]	24-Hour	NA	-	35 µg/m³	U/A
	Annual Arithmetic Mean	12 µg/m³	N[7]	12 µg/m³	N
Sulfates (SO_{4-2})	24 Hour	25 µg/m³	A	NA	-
Lead (Pb)[13, 14]	30-Day Average	1.5 µg/m³	-	NA	A
	Calendar Quarter	NA	-	1.5 µg/m³	A
	Rolling 3-Month Average	NA	-	0.15 µg/m³	-
Hydrogen Sulfide (H_2S)	1 Hour	0.03 ppm (42 µg/m³)	U	NA	-
Vinyl Chloride (C_2H_3Cl)	24 Hour	0.01 ppm (26 µg/m³)	-	NA	-
Visibility Reducing Particles[8]	8 Hour (10:00 to 18:00 PST)	-	U	-	-

A = attainment; N = nonattainment; U = unclassified; N/A = not applicable or no applicable standard; ppm = parts per million; µg/m³ = micrograms per cubic meter; mg/m³ = milligrams per cubic meter; – = not indicated or no information available.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
2. National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070

Pollutant	Averaging Time	State Standards[1]		Federal Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m_3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m^3. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard. 3. National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety. 4. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area. 5. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005. 6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard. 7 In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}. 8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range. 9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006. 10. On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as "nonattainment" for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation. 11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010). The US Environmental Protection Agency (EPA) expects to make a designation for the Bay Area by the end of 2017. 12. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO_2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS. 13. CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined. 14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011. 15. In December 2012, EPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter (µg/m^3). In December 2014, EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.					
Source: : Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status, accessed March 2025.					

California Office of Environmental Health Hazard Assessment

The California Office of Environmental Health Hazard Assessment (OEHHA) develops health-based guidelines used to assess risks from environmental contaminants. OEHHA provides toxicity values, exposure factors, and risk assessment methodologies that are widely used in HRAs under CEQA. Its work supports regulatory decisions and helps protect public health by ensuring consistent, science-based evaluations of chemical exposures.

Diesel Risk Reduction Plan

The identification of DPM as a TAC in 1998 led CARB to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (DRRP) in October 2000. The DRRP's goals

include an 85 percent reduction in DPM by 2020 from the 2000 baseline[17]. CARB estimates that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects.[18] The DRRP includes regulations to establish cleaner new diesel engines, cleaner in-use diesel engines (retrofits), and cleaner diesel fuel.

Truck and Bus Regulation Reducing Emissions from Existing Diesel Vehicles

On December 12, 2008, CARB approved the Truck and Bus Regulation to significantly reduce PM and NO_X emissions from existing diesel vehicles operating in California. The regulation requires PM retrofits on all diesel trucks and buses that operate in California (i.e., existing vehicles are required to be upgraded to reduce emissions). Heavier trucks must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting January 1, 2015. As of January 1, 2023, nearly all trucks and buses must have 2010 model year engines or equivalent.

The regulation applies to most diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. Small fleets with three or fewer diesel trucks can delay compliance for heavier trucks and there are several extensions for low-mileage construction trucks, early PM filter retrofits, adding cleaner vehicles, and other situations. Privately and publicly owned school buses have different requirements.

Heavy-Duty Vehicle Idling Emission Reduction Program

The purpose of the CARB ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling is to reduce public exposure to DPM and criteria pollutants by limiting the idling of diesel-fueled commercial vehicles including transportation refrigeration units (TRUs). The driver of any vehicle subject to this ATCM is prohibited from idling the vehicle's primary diesel engine for greater than five minutes at any location and is prohibited from idling a diesel-fueled auxiliary power system (APS) for more than five minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools).

CARB Final Regulation Order, Requirements to Reduce Idling Emissions from New and In-Use Trucks, beginning in 2008, requires that new 2008 and subsequent model-year heavy-duty diesel engines be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged.

Section 2485 and Section 2449 of Title 13 of the California Code of Regulations limits diesel-fueled motor vehicle idling to no more than five minutes. Section 2485 limits idling for diesel-fueled commercial motor vehicles with gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed to

17California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000.

18California Air Resources Board, Overview: Diesel Exhaust & Health, available at: https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health, accessed March 2025.

operate on publicly maintained highways and streets within California. Section 2449 limits idling for off-road diesel-fueled fleets.

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission "last-mile" delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- Zero-Emission Truck Sales: Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.
- Company and Fleet Reporting: Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

Advanced Clean Cars I and II

Advanced Clean Cars combines several regulations into one package including the Low-Emission Vehicle (LEV) criteria and greenhouse gas regulations and the zero-emission vehicle (ZEV) regulation. Advanced Clean Cars I was adopted in 2012 and Advanced Clean Cars II was adopted in 2022. These regulations rapidly scale down emissions of light-duty passenger cars, pickup trucks and sport utility vehicles (SUVs) and require an increased number of zero-emission vehicles to meet air quality and climate change emissions goals. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions. The Advanced Clean Cars II regulations take the state's already growing zero-emission vehicle market and robust motor vehicle emission control rules and augments them to meet more aggressive tailpipe emissions standards and ramp up to 100 percent zero-emission vehicles.

CARB Advanced Clean Fleets Regulation

CARB approved Advanced Clean Fleets Regulation (ACF) on April 28, 2023, requires fleet owners to begin transitioning toward ZEVs starting in 2024. Due to the impact that truck traffic has on residents living near heavily trafficked corridors, drayage trucks will need to be zero-emissions by 2035. All other fleet owners have the option to transition a percentage of their vehicles to meet expected zero-emission milestones, which gives owners the flexibility to continue operating combustion-powered vehicles as needed during the move toward cleaner technology. On January 13, 2025, CARB withdrew their FCAA waiver request to U.S. EPA for the Advanced Clean Fleets Regulation. Therefore, the implementation status of this regulation is currently unknown.

California Energy Commission – Title 24 Building Energy Efficiency Standards

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in California Code of Regulations (CCR) Title 24 Part 6, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated every three years to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2019 Energy Standards included requirements for mandatory mechanical ventilation intended to improve indoor air quality in homes, and requirements for Minimum Efficiency Reporting Value (MERV) 13 air filtration on space conditioning systems, and ventilation systems that provide outside air to a dwelling's occupiable space. The Residential Compliance Manual for the 2019 Building Energy Efficiency Standards notes that air filter efficiencies of at least MERV 13 protect occupants from exposure to the smaller airborne particles (i.e., $PM_{2.5}$) that are known to adversely affect respiratory health. CCR Title 24 Part 6 requires a particle size efficiency rating equal to or greater than 85 percent in the 1.0 to 0.3 micrometer (µm) range. The California Energy Commission (CEC) adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards will require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

CalEnviroScreen

OEHHA has developed CalEnviroScreen 4.0, which is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the State. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores.

According to CalEnviroScreen, the Project site is located within Census Tract 6001408900, which is within the 90th percentile.[19] It should be noted that the CalEnviroScreen scores are not an expression of health risk, and do not provide quantitative information on increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment.

Senate Bill 535

Senate Bill (SB) 535 directs 25 percent of the proceeds from the Greenhouse Gas Reduction Fund (i.e., funds from the AB 32 cap-and-trade program) to go to projects that provide a benefit to disadvantaged communities (DACs) (as identified by the OEHHA mapping). These funds must be used for programs that further reduce greenhouse gas emissions. Funding programs that reduce greenhouse gas emissions would also potentially reduce exposure to other emissions including TACs. Based on OEHHA mapping, the closest SB 535 designated disadvantaged community is located approximately six miles northeast of the Project

[19]California Office of Environmental Health Hazard Assessment, CalEnviroScreen 4.0, https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0/, accessed March 2025.

site (Census Tract 6001408900).[20] SB 535 does not include project specific requirements or prohibit developments in proximity to the designated communities.

Executive Order N-79-20

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new zero emission vehicles (ZEVs) "towards the target of 100 percent." The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division (CalGEM), and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

Community Air Protection Program (AB 617)

AB 617 was promulgated into state law in 2017. The purpose of this legislation is for CARB to establish the Community Air Protection Program (CAPP). CARB's objective in implementing the CAPP is to reduce human health risk levels by reducing air toxics exposure in communities most impacted by TAC emissions. CARB requires that air districts "must initiate community partnerships and undertake a robust public process in developing and implementing the community emissions reduction programs." There have been 17 designated communities throughout the state targeting emissions reductions, community monitoring or both. The majority of AB 617 communities have both reduction and monitoring designations. The state legislature has provided a funding mechanism to support early actions allowing for deployment of cleaner technologies for designated communities as well as grants to promote community participation in both the monitoring and emissions reductions aspects of the program. Other aspects of the program include accelerated retrofit of pollution controls on industrial stationary sources, an increase in financial penalties, and increased transparency and availability of emissions and air quality information thereby driving air pollution control efforts statewide with a goal of improved intra-Air District communication and cooperation.

The Project site is located within East Oakland which was designated a CAPP community in 2021. East Oakland was selected amongst high priority communities in the Bay Area due to longstanding air quality challenges, environmental justice issues, and health inequities. The East Oakland community is home to major goods movement and transportation corridors, as well as air pollution sources associated with industry and the trucking industries. Data shows residents of this community have lower life expectancies and higher mortality rates from lung diseases due to constant exposure to air pollution. This community has a higher rate of asthma emergency room visits and cardiovascular disease than most of California. It

20California Office of Environmental Health Hazard Assessment, SB 535 Disadvantaged Communities (2022 Update), https://oehha.ca.gov/calenviroscreen/sb535, accessed March 2025.

also has some of the highest unemployment and housing cost burdens and some of the lowest educational attainment and life expectancy in the State.

East Oakland organizations have partnered with the Bay Area Air District to build community capacity, increase understanding of local air pollution and environmental justice issues, and bring together cross-agency partnerships necessary for improving environmental health and local air quality improvement. The Bay Area Air District is partnering with Communities for a Better Environment and other community-based organizations to create a community-based Steering Committee to develop the East Oakland AB 617 Community Emissions Reduction Plan.

California Air Resources Board On-Road and Off-Road Vehicle Rules

In 2004, CARB adopted an Airborne Toxic Control Measure (ATCM) to limit idling by heavy- duty diesel motor vehicles to reduce public exposure to DPM and other TACs. The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure prohibits such vehicles from idling for more than five minutes at any given time.

In 2008, CARB approved the Truck and Bus Regulation to reduce NO_X, PM_{10}, and $PM_{2.5}$ emissions from existing diesel vehicles operating in California. Diesel trucks and buses with a gross vehicle weight rating (GVWR) that are greater than 14,000 pounds must reduce exhaust emissions by meeting particulate matter filter requirements and upgrading to a 2010 or newer engine model year (EMY). For the largest trucks in the fleet (those with a gross vehicle weight rating greater than 26,000 pounds), fleet owners could choose one of two methods to comply with the Truck and Bus Regulation's requirements:

- ***Method 1*:** The fleet owner could retrofit or replace engines, starting with the oldest engine model year, to meet 2010 engine standards or better. These retrofits or replacements are phased over 8 years, starting in 2015, and the entire fleet would be retrofitted or replaced by 2023. Thus, all trucks operating in California for fleet operators choosing this option must meet or exceed the 2010 engine emissions standards for NO_X and PM by 2023.
- ***Method 2*:** Starting in 2012, fleet owners choosing this option were required to retrofit a portion of their fleet with diesel particulate filters achieving at least 85 percent removal efficiency, so that by January 1, 2016, their entire fleet would be equipped with diesel particulate filters. However, diesel particulate filters do not typically lower NO_X emissions. Thus, fleet owners choosing this method would still have to comply with the 2010 engine emission standards for their trucks and buses by 2020. As of January 1, 2020, this requirement is enforced by the California Department of Motor Vehicles (DMV) through the vehicle registration process.

Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017, was signed into law on April 28, 2017. SB 1 authorizes the DMV to check that vehicles are compliant with or exempt from CARB's Truck and Bus Regulation. As of January 1, 2020, if a vehicle is not compliant with the rule, DMV will no longer register that vehicle.

In addition to limiting exhaust from idling trucks, CARB promulgated emission standards for off- road diesel construction equipment of greater than 25 horsepower such as bulldozers, loaders, backhoes and forklifts, as well as many other self-propelled off-road diesel vehicles. The regulation adopted by CARB on

July 26, 2007, aims to reduce emissions by calling for installation of diesel soot filters and encouraging the retirement or replacement, or repowering of older, dirtier engines with newer emission-controlled models. Implementation is staggered based on fleet size (the total of all off-road horsepower under common ownership or control). The largest fleets were to begin compliance by January 1, 2014. Each fleet must demonstrate compliance through one of two methods:

- ***Method 1*:** Calculate and maintain fleet-average emissions targets. This method encourages the retirement or repowering of older equipment and rewards the introduction of newer cleaner units into the fleet.
- ***Method 2*:** Meet the Best Available Control Technology (BACT) requirements by turning over or installing Verified Diesel Emission Control Strategies (e.g., engine retrofits) on a certain percentage of the total fleet horsepower. The compliance schedule requires full implementation of BACT turn-overs or retrofits by 2023 in all equipment in large and medium fleets and across 100 percent of small fleets by 2028.

REGIONAL

Bay Area Air District has jurisdiction over the SFBAAB and monitors and regulates air quality in the region by inspecting and issuing permits for stationary sources of air pollution, responding to citizen complaints, and executing programs to reduce air pollution throughout the region.

Bay Area Air District Air Quality Plans

As demonstrated in **Table 4-6: State and Federal Ambient Air Quality Standards**, the SFBAAB is designated as nonattainment for both the federal and state ozone and PM standards. As a result, Bay Area Air District is required to prepare air quality plans under the CAA and the California CAA to meet the federal and state air quality standards in areas that are designated non-attainment. Maintenance plans are required for attainment areas that had previously been designated non-attainment to ensure continued attainment of the standards. Because of the SFBAAB's classification as "serious" non-attainment for the 1-hour ozone standard, Bay Area Air District is required to update its air quality plan every three years to reflect progress toward meeting attainment status.

In April 2017, Bay Area Air District adopted the most recent update to its Clean Air Plan (CAP), the *2017 Clean Air Plan*, whose primary goals are to protect public health and to protect the climate (Bay Area Air District, 2017b). The 2017 CAP updates the Bay Area 2010 CAP and complies with state air quality planning requirements, as codified in the California Health and Safety Code (although the 2017 plan was delayed beyond the three-year update requirement of the code). State law requires the CAP to include all feasible measures to reduce emissions of ozone precursors and to reduce the transport of ozone precursors to neighboring air basins.

The 2017 CAP contains 85 measures to address reduction of several pollutants: ozone precursors, PM, air toxics, and GHGs. Other measures focus on a single type of pollutant: super GHGs such as methane and black carbon that consist of harmful fine particles that affect public health.

Bay Area Air District CEQA Guidelines and Thresholds of Significance

The *Bay Area Air District CEQA Air Quality Guidelines* is an advisory document that provides lead agencies,

consultants, and project proponents with procedures for assessing air quality impacts and preparing environmental review documents. The document describes the criteria that Bay Area Air District uses when reviewing and commenting on the adequacy of environmental documents. It recommends thresholds for use in determining whether projects would have significant adverse environmental impacts, identifies methods for predicting project emissions and impacts, and identifies measures that can be used to avoid or reduce air quality impacts.

Bay Area Air District updated the 1999 CEQA Air Quality Guidelines in 2010. In May 2011, Bay Area Air District adopted an updated version of its thresholds of significance for use in determining the significance of projects' environmental effects under CEQA (Thresholds) and published its CEQA Guidelines for consideration by lead agencies. The 2011 CEQA Guidelines Thresholds lowered the previous (1999) thresholds of significance for annual emissions of ROG, NO_X, and PM_{10}, and set a standard for $PM_{2.5}$. The 2011 CEQA Guidelines also include methods for evaluating risks and hazards for the siting of stationary sources and of sensitive receptors.

The Bay Area Air District resolution adopting the significance thresholds in 2010 and 2011 was set aside by the Alameda County Superior Court on March 5, 2012. On August 13, 2013, the California Court of Appeals issued a full reversal of the Superior Court's judgment, and on December 17, 2015, the California Supreme Court reversed in part the appellate court's judgment and remanded the case for further consideration consistent with the Supreme Court opinion. The California Supreme Court ruled unanimously that CEQA review is focused on a project's impact on the environment "and not the environment's impact on the project" (*California Building Industry Association v. Bay Area Air Quality Management District* [December 17, 2015] 62 Cal.4th 369). The Supreme Court confirmed that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future residents or users." The Court also held that when a project has "potentially significant exacerbating effects on existing environmental hazards" those impacts are properly within the scope of CEQA because they can be viewed as impacts of the project on "existing conditions" rather than impacts of the environment on the project.

In May 2017, Bay Area Air District updated its *CEQA Air Quality Guidelines*. These guidelines provide recommended quantitative significance thresholds along with direction on recommended analysis methods. Bay Area Air District states that the quantitative significance thresholds are "advisory and should be followed by local governments at their own discretion," and that lead agencies are fully within their authority to develop their own thresholds of significance. However, Bay Area Air District offers these thresholds for lead agencies to use in order to inform environmental review for development projects in the Bay Area. Lead agencies may also reference the *CEQA Thresholds Options and Justification Report* developed by Bay Area Air District staff in 2009. This option provides lead agencies with a justification for continuing to rely on the Bay Area Air District 2011 thresholds.

In April 2022, Bay Area Air District most recently updated their *CEQA Air Quality Guidelines*, in which new climate impact thresholds replaced outdated references and analytical methodologies with performance based standards that required new guidance on evaluating climate impacts of land use projects and plans. The 2022 Guidelines introduced a new chapter with best practices for centering Environmental Justice, health, and equity. Additionally, the 2022 Guidelines update included general updates to thresholds of significance, air quality and climate impacts, and mitigating impacts; updated criteria air pollutant and

precursor impacts screening tables for single land use projects; updated basic and enhanced best management practices for construction-related fugitive dust; and an updated appendix with guidance for conducting individual project and cumulative cancer risk and hazards analysis (Bay Area Air District,2022).

Bay Area Air District Rules and Regulations

Emissions sources associated with the Project would be subject to regulatory requirements in the Bay Area Air District rules and regulations listed below:

Regulation 2, Rules 1 (General Permit Requirements), 2 (New Source Review), and 5 (New Source Review of Toxic Air Contaminants). Under these rules, all stationary sources that have the potential to emit TACs above a certain level are required to obtain permits from Bay Area Air District. These rules provide guidance for the review of new and modified stationary sources of TAC emissions, including evaluation of health risks and potential mitigation measures. The regulation also reduces health risks by requiring improved pollution control when existing sources are modified or replaced. If it is determined that a facility's emissions would exceed Bay Area Air District's threshold of significance for TACs, the source would then be required to implement BACT for Toxics to reduce emissions. Sources of HAPs may also be required to implement Maximum Achievable Control Technology.

Regulation 6, Rule 6. Controls trackout of solid material onto public paved roads from three types of sites: large bulk material sites, large construction sites, and large disturbed area sites.

Regulation 8, Rule 3. Regulates the quantity of VOCs in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured.

Regulation 9, Rule 8. Imposes emissions limits on spark-ignited engines powered by waste and fossil-derived fuels, compression-ignited engines, and dual fuel pilot compression-ignited engines. limits the hours of operation for emergency standby engines, which must be equipped with a non-resettable totalizing meter that measures either hours of operation or fuel usage.

Regulation 11, Rule 2. Controls emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing and prohibits the use of asbestos on certain roadways, in molded insulating materials, and on buildings during construction, alteration, and/or repair. The rule also prohibits visible emissions from any operation involving the demolition, renovation, removal, manufacture, or fabrication of asbestos-containing products and specifies procedures to be implemented during these activities. This rule also includes required procedures for waste disposal and requirements for waste disposal sites to prevent emissions from asbestos- containing materials.

Metropolitan Transportation Commission/Association of Bay Area Governments Sustainable Communities Strategy

The Metropolitan Transportation Commission (MTC) is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which includes Alameda County and the City of Oakland. On July 18, 2013, Plan Bay Area was jointly approved by the Association of Bay Area Governments' (ABAG's) Executive Board and by MTC (MTC & ABAG, 2013). The plan includes the region's Sustainable Communities

Strategy (SCS), as required under SB 375, and the Regional Transportation Plan. Though the purpose of the SCS is to lay out how the region will meet GHG emissions reduction targets set by CARB, by concentrating future growth within Priority Development Areas (PDAs) and Transit Priority Areas (TPAs), the reduction in VMT will also reduce criteria air pollutant emissions.[21]

On July 26, 2017, MTC adopted Plan Bay Area 2040, a focused update that builds upon the growth pattern and strategies developed in the original Plan Bay Area (2013), but with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted (MTC & ABAG, 2017).

On October 21, 2021, the MTC and ABAG jointly adopted Plan Bay Area 2050 as the official regional long-range plan for the Bay Area. Plan Bay Area 2050 connects the elements of housing, the economy, transportation and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the plan's Implementation Plan identifies more than 80 specific actions for MTC, ABAG and partner organizations to implement over the next five years to make headway on each of the 35 strategies (MTC & ABAG, 2021). It will be several years before the regional transportation model and county transportation models are updated to reflect Plan Bay Area 2050 (the models currently incorporate data from Plan Bay Area 2040).

Plan Bay Area 2050 designates Primary Development Area (PDA) as locally designated geographies that meet transportation and planning criteria adopted under ABAG Resolution No. 02-19. The Project site is located within the Coliseum Bay Area Rapid Transit Station Area PDA as defined by Plan Bay Area 2050 and is therefore consistent with the region's Sustainable Communities Strategy (MTC, 2024).

As of November 14, 2024, both the MTC Commission and the ABAG Executive Board approved an amendment to Plan Bay Area 2050 (the "Plan") to include the Sonoma-Marin Rail Transit (SMART) passenger rail extension to Healdsburg. The amendment to the adopted Plan necessitated a new Transportation-Air Quality Conformity Analysis (MTC & ABAG, 2024).

LOCAL

City of Oakland General Plan

Land Use and Transportation Element (LUTE)

The LUTE of the Oakland General Plan (City of Oakland, 2007) accounts for the air quality considerations of land use compatibility decisions with an objective to minimize land use compatibility conflicts (Objective I/C4), including the following policies:

Objective I/C4. Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.

[21] To be eligible for designation as a Priority Development Area, an area must be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing. A Transit Priority Area is an area within one-half mile of an existing or planned major transit stop such as a rail transit station, a ferry terminal served by transit, or the intersection of two or more major bus routes.

Policy I/C4.1: Protecting Existing Activities*.* Existing industrial, residential, and commercial activities and areas which are consistent with long-term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.

Policy I/C4.2: Minimizing Nuisances. The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls. Where residential development would be located above commercial uses, parking garages, or any other uses with a potential to generate odors, the odor-generating use should be properly vented (e.g., located on rooftops) and designed (e.g., equipped with afterburners) so as to minimize the potential for nuisance odor problems.

Open Space, Conservation, and Recreation (OSCAR) Element

The OSCAR Element of the Oakland General Plan contains the following air quality objective and policies that would apply to the Project (City of Oakland, 1996).

Objective CO-12: Air Resources. To improve air quality in Oakland and the surrounding Bay Region.

Policy CO-12.4: Design of Development to Minimize Air Quality Impacts. Require that development projects be designed in a manner which reduces potential adverse air quality impacts. This may include: (a) the use of vegetation and landscaping to absorb CO and to buffer sensitive receptors; (b) the use of low-polluting energy sources and energy conservation measures; and (c) designs which encourage transit use and facilitate bicycle and pedestrian travel.

Policy CO-12.5: Use of Best Available Control Technology. Require new industry to use best available control technology to remove pollutants, including filtering, washing, or electrostatic treatment of emissions.

Policy CO-12.6: Control of Dust Emissions**.** Require construction, demolition, and grading practices which minimize dust emissions. These practices are currently required by the City and include the following:

- Avoiding earth moving and other major dust generating activities on windy days.
- Sprinkling unpaved construction areas with water during excavation, using reclaimed water where feasible (watering can reduce construction-related dust by 50 percent).
- Covering stockpiled sand, soil, and other particulates with a tarp to avoid blowing dust.
- Covering trucks hauling dirt and debris to reduce spills. If spills do occur, they should be swept up promptly before materials become airborne.
- Preparing a comprehensive dust control program for major construction in populated areas or adjacent to sensitive uses like hospitals and schools.
- Operating construction and earth-moving equipment, including trucks, to minimize exhaust emissions.

Policy CO-12.7: Regional Air Quality Planning. Coordinate local air quality planning efforts with other agencies, including adjoining cities and counties and the public agencies responsible for monitoring and improving air quality. Cooperate with regional agencies such as the Bay Area Air District, the MTC, the ABAG, and the Alameda County Congestion Management Agency in developing and implementing regional air quality strategies. Continue to work with Bay Area Air District and the California Air Resources Board in enforcing the provisions of the California and federal Clean Air Acts, including the monitoring of air pollutants on a regular and ongoing basis.

Oakland Municipal Code

Title 15 Buildings and Construction, Chapter 15.36 Demolition Permits, 15.36.100 Dust Control Measures:

"Best manager practices" shall be used throughout all phases of work, including suspension of work, to alleviate or prevent fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any city or regional air pollution control rules, regulations, ordinances, or statutes.

Water or dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning and sweeping or other means as necessary.

A dust control plan may be required as condition of permit issuance or at other times as may be deemed necessary to assure compliance with this Section. Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies. (Ord. 12152 § 1, 1999)

City of Oakland Energy and Climate Action Plan

In July 2020, via Resolution 88267, Oakland City Council adopted the 2030 Equitable Climate Action Plan (ECAP), a comprehensive plan to achieve the 2030 GHG reduction target and increase Oakland's resilience to the impacts of the climate crisis, both through a deep equity lens (City of Oakland, 2020a). Alongside the 2030 ECAP, Council also adopted a goal to achieve community- wide carbon neutrality no later than 2045 (City of Oakland, 2020b). Achieving carbon neutrality will require complete decarbonization (ensuring that all mechanical systems run on clean electricity) of Oakland's building sector. The 2030 ECAP includes a set of 40 Actions projected to result in a 60 percent reduction in GHG emissions by 2030, relative to Oakland's 2005 emission levels. Actions are split into seven sectors: Transportation and Land Use, Buildings, Material Consumption and Waste, Adaptation, Carbon Removal, City Leadership, and Port of Oakland.

City of Oakland Energy Code Amendments

In September 2025, Oakland City Council passed the Oakland Amendments to the California Energy and Green Buildings Codes, expanding on state requirements related to energy efficiency. These amendments include stricter performance standards and promote enhanced air filtration and increased readiness for full electrification for new and existing buildings. The amendments were developed in support of the City's

ECAP and Environmental Justice (EJ) Element, which requires the City to facilitate the transition to all-electric buildings.

City of Oakland Building Code Amendments

In September 2025, the Oakland City Council passed the Oakland Amendments to the 2025 California Model Building Construction Codes, expanding on state requirements related to building permits and inspections and construction practices. These amendments include requirements related to seismic safety, grading and fire-rated construction, and electrical requirements for both commercial and residential construction, in support of advancing sustainable infrastructure.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The Oakland Standard Conditions of Approval (SCAs) were designed to achieve consistency between project approvals and enforce environmental protection measures. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project. The following SCAs relevant to reducing air quality impacts applicable to the Project are listed below.

SCA AIR-1. Dust Controls – Construction Related. *(Standard Condition of Approval 22)*

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

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

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

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

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

e. All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.

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

g. Unpaved roads providing access to sites located 100 feet from the paved road shall be treated with a 6-to 12-inch compacted layer of wood chips, mulch, or gravel.

h. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

i. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.

j. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than 10 days. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

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

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

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

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

o. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

p. Plant vegetation in areas designated for landscaping as soon as possible and water appropriately until vegetation is established.

SCA AIR-2. Criteria Air Pollutant Controls – Construction and Operation Related. *(Standard Condition of Approval 23)*

Requirement: The project applicant shall implement all of the following applicable basic and enhanced control measures for criteria air pollutants during construction of the project as applicable:

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

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

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

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

e. Low-VOC (i.e., ROG) coatings shall be used that comply with Bay Area Air District Regulation 8, Rule 3: Architectural Coatings.

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

g. Criteria Air Pollutant Reduction Measures

   The project applicant shall retain a qualified air quality consultant to prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the project is proposed. The project-level assessment shall either include a comparison of the project with other similar projects where a quantitative analysis has been conducted or shall provide a project-specific criteria air pollutant analysis to determine whether the project exceeds the City's criteria air pollutant thresholds.

   In the event that a project-specific analysis finds that the project could result in criteria air pollutant emissions that exceed City significance thresholds (54 pounds per day of ROG, NO_X, or $PM_{2.5}$ or 82 pounds per day of PM_{10}), the project applicant shall identify criteria air pollutant reduction measures to reduce the project's average daily emissions below these thresholds. The following emission reduction measures shall be implemented to the degree necessary to reduce emissions to levels below the significance thresholds. Additional measures shall be implemented if necessary. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.

i. Clean Construction Equipment

a) Where access to grid-powered electricity is reasonably available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.

b) Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of Air District CEQA Guidelines. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) type of equipment; (2) engine year and age; (3) number of years since rebuild of engine (if applicable); (4) type of fuel used; (5) engine HP; (6) engine certification (tier rating); (7) verified diesel emission control strategy (VDECS) information if applicable, and other related equipment data. A Certification Statement is also required to be made by the Contractor as documentation of compliance and for future Effective August 1, 2025 Page 15 review by the air district as necessary. The Certification Statement must state that the Contractor agrees to comply and acknowledges that a violation of this requirement shall constitute a material breach of contract.

c) Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g. alternative fuel sources, etc.).

d) Exceptions to requirements a), b), and c) above may be granted if the project sponsor has submitted information providing evidence that meeting the requirement (1) is technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, or (3) there is a compelling emergency need to use equipment that do no meet the engine standards and the sponsor has submitted documentation that the requirements of this exception provision apply. In seeking an exception, the project sponsor shall demonstrate that the project will use the cleanest piece of construction equipment available and feasible and strive to meet a performance standard of average construction emissions of ROG, NOx, PM2.5 below 54 lbs/day, and PM10 emissions below 82 lbs/day

ii. *Super-Compliant VOC Architectural Coatings during Construction*

The Project sponsor shall use super-compliant VOC architectural coatings during construction for all interior and exterior spaces and shall include

this requirement on plans submitted for review by the City's building official. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113 which requires a limit of 10 grams VOC per liter.

iii. Use Low and Super-Compliant VOC Architectural Coatings in Maintaining Buildings

Subsequent projects shall use super-compliant VOC architectural coatings in maintaining buildings. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113, which requires a limit of 10 grams VOC per liter.

iv. Promote Use of Green Consumer Products.

To reduce ROG emissions associated with the Project, the Project Sponsor and/or future developer(s) shall provide education for residential tenants concerning green consumer products. The Project sponsor and/or future developer(s) shall develop electronic correspondence to be distributed by email annually and upon any new lease signing to residential tenants of each building on the Project site that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing.

v. Best Available Control Technology for Projects with Diesel Backup Generators and Fire Pumps.

The Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:

a) Pursuant to SCA 24, non-diesel fueled generators shall be installed to replace diesel-fueled generators if feasible. Alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce criteria pollutant emissions compared to diesel fuel.

b) Pursuant to SCA 24, all new diesel backup generators shall have engines that meet or exceed CARB Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423). If CARB adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest criteria pollutant emissions shall apply.

c) All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process.

d) For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.

vi. Electric Vehicle Charging

Prior to the issuance of the building's final certificate of occupancy, the project applicant shall demonstrate that the project is designed to comply with EV requirements in the most recently adopted version of CALGreen Tier 2 at the time of project-specific CEQA review. The installation of all EV charging equipment shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City.

vii. Additional Operational Emissions Reduction Measures

The project sponsor shall implement the following additional measures to reduce operational criteria air pollutant emissions:

a) Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit.

b) All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading.

c) Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site.

d) Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission

reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.

viii. Construction Emissions Minimization Plan

The project sponsor shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City (and the Air District if specifically Effective August 1, 2025 Page 17 requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

a) An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

b) A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

SCA AIR-3. Toxic Air Contaminant Controls – Construction Related. *(Standard Condition of Approval 24)*

Requirement:

a. Particulate Matter Reduction Measures
The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter (PM2.5) in exhaust and fugitive emissions from construction activities. The project applicant shall choose to implement i or both ii and iii:

i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the Office of Environmental Health and Hazard Assessment, and the Bay Area Air District to determine the health risk to sensitive receptors exposed to DPM and PM2.5 from exhaust and fugitive emissions from project construction. The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then DPM and PM2.5 reduction measures are not

required. If the HRA concludes that the health risk exceeds the City's health risk significance thresholds for projects, DPM and PM2.5 reduction measures shall be identified to reduce the health risk to below the City's health risk significance thresholds as set forth under subsection b below. Identified DPM and PM2.5 reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM2.5 reduction measures shall be implemented during construction.

OR

ii. The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

- All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.
- Where access to grid-powered electricity is available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps. Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.).

iii. The project applicant shall implement all enhanced control measures included in [SCA AIR-1: Dust Controls – Construction Related].

b. Construction Emissions Minimization Plan (if required by a above)

The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating),

horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

SCA AIR-4. Stationary Sources of Air Pollution (Toxic Air Contaminants). *(Standard Condition of Approval 26)*

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods:

a) The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements and in accordance with Bay Area Air District CEQA guidance for HRAs to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be based on project specific activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds the City's health risk significance thresholds for projects, health risk reduction measures shall be identified to reduce the health risk below the City's health risk significance thresholds for projects. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.

   OR

b) The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

   i. Installation of non-diesel fueled generators, if feasible, or;

   ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible. If CARB adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest DPM emission shall apply.

iii. All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process.

iv. All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors.

v. For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.

SCA AIR-5. Truck-Related Risk Reduction Measures (Toxic Air Contaminants). *(Standard Condition of Approval 27)*

Requirement:

a. Truck Loading Docks

The project applicant shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.

b. Truck Fleet Emissions Standards

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

c. Diesel Truck Emission Reduction Measures

The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. Emissions from Project-related diesel trucks shall be reduced through implementing the following measures, if feasible:

i. Prohibit Transportation Refrigeration Units (TRUs) from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit.

ii. All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading.

iii. Require TRU trucks to use TRUs that meet Tier 4 emission standards.

iv. Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site.

v. Requiring truck-intensive tenants to use advanced exhaust technology (e.g., hybrid) or alternative fuels.

vi. Prohibit trucks from idling for more than two minutes.

vii. Establish truck routes to avoid sensitive receptors in and around the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

viii. Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.

ix. The project sponsor shall develop a Truck Route Plan that establishes operational truck routes to avoid sensitive receptors as identified in the environmental review analysis completed for the project. The purpose of the Truck Route Plan is to route trucks on streets that are located as far from offsite sensitive receptors as possible, while still maintaining the operational goals of the project. The Truck Route Plan must include route restrictions, truck calming, truck parking, and truck delivery restrictions to minimize exposure of nearby sensitive receptors to truck exhaust and fugitive particulate emissions. Prior to the commencement of operational activities, the project sponsor shall certify (1) compliance with the Truck Route Plan, and (2) all applicable requirements of the Truck Route Plan have been incorporated into tenant contract specifications

SCA AIR-6. Asbestos in Structures. *(Standard Condition of Approval 28)*

> **Requirement:** The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

4.1.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. During project construction result in average daily emissions of 54 pounds per day of ROG, NO_x, or $PM_{2.5}$ or 82 pounds per day of PM_{10};
2. During project operation result in average daily emissions of 54 pounds per day of ROG, NO_x, or $PM_{2.5}$ or 82 pounds per day of PM_{10}; or result in maximum annual emissions of 10 tons per year of ROG, NO_x, or $PM_{2.5}$ or 15 tons per year of PM_{10};
3. Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour;
4. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter;
5. Expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter; or
6. Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people.

APPROACH TO ANALYSIS

This analysis considers the Project's construction and operational air quality impacts. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod) version 2022.1. CalEEMod is a Statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Project-specific inputs to the model included types and sizes of land uses proposed for construction, site area, demolition area, infill and off-haul volumes, starting year of construction and construction schedule, duration of the various construction phases, types, number and

activity level of equipment used under each phase as well as the number of worker and truck trips associated with each phase. Air quality impacts were assessed according to methodologies recommended by CARB and the Bay Area Air District.

Unique to the Project site relative to other properties in the surrounding area is the previous foundry use. The previous foundry use presents the potential for contaminated soil containing heavy metals and other contaminants that could be emitted as toxic air contaminants (TACs) during demolition and construction. Because soil disturbance could release particulate matter containing these contaminants, a multipollutant health risk assessment (MPHRA) was conducted to evaluate potential short-term health risks from construction-related TAC emissions under conservative exposure assumptions. In addition, scoping comment letters were received expressing concerns regarding potential TAC exposures during demolition and construction activities. Therefore, this analysis conservatively evaluates potential short-term TAC impacts associated with soil disturbance activities. This analysis is considered conservative because the assessment evaluates potential health risks associated with temporary construction-related emissions under conservative lifetime exposure assumptions to ensure disclosure and protection of nearby sensitive receptors. Once demolition and construction activities are completed, soil disturbance would no longer occur, and potentially contaminated soil would no longer be disturbed.

The proposed Project's construction and operational emissions are compared to the daily criteria pollutant emissions significance thresholds in order to determine the significance of the Project's impact on regional air quality. Project impacts on sensitive receptors are determined by analyzing construction diesel particulate matter and operational toxic air contaminants, which are analyzed in the Health Risk Assessment (HRA). The proposed Project's impacts in other emissions (such as those leading to odors) are determined based on Bay Area Air District's land use criteria.

Construction Impacts

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Daily regional construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

Operational Impacts

Project operations would result in emissions of area sources (consumer products), stationary sources (emergency fire pumps), off-road sources (yard trucks) and mobile sources (motor vehicles from Project generated vehicle trips). The following off-road and stationary equipment assumptions provided in **Table 4-7: Off-Road Equipment and Stationary Sources** were modeled in CalEEMod.

Table 4-7: Off-Road Equipment and Stationary Sources

Equipment Type	Fuel Type	Quantity	Hours/ Day	Hours/ Year	HP	Load Factor
Emergency Fire Pump	Diesel	1	1	50	350	0.74
Forklifts	Electric	10	8	-	-	-

HP = horsepower

Project-generated increases in operational emissions would be predominantly associated with motor vehicle use. The Project vehicle trip generation was obtained from the *7825 San Leandro Street Project Transportation Analysis* prepared by Kimley-Horn (July 2026). Based on the *Transportation Analysis* the following assumptions provided in **Table 4-8: Trip Generation, Fleet Mix, and Trip Length Assumption** were modeled in CalEEMod.

Table 4-8: Trip Generation, Fleet Mix, and Trip Length Assumption

Vehicle Categories[1]	Trip Generation (daily trips)	Fleet Mix[2]	Trip Length (miles one-way)
Passenger Vehicles	1,259	CalEEMod Defaults	CalEEMod Defaults
Trucks	180	- Heavy Duty Trucks (HHDT): 60% - Medium Heavy Duty Trucks (MHDT): 23% - Light Heavy Duty Trucks (LHDT2):18%	7.5[1]
Total	**1,439**		

1. Heavy commercial vehicle travel metrics for the US Census Block Group containing the project site were pulled from the ReplicaHQ data platform. Replica uses a diverse set of third-party data from public and private sector sources including mobile location data, consumer resident data, land use data, credit transaction data, and ground truth count data to synthesize travel demand mobility metrics for mega regions across the US with granularity at the Census block group level. Replica returned data for an estimated 186 heavy vehicle trips with data attributes showing trip origin destination and trip length. The expected average truck trip length for the project of 7.5 miles was calculated as the average trip length of these 180 heavy vehicle trips."
2. WSP, *RCTC Truck Study and Regional Logistics Mitigation Fee Technical Memorandum 1*, October 2017.

Additionally, the increase of traffic over existing conditions as a result of the Project was obtained from the Project's *Transportation Analysis*. Other operational emissions from area, energy, and stationary sources were quantified in CalEEMod based on land use activity data.

Consistency with Clean Air Plan

As discussed above, the applicable air quality plan is the Bay Area Air District's 2017 CAP, which identifies measures to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce GHG emissions. Consistency with the CAP can be determined if a project were to support the goals of the plan, include applicable control measures from the plan and would not disrupt or hinder implementation of any plan control measures.

Bay Area Air District guidance states that lead agencies should consider three questions in assessing consistency with the 2017 CAP:

1. Would the project support the primary goals of the Clean Air Plan?
2. Does the project include applicable control measures from the Clean Air Plan?
3. Does the project disrupt or hinder implementation of control measures identified in the Clean Air Plan?

To support the primary goals, the CAP recommends specific control measures and actions. The 2017 CAP includes 85 control measures aimed at reducing air pollution in the SFBAAB.

Non-CEQA Impacts of the Environment on the Project

As discussed in the Regulatory Setting, CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would exacerbate an existing environmental condition. Accordingly, the identified significance criteria related to exposure of sensitive receptors to substantial pollutant concentrations are valid only to the extent that the proposed project would in some way exacerbate air quality conditions. The Project does not introduce any new sensitive receptors on-site that would be exposed to existing emissions. Therefore, this is not discussed further in the analysis presented below.

Cumulative Impacts

The cumulative setting for air quality includes the City and the Air Basin. The Air Basin is designated as nonattainment for the O_3, PM_{10}, and $PM_{2.5}$ CAAQS and nonattainment for the O_3 and $PM_{2.5}$ NAAQS, and is designated as unclassified or attainment for all other pollutants. Cumulative growth in population and vehicle use could inhibit efforts to improve regional air quality and attain the NAAQS and CAAQS.

TOPICS CONSIDERED AND NO IMPACT DETERMINED

The Project would have no impact to the following topic based on the Project characteristics, its geographical location, and underlying site conditions. Therefore, this topic is not addressed further in this document for the following reasons:

- ***Health Risk Exposure to New Sensitive Receptors*** (Criterion 5). The Project would not introduce any land uses to the site that would be considered sensitive to air quality and health risk and thus would not introduce new sensitive receptors to the site. Therefore, there would be no impact related to this criterion.

PROJECT IMPACTS AND DISCUSSION

Impact AIR-1 *During project construction result in average daily emissions of 54 pounds per day of ROG, NO_x, or $PM_{2.5}$ or 82 pounds per day of PM_{10};*

Impact AIR-2 *During project operation result in average daily emissions of 54 pounds per day of ROG, NO_x, or $PM_{2.5}$ or 82 pounds per day of PM_{10}; or result in maximum annual emissions of 10 tons per year of ROG, NO_x, or $PM_{2.5}$ or 15 tons per year of PM_{10};*

Less than Significant with SCAs.

Construction Emissions

Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O_3-precursor pollutants (i.e., ROG and NO_X) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air

quality impact if the volume of pollutants generated exceeds the Bay Area Air District's thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

Project construction activities are estimated to last approximately 22 months, beginning in April 2027 and concluding at the end of January 2029. The Project's construction-related emissions were calculated using the Bay Area Air District-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements.

Project demolition is anticipated to begin in April 2027 and last approximately two months. Project demolition will require approximately 646,343 sf of hardscape demolition. Project site preparation is anticipated to begin in June 2027 last approximately one month and would export 2,100 cubic yards (cy) of soil. Project grading is anticipated to begin in July 2027 and last approximately one month and would import approximately 18,806 cy of soil. Approximately 29,687 cy of soil are anticipated to be cut from the site and used for fill elsewhere on-site. Architectural coating was modeled to be completed January 2029.[22] The exact construction timeline is unknown; however, to be conservative, earlier dates were utilized in the modeling. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover. See Appendix B: Air Quality Assessment for more information regarding the construction assumptions used in this analysis. Predicted average daily construction-generated emissions for the Project are summarized in **Table 4-9: Construction-Related Emissions**.

Table 4-9: Construction-Related Emissions

Emissions/Threshold	Average Pounds Per Day					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Average Daily Emissions	7.21	19.49	0.65	0.57	4.54	1.37
City and Bay Area Air District Thresholds	***54***	***54***	***82***	***54***	***BMPs***	***BMPs***
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

ROG = Reactive Organic Gases; NO_X = Nitrogen Oxides; PM_{10} = Particulate Matter 10 microns in diameter or less; $PM_{2.5}$ = Particulate Matter 2.5 microns in diameter or less

22 Based on applicant provided information dated January 17, 2025.

Emissions/Threshold	Average Pounds Per Day					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
1. Emissions were calculated using CalEEMod. Emissions include compliance with the Bay Area Air District's Basic Construction Mitigation Measures Recommended for All Projects and the City of Oakland Standard Conditions of Approval. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours. The emissions shown in this table do not include use of Tier 4 construction equipment. 2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated May 2017. 3. BMPs = Best Management Practices. The Bay Area Air District recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant.						
Source: CalEEMod version 2022.1. Refer to Appendix B for model outputs.						

Fugitive Dust Emissions. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. The Bay Area Air District does not have quantitative thresholds for fugitive dust. While prior CEQA guidance included screening-level thresholds for construction-related PM emissions, those thresholds are no longer in effect. More recent Bay Area Air District guidance (2022/2023) instead emphasizes refined quantitative analysis for operational emissions and health risk assessments and does not re-establish screening-level quantitative thresholds for construction-related fugitive dust emissions. The Bay Area Air District instead recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds. Bay Area Air District recommended Basic Construction Control Measures to reduce fugitive dust emissions are included as part of Oakland's Standard Conditions of Approval (SCA) SCA AIR-1, Dust Controls – Construction Related; see City of Oakland Standard Conditions of Approval above. This SCA would be incorporated as conditions of approval and the City would verify that these measures are incorporated on applicable plans and specifications prior to grading permit issuance. Implementation of SCA AIR-1 would ensure that fugitive dust emissions would be less than significant.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the Project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_X, PM_{10}, and $PM_{2.5}$. As detailed in **Table 4-9: Construction-Related Emissions**, Project construction emissions

would not exceed the Bay Area Air District thresholds and construction emissions would not result in a potentially significant impact.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. In accordance with the methodology prescribed by the Bay Area Air District, the ROG emissions associated with paving have been quantified with CalEEMod. The highest concentration of ROG emissions would be generated from architectural coating beginning in Fall 2028. This phase includes the interior and exterior painting as well as striping of all paved parking areas and driveways. Paints would be required to comply with Bay Area Air District Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

Summary. As shown in **Table 4-9: Construction-Related Emissions**, all criteria pollutant emissions would remain below their respective thresholds. Bay Area Air District considers fugitive dust emissions to be potentially significant without implementation of the Construction Control Measures which help control fugitive dust. The Project would be required to comply with SCA AIR-2: Criteria Air Pollutants – Construction and Operation Related which includes BMPs to reduce criteria air pollutants from construction equipment and vehicles. NO_X emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NO_X emissions. Therefore, with implementation of the SCAs, the proposed Project's construction would not worsen ambient air quality, create additional violations of federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant with implementation of SCA AIR-1 and SCA AIR-2.

Operational Emissions

Operational emissions for industrial developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling and heating); area sources (landscape equipment and household products); stationary sources (i.e., emergency fire pump) and off-road equipment (i.e., forklifts). **Table 4-10: Operational Emissions** shows that the Project's maximum emissions would not exceed Bay Area Air District operational thresholds.

Table 4-10: Operational Emissions

Emission Source	Maximum Pounds Per Day					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Area	9.81	0.11	0.02	0.02	0.00	0.00
Energy[2]	-	-	-	-	-	-
Mobile	3.83	5.18	0.06	0.06	8.26	2.09
Off-Road – Forklifts[3]	-	-	-	-	-	-
Emergency Fire Pump[3]	2.02	1.48	0.10	0.10	0.00	0.00

Emission Source	Maximum Pounds Per Day					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Total Emissions	*15.66*	*6.77*	*0.18*	*0.18*	*8.26*	*2.09*
Bay Area Air District Thresholds	***54***	***54***	***82***	***54***	***BMPs***	***BMPs***
Exceed Bay Area Air District Threshold?	**No**	**No**	**No**	**No**	**No**	**No**
ROG = Reactive Organic Gases; NO_X = Nitrogen Oxides; PM_{10} = Particulate Matter 10 microns in diameter or less; $PM_{2.5}$ = Particulate Matter 2.5 microns in diameter or less						
1. The highest values between summer and winter results were used as a worst-case scenario. As such, this represents a conservative analysis. 2. Consistent with the City ECAP Checklist, Item 9, the Project would be constructed as all electric building with no natural gas infrastructure. 3. The Project is estimated to include 10 electric forklifts and 1 emergency fire pump.						
Source: CalEEMod version 2022.1. Refer to Appendix B for model outputs.						

The Project's operational emissions sources are described below.

Area Source Emissions. Area source emissions would be generated due to on-site equipment, architectural coating, and landscape maintenance equipment.

Mobile Source Emissions. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern. NO_X and ROG react with sunlight to form O_3, known as photochemical smog. Additionally, wind currents readily transport PM_{10} and $PM_{2.5}$. However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions are based on trip generation data within the Traffic Analysis and have been incorporated into CalEEMod, as recommended by the Bay Area Air District. Per the Traffic Analysis, the Project would generate 1,439 total daily vehicle trips, which includes 180 daily truck trips.

Off-Road Equipment Emissions. Operational off-road emissions would be generated by off-road cargo handling equipment used during operational activities. Based on information provided by the Applicant the Project would include 10 electric forklifts.

Emergency Fire Pump. The Project would include the installation of one emergency diesel fire pump. The emergency fire pump would emit pollutants that are either of regional or local concerns like VOC, NO_X, PM_{10}, and $PM_{2.5}$. The Project would include an emergency diesel fire pump that would operate during emergencies, testing and maintenance. Emissions from the fire pump would be infrequent and would not be constant. Further, the emergency fire pump operation must comply with the "Stationary Diesel Engine ATCM" section 93115 of the California Code of Regulations, which primarily limits non-emergency operation to a maximum of 50 hours per year for maintenance and testing purposes.

Total Operational Emissions. Federal and state ambient air quality standards for criteria air pollutants have been set to protect public health, with an adequate margin of safety, and the climate. The Bay Area Air District thresholds for criteria air pollutants represent the level of emissions a project can have while allowing the air basin to attain federal and state ambient air quality standards. As indicated in **Table 4-10: Operational Emissions**, the Project would not have a significant impact on criterial air pollutants during operation. Therefore, the Project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

Cumulative Construction Emissions

The Basin is designated nonattainment for the O_3, PM_{10}, and $PM_{2.5}$ CAAQS and nonattainment for the O_3 and $PM_{2.5}$ NAAQS. The Bay Area Air District developed the construction thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the Bay Area Air District thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.[23]

In general, the construction emissions of any given project would not be cumulatively considerable if they do not exceed Bay Area Air District project level thresholds. Since Bay Area Air District thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, it can be expected that an individual project that exceeds these thresholds would result in a cumulative short-term impact. Project level cumulative construction emissions would not exceed thresholds because the Project would not exceed Bay Area Air District's project level thresholds. Furthermore, the Bay Area Air District recommends Basic Construction Mitigation Measures for all projects whether construction-related emissions exceed the thresholds of significance. Other projects would comply with the recommended measures through individual CEQA review and through compliance with Bay Area Air District Regulations. Compliance with Bay Area Air District construction-related mitigation requirements are considered to reduce cumulative impacts at a Basin-wide level. As a result, construction emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts from construction.

Cumulative Operational Impacts

The Bay Area Air District has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The Bay Area Air District developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the Bay Area Air District operational

[23] In developing thresholds of significance for air pollutants, Bay Area Air District considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions (Bay Area Air District CEQA Guidelines page 2-1).

thresholds would also be a cumulatively considerable contribution to a significant cumulative impact for operations.

As shown in **Table 4-10: Operational Emissions** the Project's operational emissions would not exceed Bay Area Air District thresholds. As a result, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts from operations.

SCA AIR-1. Dust Controls – Construction Related.

SCA AIR-2. Criteria Air Pollutant Controls – Construction and Operation Related.

SCA AIR-3. Toxic Air Contaminant Controls – Construction Related.

SCA AIR-4. Stationary Sources of Air Pollution (Toxic Air Contaminants).

SCA AIR-5. Truck-Related Risk Reduction Measures (Toxic Air Contaminants).

Mitigation Measures: None required.

Impact AIR-3 *Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour;*

Impact AIR-4 *For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter; or*

Less than Significant with SCAs.

Carbon Monoxide Hotspots

Intersection Hotspots. The primary mobile-source criteria pollutant of local concern is CO. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. CO concentration modeling is therefore

typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

The Basin is designated as attainment for CO. Emissions and ambient concentrations of CO have decreased dramatically in the Basin with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the Bay Area Air District screening criteria notes that CO impacts may be determined to be less than significant if a project would not increase traffic volumes at local intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Traffic would increase along surrounding roadways during long-term operational activities.

In Oakland, only the MacArthur Maze portion of Interstate 580 exceeds the 44,000 vehicles per hour screening criteria, which is approximately seven miles north of the Project site and would therefore not result in elevated CO concentrations at the Project site. Further, ambient CO standards have not been exceeded in the Bay Area for over a decade, largely due to reformulated fuels in California and vehicle emissions controls, as discussed above. Further, according to the Transportation Analysis prepared for the Project (Kimley Horn, 2026), the Project would generate 1,439 daily trips. The Project's effects to existing vehicle distribution and travel speeds would be nominal and would not involve intersections with more than 24,000 or 44,000 vehicles per hour. Therefore, development under the Project would not be required to estimate localized CO concentrations as it would not contribute to CO concentrations exceeding the CAAQS or NAAQS. The impact would be less than significant, and no mitigation measures are required.

Carcinogenic Risk

The closest sensitive receptor to the Project site is the single family residence to the northeast of the Project site. Bay Area Air District provides guidance for evaluating impacts from TACs in its CEQA Air Quality Guidelines document. Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TACs. Additionally, due to past land uses and impacts encountered on the Project site, demolition activities may disturb soil, soil gas, and potentially groundwater containing contaminants, resulting in potential exposure of offsite populations to TACs. Accordingly, this analysis evaluates TAC impacts associated with the disturbance of impacted soil during construction. Long-term operations of the Project would generate ongoing diesel emissions from heavy-duty trucks traveling to and from the Project site for goods movement. These operational truck trips, which occur on a daily basis, represent a substantial long-term source of DPM emissions and may also contribute to localized health risks at sensitive receptors in proximity to the site.

As noted therein, an incremental cancer risk of greater than 10 cases per million at the Maximally Exposed Individual (MEI) will result in a significant impact. Bay Area Air District considers exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant. The Bay Area Air District significance threshold for non-cancer hazards is 1.0. It is noted that the analysis below summarizes the findings of the Project's *Health Risk Assessment* prepared by Kimley-Horn, refer to the HRA for detailed modeling and analysis assumptions in Appendix E.

Particulate Matter Concentration, TACs, and Carcinogenic Risk

Project construction would generate DPM emissions from the use of off-road diesel equipment required for grading and excavation, paving, and other construction activities. For construction activity, DPM is the primary toxic air contaminant of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations.

Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The use of diesel-powered construction equipment would be episodic and would occur in various phases throughout the Project site. Additionally, construction activities would limit idling to no more than five minutes (per City and State standards, see SCAs above), which would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. Furthermore, even during the most intense year of construction, emissions of DPM would be generated from different locations on the Project site rather than in a single location because different types of construction activities (e.g., site preparation and building construction) would not occur at the same place at the same time.

In addition to short-term construction emissions, long-term operation of the Project would generate ongoing DPM emissions from heavy-duty diesel trucks traveling to and from the site for goods movement. These operational truck trips, which would occur daily, represent a substantial source of localized DPM emissions and could contribute to long-term health risks at nearby sensitive receptors. It should be noted that the Project would be required to comply with SCA AIR-6 to reduce risks from truck activity. The closest sensitive receptor is the single-family residence approximately 625 feet northeast of the Project site.

$PM_{2.5}$ construction emissions rates in grams per second were calculated from the total annual on-site exhaust emissions reported in CalEEMod total during construction. It shall be noted that although construction would span over several years, the modeling conservatively uses the year with the highest emission for each phase. Annual emissions were converted to grams per second and these emissions rates were input into AERMOD. Maximum (worst case) $PM_{2.5}$ exhaust construction emissions over the entire construction period were used in AERMOD to approximate construction DPM emissions. Annual $PM_{2.5}$ exhaust emissions were calculated using trip data and an EMission FACtor (EMFAC) and were used in AERMOD to approximate operational DPM emissions. This included emissions from on-site truck activity such as idling, loading, and unloading, as well as roadway travel to and from the Project site.

Risk levels were calculated based on the California Office of Environmental Health Hazard Assessment (OEHHA) guidance document, *Air Toxics Hot Spots Program Risk Assessment Guidelines* (February 2015), the *Bay Area Air District Air Toxics Control Program Health Risk Assessment Guidelines* (December 2021), and the Bay Area Air District *Health Risk Assessment Modeling Protocol* (December 2020). Results of this assessment are summarized in **Table 4-11: DPM Particulate Matter Concentration and Carcinogenic Risk**. The reported annual pollutant concentrations are at the closest maximally exposed individual (MEI). The maximally exposed individual resident (MEIR) is located 625 feet northeast of the Project site and maximally exposed individual worker (MEIW) is located 50 feet east of the Project site (refer to **Table 4-5: Air Quality Sensitive Receptors**).

As shown in **Table 4-11: DPM Particulate Matter Concentration and Carcinogenic Risk**, the construction risk associated with DPM emissions at residential and the off-site commercial worker receptors would be 0.09 and 0.07 in one million, respectively. Additionally, the operational cancer risk associated with DPM emissions at residential and the off-site worker receptors would be 0.13 and 0.15 in one million, respectively. The combined construction and operational cancer risk associated with DPM emissions at the residential and off-site worker receptors would be 0.19 and 0.22 in one million, respectively. Therefore, the maximum construction, operational cancer risk and combined construction and operational cancer risk associated with DPM emissions would not exceed the Bay Area Air District threshold of 10 in one million.

Additionally, the maximum $PM_{2.5}$ concentrations generated by DPM emissions during Project construction and operations and combined construction and operations would not exceed the Bay Area Air District threshold of 0.3 µg/m^3 at any of the receptors.

Table 4-11: DPM Particulate Matter Concentration and Carcinogenic Risk

Exposure Scenario[1]	$PM_{2.5}$ Annual Concentration (µg/m^3)	$PM_{2.5}$ Threshold (µg/m^3)	Cancer Risk (Risk per Million)[2]	Significance Threshold (Risk per Million)	Exceeds Risk Significance Threshold?
Construction					
Residential Receptor	0.02	0.30	0.09	10	No
Off-Site Commercial Worker Receptor	0.21	0.30	0.07	10	No
Operations					
Residential Receptor	<0.01	0.30	0.13	10	No
Off-Site Commercial Worker Receptor	0.01	0.30	0.15	10	No
Combined Construction + Operations					
Residential Receptor	0.03	0.30	0.19	10	No
Off-Site Worker Commercial Receptor	0.22	0.30	0.22	10	No

1. The reported annual pollutant concentration is at the closest maximally exposed individual (MEI) to the Project site. The maximally exposed individual resident (MEIR) is located 625 feet northeast of the Project site and maximally exposed individual worker (MEIW) is located 50 feet east of the Project site.

2. Exposure scenario is the risk from DPM.

Source: Refer to HRA Report Appendix E: Modeling Data.

In addition to construction risk associated with DPM emissions, disturbance of impacted soils at the Project site could release other TACs, including heavy metals, VOCs, and SVOCs, through fugitive dust emissions. While on-road diesel-powered haul trucks traveling to and from the construction area would

also emit DPM, their contribution is less significant because of their limited on-site duration. Overall, diesel exhaust and fugitive dust emissions from impacted soils (including heavy metals, VOCs, and SVOCs) during construction have the potential to pose health risks to nearby sensitive receptors. Refer to the Project's *Health Risk Assessment* (Kimley-Horn, 2026) for detailed information on impacted soils.

Table 4-12: Multipollutant Carcinogenic Risk shows the health risk associated with contaminant of potential concern (COPC) TAC emissions from impacted soils (including heavy metals, VOCs, and SVOCs) during construction. As shown in **Table 4-12: Multipollutant Carcinogenic Risk**, the total construction risk associated with emissions from impacted soils at residential and the off-site worker receptors would be approximately 0.002 and 0.005 in one million, respectively. Therefore, the maximum construction cancer risk associated with emissions from impacted soils would not exceed the Bay Area Air District threshold of 10 in one million. With implementation of SCA AIR-3, the impact would be less than significant.

Table 4-12: Multipollutant Carcinogenic Risk

Pollutant Type	Exposure Scenario[1]	Cancer Risk (Risk per Million)[2]	Significance Threshold (Risk per Million)	Exceeds Risk Significance Threshold?
Construction				
Metals	Residential Receptor	0.002	10	No
	Off-Site Commercial Worker Receptor	0.005	10	No
VOCs	Residential Receptor	<0.001	10	No
	Off-Site Commercial Worker Receptor	<0.001	10	No
SVOCs	Residential Receptor	<0.001	10	No
	Off-Site Commercial Worker Receptor	<0.001	10	No
Total Multipollutant	**Residential Receptor**	**0.002**	**10**	**No**
	Off-Site Commercial Worker Receptor	**0.005**	**10**	**No**

1. The maximally exposed individual resident (MEIR) is located 625 feet northeast of the Project site and maximally exposed individual worker (MEIW) is located 50 feet east of the Project site.

2. Exposure scenario is the risk from COPCs (including heavy metals, VOCs, and SVOCs).

Source: Refer to HRA Report Appendix E: Modeling Data.

Non-Carcinogenic Hazard

The significance thresholds for TAC exposure also require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the REL for that substance. The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated. RELs are designed to protect sensitive individuals within the population.

According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system.[24] Refer to the Project's *Health Risk Assessment* (Kimley-Horn, 2026) in Appendix E for the non-cancer risks for all other COPC determined using the RELs.

Chronic non-carcinogenic impacts associated with DPM from Project construction and operations are shown in **Table 4-13: DPM Chronic Hazard Assessment.** A chronic hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the chronic exposure by the reference exposure level. The chronic hazard was calculated based on the highest annual average concentration at the MEI receptors. It should be noted that there is no acute REL for DPM and acute health risk cannot be calculated.

Table 4-13: DPM Chronic Hazard Assessment

Exposure Scenario[1, 2]	Concentration (µg/m^3)[1]	Chronic Hazard
Construction		
Residential Receptor	<0.001	<0.001
Off Site Worker Receptor	0.003	0.023
Operation		
Residential Receptor	<0.001	<0.001
Off Site Worker Receptor	<0.001	<0.001
Bay Area Air District Threshold	*1.0*	*1.0*
Threshold Exceeded?	No	No
1. The reported annual pollutant concentration is at the closest maximally exposed individual (MEI) to the Project site. The maximally exposed individual resident (MEIR) is located 625 feet northeast of the Project site and maximally exposed individual worker (MEIW) is located 50 feet east of the Project site. 2. Exposure scenario is the risk from DPM.		
Source: Refer to Appendix A of Appendix E.		

Chronic, acute, and 8-hour non-carcinogenic impacts associated with COPC TAC emissions from impacted soils (including heavy metals, VOCs, and SVOCs) from Project construction are shown in **Table 4-14: Multipollutant Chronic and Acute Hazard Assessment**. A chronic, acute, and 8-hour hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the chronic exposure by the reference exposure level. The chronic hazard was calculated based on the highest annual average concentration at the MEI receptors.

[24] California Office of Environmental Health Hazard Assessment, *OEHHA Acute, 8-hour and Chronic Reference Exposure Level (REL) Summary*, available at https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.

Table 4-14: Multipollutant Chronic and Acute Hazard Assessment

Pollutant Type	Exposure Scenario[1, 2]	Chronic Hazard	Acute Hazard	8-hour
Construction				
Metals	Residential Receptor	<0.001	0.001	0.010
	Off Site Worker Receptor	0.023	0.003	0.151
VOCs	Residential Receptor	<0.001	0.008	0.001
	Off Site Worker Receptor	<0.001	0.074	0.008
SVOCs	Residential Receptor	<0.001	<0.001	<0.001
	Off Site Worker Receptor	<0.001	<0.001	<0.001
Total Multipollutant	Residential Receptor	<0.001	0.009	0.011
	Off Site Worker Receptor	0.023	0.077	0.159
Bay Area Air District Threshold		*1.0*	*1.0*	*1.0*
Threshold Exceeded?		No	No	No
1. The maximally exposed individual resident (MEIR) is located 625 feet northeast of the Project site and maximally exposed individual worker (MEIW) is located 50 feet east of the Project site. 2. Exposure scenario is the risk from DPM.				
Source: Refer to Appendix A of Appendix E.				

The highest maximum chronic hazard index associated with DPM and COPC TAC emissions from Project construction would be less than 0.001 at the residential receptor and 0.023 at the off-site worker receptor. Additionally, the highest maximum chronic hazard index associated with DPM emissions from Project operations would be less than less than 0.001 at the residential receptor and the off-site worker receptor. The highest acute hazard index associated with Project construction would be 0.009 at the residential receptor and 0.077 at the off-site worker receptor. The highest maximum 8-hour hazard index associated with unmitigated Project construction would be 0.011 at the residential receptor and 0.159 at the off-site worker receptor. Therefore, construction and operational non-carcinogenic hazards would not exceed the acceptable limits of 1.0 and impacts would be less than significant.

Cumulative Health Risk Analysis

The Bay Area Air District recommends that the cumulative analysis combine the risks and hazards from existing sources within 1,000 feet of the project's sources with the risks and hazards from the project's sources. Therefore, mobile and stationary sources[25] within a 1,000-foot radius of the Project site were

[25] Stationary sources are defined as sources that remain in a single location while they are operating.

reviewed using Bay Area Air District's Stationary Source Screening Analysis Tools per Bay Area Air District CEQA Guidelines. There were six stationary sources located within a 1,000-foot radius of the Project site, as indicated in **Table 4-15: Cumulative Operational Health Risk**.

Table 4-15: Cumulative Operational Health Risk shows that cumulative impacts related to cancer risk and hazard would be less than cumulatively considerable and within acceptable limits. Additionally, cumulative $PM_{2.5}$ concentrations would not exceed Bay Area Air District's cumulative threshold of 0.8 µg/m^3. The existing highway sources has a $PM_{2.5}$ concentration (0.22 µg/m^3). The existing highway sources represent approximately 60 percent of the total concentrations and are unrelated to the Project. The Project represents less than three percent of total cumulative $PM_{2.5}$ in the Project area.

The Project and the cumulative project total $PM_{2.5}$ concentrations and cancer risk would not exceed Bay Area Air District cumulative thresholds. Therefore, the combined effects from both the proposed Project and related projects would not be cumulatively significant. The Project is also below Bay Area Air District's incremental health risk thresholds. Therefore, the incremental effect of the individual Project is also less than cumulatively considerable.[26] As the related cumulative TAC sources in the Project area do not exceed Bay Area Air District cumulative thresholds for cancer risk and the Project does not exceed Bay Area Air District incremental thresholds, impacts would not be cumulatively considerable. Therefore, the Project's cumulative impacts would be less than cumulatively considerable.

Table 4-15: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ (µg/m^3)	Cancer Risk (Risk per Million)	Hazard
Project Emissions (Combined Construction + Operations)	0.03	0.19	0.12
Major Street Sources[1]	0.06	3.25	0.24
Highway Sources[1]	0.22	12.78	0.88
Railway Sources[1]	0.01	8.04	0.04
Stationary Sources			
835 75th Avenue	0.00	0.00	0.00
8200 Baldwin Street	0.00	0.00	0.00
700 71st Avenue	0.00	0.00	0.00
900A 77th Avenue	0.00	0.90	0.00

[26]CEQA case law has held that any additional emissions in an impacted area does not necessarily create a significant cumulative impact, finding that "the 'one [additional] molecule rule' is not the law" (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 120).

Emissions Sources	$PM_{2.5}$ ($\mu g/m^3$)	Cancer Risk (Risk per Million)	Hazard
8255 San Leandro Street	0.00	1.17	0.01
8300 Baldwin Street	0.07	10.46	0.64
Cumulative Health Risk Values	**0.39**	**36.79**	**1.93**
Bay Area Air District Cumulative Threshold	*0.8*	*100*	*10*
Threshold Exceeded?	**No**	**No**	**No**
1. Bay Area Air District GIS data.			
Source: Bay Area Air District's Stationary Source Data and GIS Mapping Tools, 2025.			

SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.

SCA AIR-4. Stationary Sources of Air Pollution (Toxic Air Contaminants).

SCA AIR-5. Truck-Related Risk Reduction Measures (Toxic Air Contaminants).

Mitigation Measures: None required.

Impact AIR-5 Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people.

Less than Significant.

Construction

Construction activities associated with the Project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Any construction-related odors would be short-term in nature and cease upon Project completion. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

Operational

Bay Area Air District has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. Bay Area Air District's thresholds for odors are qualitative based on Bay Area Air District's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The Project includes a 311,000 square foot warehouse and office building which is not anticipated to generate odors. None of the above listed odor generating uses are located near the Project site. Impacts would be less than significant.

Mitigation Measures: None required.

Impact AIR-6: Construction and operation of the Project would not conflict with or obstruct implementation of the applicable air quality plan.

Less than Significant. Bay Area Air District's most recently adopted plan, the Clean Air Plan (2017), outlines how the San Francisco area will attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions. Bay Area Air District has not established a quantitative threshold of significance for project-level consistency with an air quality plan. However, per Bay Area Air District guidelines, if a project is consistent with Criterion 1 through Criterion 3 (see analysis below), the project would not conflict with or obstruct the implementation of the applicable air plan.

Criterion 1: Does the Project support the primary goals of the Air Quality Plan?

The Clean Air Plan has two paramount goals: (1) protect air quality and health at the regional and local scale by (a) attaining all state and national air quality standards and (b) eliminating disparities among Bay Area communities in cancer health risk from toxic air contaminants, and (2) protect the climate by keeping the Bay Area region on track to achieve the statewide greenhouse gas emission reduction targets in Senate Bill 32 and 2050 goal in Executive Order S-3-05.

The Project supports these two primary goals. Regarding Goal 1(a), as described below, construction and operational air quality emissions generated by the proposed Project would not exceed Bay Area Air District's emissions thresholds for criteria air pollutants with the implementation of applicable SCAs. Since the proposed Project would not exceed these thresholds with incorporation of applicable SCAs, the proposed Project would not be considered by Bay Area Air District to be a substantial emitter of criteria air pollutants and would not contribute to any non-attainment areas in the Basin and would be consistent with the goal to attain the CAAQS and NAAQS.

Regarding Goal 1(b), as described below, construction and operational cancer health risk from toxic air contaminants would be below Bay Area Air District's project-level and cumulative thresholds. Therefore, the Project would not conflict with the Clean Air Plan's goal to eliminate disparities in Bay Area communities in cancer health risk from toxic air contaminants.

Regarding Goal 2, as discussed in the *7825 San Leandro Street Project Greenhouse Gas Emissions Assessment* (Kimley-Horn, 2025), the Project would be consistent with the ECAP by implementing a Greenhouse Gas Reduction Plan (GHGRP) which aligns with the targets in SB 32 and is designed to put the City on the path to meet the long-term target of carbon neutrality by 2045. Therefore, the Project would not conflict with the second goal of protecting the climate by being consistent with the SB 32 targets and executive orders related to future greenhouse gas emissions.

Criterion 2: Does the Project include applicable control measures from the Air Quality Plan?

The Project is consistent with the 2017 Clean Air Plan policies that are applicable to the Project site. As shown below, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures. As discussed in **Table 4-16: Project Consistency with Applicable Clean Air Plan Control Measures**, the Project would comply with City, State, and regional requirements.

Criterion 3: Does the Project hinder or disrupt the implementation of any Air Quality Control Measures?

The Clean Air Plan assumptions for projected air emissions and pollutants in the City of Oakland are based on the General Plan Land Use Designation Map which designates the Project site use as General Industry and Transportation and Business Mix. The intent of the General Industry and Transportation designation is to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. The intent of the Business Mix designation is to create, preserve, and enhance industrial areas that are appropriate for a wide variety of commercial and industrial establishments. Although the ultimate end use of the Project has not been identified, it is assumed that the use would not require a zoning or General Plan amendment. The building is designed to accommodate a warehouse use, which is consistent with the allowable uses under the current land use designation. Therefore, the Project is consistent with the General Plan assumptions. The proposed Project consists of a warehouse/office space consistent with the General Plan land use designation and would not increase the regional population growth or cause changes in vehicle traffic that would obstruct implementation of the Clean Air Plan in the San Francisco Bay Area Basin.

Specifically, the Project is anticipated to generate 315 jobs within the City.[27] ABAG predicts that job opportunities in the North Alameda County Area, which includes the City of Oakland, will grow from 275,000 in 2015 to 358,000 by 2050.[28] Therefore, the 315 new jobs generated by the Project would be within the ABAG growth projections for the City. Because the Project is consistent with planned land uses for the Project site, the Project would not exceed the level of population or housing in regional planning efforts. Population growth from the Project would be consistent with ABAG's projections for the City and with the City's General Plan and accounted for in Bay Area Air District's assumptions in its Clean Air Plan. Thus, the jobs associated with the Project would not conflict with the Clean Air Plan.

Further, **Table 4-16: Project Consistency with Applicable Clean Air Plan Control Measures** outlines the Project's consistency with the applicable 2017 Clean Air Plan policies. Therefore, the Project would not hinder or disrupt the implementation of any 2017 Clean Air Plan Control Measures and impacts would be less than significant.

[27]Based on applicant provided information dated November 15, 2024.

[28]Plan Bay Area, *Forecasting and Modeling Report*, October 2021. https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf

Table 4-16: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Stationary Source Control Measures	
SS21: New Source Review of Toxic Air Contaminants	Consistent. The Project would not include uses that would generate new sources of TAC that would impact nearby sensitive receptors.
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives	Consistent. The Project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction (also required per SCA AIR-2).
SS26: Surface Prep and Cleaning Solvent	
SS29: Asphaltic Concrete	Consistent. Paving activities associated with the project would be required to utilize asphalt that does not exceed Bay Area Air District emission standards in Regulation 8, Rule 15.
SS30: Residential Fan Type Furnaces	Not Applicable. The Project would not include any residential uses.
SS31: General Particulate Matter Emissions Limitation	Consistent. This control measure is implemented by the Bay Area Air District through Regulation 6, Rule 1. This Rule Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions and opacity. The Project would be required to comply with applicable Bay Area Air District rules.
SS32: Emergency Back-up Generators	Consistent. The Project would not include an emergency generator. However, the Project would include one emergency diesel fire pump. The proposed emergency fire pump will be required to meet the Bay Area Air District's emissions standards for emergency fire pumps.
SS33: Commercial Cooking Equipment	Not Applicable. The Project would not include the development of restaurant facilities.
SS34: Wood Smoke	Not Applicable. The Project would not include the construction of wood burning appliances/ fireplaces.
SS36: Particulate Matter from Trackout	Consistent. Mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor and would implement BMPs required by Bay Area Air District (also required per SCA AIR-1).
SS37: Particulate Matter from Asphalt Operations	Consistent. Paving and roofing activities associated with the Project would be required to utilize best management practices to minimize the particulate matter created from the transport and application of road and roofing asphalt.

Control Measure	Project Consistency
SS38: Fugitive Dust	Consistent. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required to utilize best management practices, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 mph, to minimize the creation of fugitive dust (also required per SCA AIR-1, SCA AIR-2, and SCA AIR-3). See City of Oakland SCAs for a more detailed list.
SS40: Odors	Consistent. The Project is a warehouse development and is not anticipated to generate odors. The Project would comply with Bay Area Air District Regulation 7 to strengthen odor standards and enhance enforceability.
Transportation Control Measures	
TR2: Trip Reduction Programs	Consistent. The Project would include a number of travel demand measures (TDM) such as improving pedestrian streetscaping, ADA improvements, restriping pedestrian crosswalks, and signal upgrades. These TDM Programs would help reduce vehicle miles traveled (VMT) and mobile greenhouse gas emissions. Additionally, the Project would implement a mandatory commute trip reduction program, refer to *7825 San Leandro Street Project Greenhouse Gas Assessment* for more information.
TR8: Ridesharing and Last-Mile Connections	
TR9: Bicycle and Pedestrian Access Facilities	Consistent. Along San Leandro Street, there are 5 to 7 feet wide Class III bike lanes in both directions fencing separating the roadway from the bike lane. Pedestrian crosswalks are present at every intersection with ADA compliant ramps. Construction of the Project will maintain the existing Class III bike lanes and pedestrian facilities along San Leandro Street. The proposed Project would include 16 bicycle parking spaces as well as bicycle and pedestrian access on the driveway.
TR10: Land Use Strategies	Consistent. This measure is a Bay Area Air District funding tool to maintain and disseminate information on current climate action plans and other local best practices and collaborate with regional partners to identify innovative funding mechanisms to help local governments address air quality and climate change in their general plans. In addition, the proposed Project site is located within approximately 1,000 feet of transit stops at 85th Avenue / San Leandro Street intersection and San Leandro Street / 81st Avenue intersection and the Coliseum BART station. Therefore, these employment opportunities would be easily accessible via transit, furthering the City's General Plan goals to support a healthy community, reduce traffic congestion and decrease greenhouse gas

Control Measure	Project Consistency
	emissions and energy consumption. The Project would not conflict with implementation of this measure.
TR13: Parking Policies	Consistent. The auto parking spaces would include 96 standard spaces, 48 compact parallel spaces, 25 compact spaces, 21 standard EV ready spaces, 23 EV capable spaces equipped for future electric charging stations, five ADA accessible car spaces, one EV ready ADA accessible car space, two ADA accessible van spaces, and one EV ready van space.
TR19: Medium and Heavy-Duty Trucks	Consistent. The Project includes a warehousing use that would generate truck trips. However, per the *Transportation Analysis* prepared for the Project there would be approximately 180 daily truck trips. The Project would not conflict with the implementation of this measure.
TR22: Construction, Freight and Farming Equipment	Consistent. The Project would comply through implementation of SCA AIR-2: Criteria Air Pollutants – Construction and Operation Related which includes BMPs to reduce criteria air pollutants from construction equipment and vehicles.
Energy and Climate Control Measures	
EN1: Decarbonize Electricity Generation	Consistent. The Project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen.
EN2: Decrease Electricity Demand	
Buildings Control Measures	
BL1: Green Buildings	Consistent. Consistent with the City ECAP Checklist, Item 9, the Project would be constructed as all electric building with no natural gas infrastructure. The Project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen.
L2: Decarbonize Buildings	
BL4: Urban Heat Island Mitigation	Consistent. Consistent with the City ECAP Checklist, Item 9, the Project would be constructed as all electric building with no natural gas infrastructure. The Project would demolish the existing structures and associated asphalt surfaces. The Project would include some landscaping.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	Not Applicable. The Project includes landscaping with native vegetation and trees.
Waste Management Control Measures	
WA1: Landfills	

Control Measure	Project Consistency
WA3: Green Waste Diversion	Consistent. The waste service provider for the Project would be required to meet the AB 341 and SB 939, 1374, and 1383 requirements that require waste service providers to divert and recycle waste. Per Cal Green requirements the Project would recycle construction waste.
WA4: Recycling and Waste Reduction	
Water Control Measures	
WR2: Support Water Conservation	Consistent. The Project would implement water conservation measures and low flow fixtures as required by Title 24, CalGreen, and the City of Oakland's Municipal Code Section 18.01 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc.

Source: Bay Area Air District, Clean Air Plan, 2017 and Kimley-Horn & Associates, 2025.

SCA AIR-2. Criteria Air Pollutant Controls – Construction and Operation Related.

Mitigation Measures: No mitigation is required.

4.1.5 CUMULATIVE

Impact AIR-1.CU: Construction and operational activities associated with the Project would not result in a cumulatively considerable increase in emissions for which the SFBAAB is in non-attainment under an applicable federal or State ambient air quality standard.

Impact AIR-2.CU: The Project would not contribute to cumulative CO concentrations that exceed the CAAQS of 9 ppm averaged over eight hours and 20 ppm for one hour.

Impact AIR-3.CU: Construction and operational activities associated with the Project would not contribute considerably to cumulative emissions of TACs and $PM_{2.5}$ that could expose sensitive receptors to substantial pollutant concentrations or health risks above the City's cumulative thresholds.

Impact AIR-4.CU: The Project, in combination with other cumulative projects, would not create or expose sensitive receptors to substantial odors affecting a substantial number of people.

Less than Significant with SCAs. The Project's potential contribution to cumulative air quality impacts was evaluated in accordance with CEQA and the Bay Area Air District's CEQA Air Quality Guidelines. Although air quality impacts are inherently cumulative and result from the combined emissions of numerous projects and sources throughout the Bay Area, the Project's incremental contribution would be limited by the applicable Bay Area Air District thresholds of significance and the control measures identified in Impact AIR-6.

As discussed under Impacts AIR-1 and AIR-2, the Project would not exceed the applicable Bay Area Air District thresholds for construction or operational emissions. In addition, as discussed under Impacts AIR-3, AIR-4, and AIR-5, the Project would not result in a cumulatively considerable contribution to exposure of sensitive receptors to substantial pollutant concentrations, odors, or other adverse air quality effects. Therefore, when considered together with past, present, and reasonably foreseeable future projects in the region, the Project's incremental contribution to cumulative air quality impacts would not be cumulatively considerable. The impact would be less than significant with standard control measures.

Mitigation Measures: None required.

SCA AIR-1: Dust Controls – Construction Related.

SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related.

SCA AIR-3: Toxic Air Contaminant Controls – Construction Related.

SCA AIR-4 Stationary Sources of Air Pollution (Toxic Air Contaminants).

SCA AIR-5: Truck-Related Risk Reduction Measures (Toxic Air Contaminants).

SCA AIR-6: Asbestos in Structures.

4.1.6 REFERENCES

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4.2 BIOLOGICAL RESOURCES

4.2.1 INTRODUCTION

This section assesses the potential for the Project to result in significant adverse impacts related to biological resources. The section first includes a description of the existing environmental setting as it relates to biological resources in the Project vicinity and provides a regulatory framework that discusses applicable state and local regulations. The section then includes an evaluation of potential impacts of the Project related to biological resources and identifies mitigation measures that would reduce any significant impacts.

The information and analysis in this section is based on a review of the Project, applicable local policies, and goals and policies related to the protection of biological resources in the City of Oakland General Plan.

4.2.2 ENVIRONMENTAL SETTING

REGIONAL AND LOCAL SETTING

The Project site is in the San Francisco Bay Bioregion, which has a mild Mediterranean climate with generally warm, dry summers and cool, wet winters. This region includes marine, freshwater, and terrestrial resources from Point Arena to the Santa Cruz Mountains and extends from the continental shelf to the delta of the Sacramento and San Joaquin Rivers (USGS, 2017).

The Project site is located at 7825 San Leandro Street within an existing industrial area near the Coliseum in the City of Oakland. The Project site is bound by Hegenberger Road to the north, San Leandro Street to the east, existing commercial uses and Elmhurst Creek to the south, and train tracks to the west. The site is predominantly flat and consists of minimal vegetation and has been in continuous industrial use since 1940. AB&I Foundry occupied the Project site from 1940 until October 2022. The former existing structures have since been demolished after the cessation of operations, the Project site is currently vacant with existing impervious surfaces that served as parking for the previous on-site uses and associated lighting standards. A row of street trees line San Leandro Street along the Project site boundary and additional trees are located along 77th Avenue within the Project site. The setting around the Project area is urbanized, including industrial and commercial enterprises, residences, parking lots. Elmhurst Creek is present within the southern corner of the Project site and is identified by U.S. Fish and Wildlife Services (USFWS) as a Riverine wetland system (USFWS, 2024a).

SPECIAL-STATUS AND PROTECTED SPECIES

The term *special-status species* refers to plant and wildlife species that are considered sufficiently rare that they require special consideration and/or protection and should be, or currently are, listed as rare, threatened, or endangered by the federal and/or state governments. Such species are legally protected under the federal and/or state Endangered Species Acts or other regulations or are species that are

considered sufficiently rare by the regulatory and scientific community to qualify for protection. The term *special-status species* includes the following:

- Species listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (FESA) (Code of Federal Regulations Title 50, Section 17.12 [listed plants] and Section 17.11 [listed animals] and various notices in the Federal Register [FR] [proposed species]);
- Species that are candidates for possible future listing as threatened or endangered under the FESA (61 FR 40, February 28, 1996);
- Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (California Code of Regulations Title 14, Section 670.5);
- Plants listed as rare or endangered under the California Native Plant Protection Act (California Fish and Game Code [CFGC] Section 1900 et seq.);
- Species designated by CDFW as California Species of Special Concern (SSC);[1]
- Bats identified by the Western Bat Working Group (WBWG) as medium- or high-priority species.
- Animals fully protected under the CFGC (Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]);[2]
- Species that meet the definitions of rare and endangered under CEQA. CEQA Section 15380 provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists (CEQA Guidelines Section 15380);
- Raptors (birds of prey), which are specifically protected by CFGC Section 3503.5, thus prohibiting the take, possession, or killing of raptors, including owls, their nests, and their eggs;[3]
- Plants considered by CDFW and the California Native Plant Society (CNPS) to be "rare, threatened or endangered in California" (California Rare Plant Rank 1A, 1B, and 2); and
- Anadromous[4] species managed and regulated under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

[1] A California SSC is one that: has been extirpated from the state; meets the state definition of threatened or endangered but has not been formally listed; is undergoing or has experienced serious population declines or range restrictions that put it at risk of becoming threatened or endangered; and/or has naturally small populations susceptible to high risk from any factor that could lead to declines that would qualify it for threatened or endangered status.

[2] The fully protected classification was California's initial effort in the 1960s to identify and provide additional protection to those animals that were rare or faced possible extinction. The designation can be found in the CFGC.

[3] The inclusion of birds protected by CFGC Section 3503.5 recognizes the fact that these birds are substantially less common in California than most other birds, having lost much of their habitat to development, and that the populations of these species are therefore substantially more vulnerable to further loss of habitat and to interference with nesting and breeding than most other birds. It is noted that a number of raptors are already specifically listed by federal and state wildlife authorities as threatened or endangered.

4 According to the United States EPA, Anadromous species are fish that spend their adult lives in salt water but must migrate to freshwater tributaries to spawn. For example, Atlantic sturgeon and American shad are both anadromous fish.

The potential for the Project site to support special-status plant or wildlife species was assessed based on review of the following sources:

- Subscription-based biological resource databases including the CDFW California Natural Diversity Database (CDFW, 2024)

The CNDDB database was queried based on a 5-mile radius from the Project site. The results of these queries formed the basis for analysis of which special- status and protected species have the potential to occur in the Project area. The following lists of special status plants and wildlife identify species that have occurrences within the search radius and have potential to occur within the Project site. In total, there are 22 plant and wildlife species (8 plant and 14 wildlife) identified as having the potential to occur on the Project site.

Special Status Plants

Special-status plant species (8 species total) that have the potential to occur within the Project site include Point Reyes salty bird's beak (*Chloropyron maritimum ssp. Palustre)*, fragrant fritillary (*Fritillaria liliacea*), woodland woollythreads (*Monolopia gracilens*), Loma Prieta Hoita (*Hoita stobilina*), dark-eyed gilia (*Gilia millefoliata*), and Marin knotweed (*Polygonum marinense*).

Special-Status Wildlife

Special-status wildlife species (14 species) that have potential to occur in within the Project site include green sturgeon – southern DPS (*Acipenser medirostris pop.1*), longfin smelt – San Francisco Bay-Delta DPS (*Spirinchus thaleichthys pop.2*), Alameda song sparrow (*Melospiza melodia pusillula*), Bay checkerspot butterfly (*Euphydryas editha bayensis*), burrowing owl (*Athene cunicularia*), California ridgeway's rail (*Rallus obsoletus obsoletus*), salt marsh common yellowthroat (*Geothlypis trichas sinuosa*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), salt marsh harvesting mouse (*Reithrodontomys raviventris*), California black rail (*Laterallus jamaicensis coturniculus*), yellow rail (*Coturnicops noveboracensis*), monarch butterfly – overwintering population(*Danaus plexippus Plexippus pop.1*), Cooper's hawk (*Accipiter cooperii*), and the American peregrine falcon (*Falco peregrinus anatum*).

Nesting Birds and Raptors

Bird species that could occur within the vicinity of the Project site are protected by the MBTA and by CFGC Sections 3503–3513. Protected species that have been documented in the Project vicinity include Cooper's hawk (*Accipiter cooperii*), and the American peregrine falcon (*Falco peregrinus anatum*). The proposed warehouse that would be located in the center of the Project site, along with trees and shrubs that would be planted on the Project site and warehouse boundaries have the potential to be suitable nesting and foraging habitat for these species, which are tolerant of urban activity. The MBTA and CFGC are discussed in more detail below.

Sensitive Natural Communities

Sensitive natural communities are designated by various resource agencies such as CDFW, or in local policies and regulations. They are generally considered to have important functions or values for wildlife and/or are recognized as declining in extent or distribution and are considered threatened enough to warrant some level of protection. CDFW tracks these communities of conservation concern through its

California Sensitive Natural Community List. Natural communities with ranks of S1 to S3 are considered sensitive natural communities, to be addressed in the environmental review processes of CEQA and its equivalents. The Northern Coastal Salt Marsh is a sensitive natural community identified by the CNDDB search for the Project in the Project vicinity. The nearest Northern Coastal Salt Marsh to the Project site is an arrowhead marsh located within San Leandro Bay approximately 0.9 mile southwest of the Project site.

CRITICAL HABITAT DESIGNATIONS

USFWS can designate critical habitat for species that have been listed as threatened or endangered. Critical habitat is defined in FESA Section 3(5)(A) as those lands (or waters) within a listed species' current range that contain the physical or biological features that are considered essential to its conservation. The designated habitat should contain elements necessary for the primary biological needs of the species, including breeding, foraging, dispersal, migration, shelter, and growth of juveniles. The critical habitat designation serves to identify specific areas that are considered essential to the conservation of a listed species through special management or protection under FESA Section 7, which requires that federal agencies must not fund, carry out, or authorize projects that would destroy or adversely affect critical habitat. There is no critical habitat within the Project vicinity. The nearest identified critical habitat mapped by the USFWS Critical Habitat Mapper is within Anthony Chabot Regional Park for the Alameda Whipsnake (*Masticophis lateralis euryxanthus*), located approximately 4.6 miles east of the Project site (USFWS, 2024b).

4.2.3 REGULATORY SETTING

FEDERAL AND STATE OF CALIFORNIA

Federal and California Threatened and Endangered Species Acts

The USFWS and the National Marine Fisheries Service are the designated federal agencies responsible for administering FESA. The FESA defines species as "endangered" and "threatened" and provides regulatory protection for any species thus designated. FESA Section 9 prohibits the "take" of species listed by USFWS as threatened or endangered. As defined in the FESA, taking means "… to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct."

FESA Section 7(a)(2) requires all federal agencies, including USFWS, to evaluate projects authorized, funded, or carried out by federal agencies with respect to any species proposed for listing or already listed as endangered or threatened and the species' critical habitat, if any is proposed or designated. Federal agencies must undertake programs for the conservation of endangered and threatened species and are prohibited from authorizing, funding, or carrying out any action that would jeopardize a listed species or destroy or modify its "critical habitat."

As defined in the FESA, "individuals, organizations, states, local governments, and other non- federal entities are affected by the designation of critical habitat only if their actions occur on federal lands, require a federal permit, license, or other authorization, or involve federal funding."

The CESA closely parallels the conditions of the FESA; however, it is administered by CDFW. CESA prohibits the "taking" of listed species except as otherwise provided in state law. Unlike the FESA, CESA applies the

take prohibitions to species petitioned for listing (state candidates). State lead agencies are required to consult with CDFW to ensure that any actions are not likely to jeopardize the continued existence of any state-listed species or result in destruction or degradation of required habitat. CDFW is required to coordinate with USFWS for actions that involve both federally listed and state-listed species.

Under CFGC Section 2081, CDFW may authorize individuals or public agencies to import, export, take, or possess any endangered, threatened, or candidate species in the state of California. These acts that are otherwise prohibited may be authorized through permits or memoranda of understanding if:

1. The take is incidental to an otherwise lawful activity;
2. Impacts of the authorized take are minimized and fully mitigated;
3. The permit is consistent with any regulations adopted pursuant to any recovery plan for the species; and
4. The applicant ensures adequate funding to implement the measures required by CDFW.

CDFW makes this determination based on the best scientific and other information that is reasonably available and includes consideration of the species' capability to survive and reproduce.

Migratory Bird Treaty Act

Migratory birds, including raptors (i.e., birds of prey) are protected by the Migratory Bird Treaty Act (MBTA). The MBTA is the domestic law that affirms and implements a commitment by the United States to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. Unless and except as permitted by regulations, the MBTA makes it unlawful at any time, by any means, or in any manner to intentionally pursue, hunt, take, capture, or kill migratory birds in the United States. The law also applies to the intentional disturbance and removal of nests occupied by migratory birds or their eggs during the breeding season.

Wetlands and Other "Jurisdictional Waters"

Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 U.S.C. §1344), which the CWA defines as "the waters of the United States, including the territorial seas" (33 U.S.C. §1362(7)). The CWA does not provide a definition for waters of the U.S., and that has been the subject of considerable debate since the Act's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the Environmental Protection Agency (EPA) and United States Army Corps of Engineers (USACE). These definitions have been interpreted, and in some cases, invalidated, by federal courts.

In 2015, the EPA and USACE jointly issued the Clean Water Rule (CWR), providing a synthesized definition of waters of the U.S. based on statute, science, and federal court decisions to date. Subsequent litigation delayed implementation of the CWR. However, in August 2018, the CWR was enjoined in 22 states including California.

On September 12, 2019 the EPA and USACE repealed the 2015 CWR. The repeal became effective 60 days after the September publication of the appeal in the Federal Register on August 28, 2015. As a result, the definition of waters of the U.S. has reverted to the definition established by the CWA and subsequent court cases (United States v. Riverside Bayview Homes, Solid Waste Agency of Northern Cook County v.

U.S. Army Corps of Engineers, and Rapanos v. United States).

The current definition of waters of the U.S. includes the following:

> (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
>
> (2) All interstate waters, including interstate wetlands;
>
> (3) The territorial seas;
>
> (4) All impoundments of waters otherwise identified as waters of the United States under this section;
>
> (5) All tributaries, as defined in paragraph (c)(3) of this section, of waters identified in paragraphs (a)(1) through (3) of this section;
>
> (6) All waters adjacent to a water identified in paragraphs (a)(1) through (5) of this section, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters;
>
> (7) All waters in paragraphs (a)(7)(i) through (v) of this section where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1) through (3) of this section. The waters identified in each of paragraphs (a)(7)(i) through (v) of this section are similarly situated and shall be combined, for purposes of a significant nexus analysis, in the watershed that drains to the nearest water identified in paragraphs (a)(1) paragraph (a)(6) of this section when performing a significant nexus analysis. If waters identified in this paragraph are also an adjacent water under paragraph (a)(6), they are an adjacent water and no case-specific significant nexus analysis is required.
>
> > (i) Prairie potholes. Prairie potholes are a complex of glacially formed wetlands, usually occurring in depressions that lack permanent natural outlets, located in the upper Midwest.
> >
> > (ii) Carolina bays and Delmarva bays. Carolina bays and Delmarva bays are ponded, depressional wetlands that occur along the Atlantic coastal plain.
> >
> > (iii) Pocosins. Pocosins are evergreen shrub and tree dominated wetlands found predominantly along the Central Atlantic coastal plain.
> >
> > (iv) Western vernal pools. Western vernal pools are seasonal wetlands located in parts of California and associated with topographic depression, soils with poor drainage, mild, wet winters and hot, dry summers.
> >
> > (v) Texas coastal prairie wetlands. Texas coastal prairie wetlands are freshwater wetlands that occur as a mosaic of depressions, ridges, intermound flats, and mima mound wetlands located along the Texas Gulf Coast.
>
> (8) All waters located within the 100- year floodplain of a water identified in paragraphs (a)(1) through (3) of this section and all waters located within 4,000 feet of the high tide line or ordinary high water mark of a water identified in paragraphs (a)(1) through (5) of this section where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1) through (3) of this section. For waters determined to have a significant nexus, the entire water is a water of the United States if a portion is located within the 100-year

floodplain of a water identified in paragraphs (a)(1) through (3) of this section or within 4,000 feet of the high tide line or ordinary high water mark. Waters identified in this paragraph shall not be combined with waters identified in paragraph (a)(6) of this section when performing a significant nexus analysis. If waters identified in this paragraph are also an adjacent water under paragraph (a)(6), they are an adjacent water and no case-specific significant nexus analysis is required.

The following cannot be classified as waters of the U.S. under the current rule:

(b) The following are not ''waters of the United States'' even where they otherwise meet the terms of paragraphs (a)(4) through (8) of this section.

(1) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act.

(2) Prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

(3) The following ditches:

(i) Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.

(ii) Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.

(iii) Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1) through (3) of this section.

(4) The following features:

(i) Artificially irrigated areas that would revert to dry land should application of water to that area cease;

(ii) Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds;

(iii) Artificial reflecting pools or swimming pools created in dry land;

(iv) Small ornamental waters created in dry land;

(v) Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water;

(vi) Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways; and

(vii) Puddles.

(5) Groundwater, including groundwater drained through subsurface drainage systems.

(6) Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.

(7) Wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to Section 404 permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the appropriate Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

Under the Porter-Cologne Water Quality Control Act of 1969, the State Water Resources Control Board has regulatory authority to protect the water quality of all surface water and groundwater in the State of California ("Waters of the State"). Nine RWQCBs oversee water quality at the local and regional level. The RWQCB for a given region regulates discharges of fill or pollutants into Waters of the State through the issuance of various permits and orders. Discharges into Waters of the State that are also Waters of the U.S. require a Section 401 Water Quality Certification from the RWQCB as a prerequisite to obtaining certain federal permits, such as a Section 404 Clean Water Act permit. Discharges into all Waters of the State, even those that are not also Waters of the U.S., require Waste Discharge Requirements (WDRs), or waivers of WDRs, from the RWQCB. The RWQCB also administers the Construction Storm Water Program and the federal National Pollution Discharge Elimination System (NPDES) program. Projects that disturb one or more acres of soil must obtain a Construction General Permit under the Construction Storm Water Program. A prerequisite for this permit is the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Projects that discharge wastewater, storm water, or other pollutants into a Water of the U.S. may require a NPDES permit. CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed Alteration. If CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

California Fish and Game Code Sections 3503, 3503.5, and 3513

Under these Fish and Game Code sections, a project operator is not allowed to conduct activities that would result in the taking, possessing, or destroying of any birds of prey; the taking or possessing of any migratory non-game bird; the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds; or the taking of any non-game bird under CFGC Section 3800. CFGC Section 3513 adopts the U.S. Department of the Interior's take provisions under the MBTA.

LOCAL

Urban Forest Plan

On December 16th, 2024, Oakland City Council unanimously adopted the City's first Urban Forest Plan. The plan provides an equitable vision for care, maintenance, and growth of Oakland's urban forest over the next 50 years. This includes the approximate 68,000 public trees on street and within parks throughout

Oakland. This plan provides a roadmap to creating a healthier Oakland, making trees less susceptible to wind and drought, providing benefits such as cleaner air and cooler neighborhoods.

Though Oakland has more tree canopy than most typical cities within the Bay Area region, recent analysis shows that it is inequitable distributed and decreasing in size. The Urban Forest Plan makes recommendations to address this issue and other issues of concern, including:

- Maintain Oakland's 20.6% tree canopy cover by maintaining our current trees and planting additional trees.
- Prioritize planting new trees in Oakland communities disproportionately burdened by multiple sources of pollution, as identified in the California Communities Environmental Health Screening Tool (CalEnviroScreen).
- Establish an implementation team to actualize the Plan and identify funding sources.
- Develop a schedule for updating Oakland's tree-related ordinances.
- Foster public/private partnerships to meet the Plan's goals.
- Create green-collar jobs and provide educational opportunities.

Analysis of Oakland's existing urban forest combined with industry best practices provided a baseline for making informed, data-driven decisions within an equity framework shaped by community input. Approximately 2,500 people participated in a 2022 survey, assessing community priorities. The Urban Forest Plan contains goals and strategies based on a synthesis of the community's vision, data., and analysis of Oakland's urban forest, urban forestry best management practices, and equity considerations. Goals and strategies are decided into three sub-categories: Programs, People, and Policy.

City of Oakland General Plan

Open Space, Conservation, and Recreation (OSCAR) Element

The Open Space, Conservation, and Recreation (OSCAR) Element of the City of Oakland General Plan was adopted in 1996. OSCAR policies pertaining to natural resources with potential relevance to the Project include the following (City of Oakland, 1996):

Objective OS-12: Street Trees. To "green" Oakland's residential neighborhoods and commercial areas with street trees.

> ***Policy OS-12.1: Street Tree Selection.*** Incorporate a broad and varied range of tree species which is reflected on a city-maintained list of approved trees. Street tree selection should respond to the general environmental conditions at the planting site, including climate and micro-climate, soil types, topography, existing tree planting, maintenance of adequate distance between street trees and other features, the character of existing development., and the size and context of the tree planting area.
>
> ***Policy OS-12.2: Street Tree Maintenance.*** Maintain street trees to promote their natural forms, eliminate hazardous conditions, provide adequate vertical clearance over streets and sidewalks, and abate pest and disease problems.

Policy OS-12.3: Street Tree Removal. Remove street trees only if they are hazardous, severely and incurably infested with insects or blight, or are severely and irreversibly damaged and deformed. Provide replacement trees in all cases where the site is suitable for street trees.

Objective CO-4: Water Supply. To maintain a water supply sufficient to meet local needs while minimizing the need to develop new water supply facilities.

Policy CO-4.2: Drought-Tolerant Landscaping. Require use of drought-tolerant plants to the greatest extent possible and encourage the use of irrigation systems which minimize water consumption.

Policy CO-7.4: Tree Removal. Discourage the removal of large trees on already developed sites unless removal is required for biological, public safety, or public works reasons.

Oakland Municipal Code

City of Oakland Protected Tree Ordinance

The City of Oakland Protected Tree Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) permits removal of protected trees under certain circumstances. To grant a tree removal permit, the City must determine that removal is necessary in order to accomplish one of the following objectives:

1. To ensure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers;
2. To avoid an unconstitutional regulatory taking of property;
3. To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of this code);
4. To pursue accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Parks and Recreation shall constitute compliance with this criterion;
5. To implement the vegetation management prescriptions in the S-11 site development review zone.

Protected trees include the following:

1. On any property, *Quercus agrifolia* (California or Coast Live Oak) measuring four inches dbh or larger, and any other tree measuring nine inches dbh or larger except Eucalyptus and *Pinus radiata* (Monterey Pine);
2. *Pinus radiata* (Monterey Pine) trees shall be protected only on city property and in development-related situations where more than five Monterey Pine trees per acre are proposed to be removed. Although Monterey Pine trees are not protected in non-development-related situations, nor in development-related situations involving five or fewer trees per acre, public posting of such trees and written notice of proposed tree removal to the Office of Parks and Recreation is required per Section 12.36.070A and Section 12.36.080A.
3. Except as noted above, Eucalyptus and Monterey Pine trees are not protected by this chapter.

Creek Protection, Stormwater Management, and Discharge Control Ordinance

The City's Creek Protection, Stormwater Management, and Discharge Control Ordinance (Chapter 13.16 of the OMC) prohibits activities that would result in the discharge of pollutants to Oakland's waterways or in damage to creeks, creek functions, or habitat. The Ordinance requires the use of standard BMPs to prevent pollution or erosion to creeks and/or storm drains. Additionally, a creek protection permit is required for any construction work on creekside properties. The Ordinance establishes comprehensive guidelines for the regulation of discharges to the City's storm drain system and the protection of surface water quality. Under the ordinance, the City of Oakland Public Works Agency issues permits for storm drainage facilities that would be connected to existing City drainage facilities. The Ordinance includes enforcement provisions to provide more effective methods to deter and reduce the discharge of pollutants to the storm drain system, local creeks, and San Francisco Bay.

As described in Section 4.6, Hydrology and Water Quality, Elmhurst Creek runs across the south corner of the Project site, eventually flowing into the San Leandro Bay approximately 0.9 miles southwest of the Project site. The existing wall between the Project site and the creek would be demolished by the Project and a new fence would be constructed in a similar location. Due to proximity of the creek, a category III or IV creek protection permit would be required.[5] A Creek Protection Plan is required to be developed by the permit and may include, but is not limited to, implementation of litter prevention measures, dust control measures, methods of cleaning tools and equipment, construction site fencing, sediment and erosion control measures, wet weather protection, and emergency preparations for construction-related spills.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on biological resources applicable to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts on biological resources. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

In addition to the City SCAs below that are in relation to biological resources, SCA HYD-1: State Construction General Permit, SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects, SCA HYD-3: Vegetation Management of Creekside Properties, and SCA HYD-4: Creek Protection Plan related to hydrology and water quality and SCA UTIL-6: Storm Drain System related to utilities and service systems are related to and applicable for environmental analysis regarding Biological Resources. Refer to Section 4.6, Hydrology and Water Quality and Section 4.10.9, Utilities and Service Systems for the full SCA text.

[5] City Municipal Code 13.16.130.E, Reclassification of Category, permits the Chief of Building Services to reclassify a Creek Protection Permit application for Category IV Creek Protection Permits. If the applicant can demonstrate to the reasonable satisfaction of the Chief of Building Services that development or work shall not cause adverse impacts to the creek (including without limitation: erosion, bank failure, increased runoff, sediment loading, transfer or pollutants, or damage to the natural habitat, riparian vegetation or wildlife), then an application for Categories II, III or IV may be reclassified. There is the potential for the Project Creek Permit application to be downgraded to Category II should the applicant demonstrate that there would be no new runoff through compliance with C3 requirements.

SCA BIO-1: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees. (*Standard Condition of Approval 33*)

Required: To avoid and minimize impacts on special-status roosting bats in trees, the project applicant shall comply with the following requirements:

a) A qualified biologist (as defined by California Department of Fish and Wildlife) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost sites.
b) Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1).
c) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.
d) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).
e) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day.

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

SCA BIO-2: Tree Removal During Bird Breeding Season. (*Standard Condition of Approval 34*)

Required: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based 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.

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

SCA BIO-3: Tree Permit. (*Standard Condition of Approval 35*)

a) Tree Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

b) Tree Protection During Construction

Requirement: 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:

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

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

ix. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on

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

x. 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.

xi. 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 Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

xii. 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.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c) Tree Replacement Plantings

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

vii. 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.

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

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

x. Minimum planting areas must be available on site as follows:

- For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
- For other species listed, seven hundred (700) square feet per tree.

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

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

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

4.2.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. 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;
2. 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;
3. 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;
4. Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan;
6. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (OMC Chapter 12.36) by removal of protected trees under certain circumstances; or
7. Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.

APPROACH TO ANALYSIS

The impact analysis is based on the resources, references, and data collection methods identified in the Regional and Local Setting discussion in Section 4.2.2, Environmental Setting. The analysis addresses potential direct and indirect impacts from construction or operation of the Project, defined as follows:

> *Direct impacts* are those that could occur at the same time and place as Project implementation, such as the removal of habitat as a result of ground disturbance.
>
> *Indirect impacts* are those that could occur either at a later time or at a distance from the Project site, but that are reasonably foreseeable, such as the loss of an aquatic species as a result of upstream effects on water quality or quantity

Direct and indirect impacts on biological resources may vary in duration; they may be temporary, short term, or long term. Using the significance criteria listed above, the analysis considers the potential impacts of the Project on suitable habitat, special-status species, sensitive natural communities, wetlands, and wildlife corridors, and potential Project conflicts with local policies affecting biological resources. Mitigation measures are identified, as necessary, to reduce impacts to less-than- significant levels.

Topics Considered and No Impact Determined

The following topic is considered to have no impact caused by the Project based on the Project characteristics, its geographical location, and underlying site conditions. Therefore, this topic is not addressed further in this document for the following reasons:

- ***Conflict with any applicable habitat conservation plan or natural community conservation plan (Criterion 5).*** The Project site is not located within or in proximity to an area guided by a Habitat Conservation Plan or Natural Community Conservation Plan. The City of Oakland has multiple Neighborhood and Specific Area Plans, and Citywide Plans which discuss natural habitats within the City of Oakland. Specifically, the Central Estuary Area Plan (CEAP) and the Estuary Policy Plan. The CEAP aims to guide future development in the Central Estuary Area, which encompasses 19th Avenue to 54th Avenue and I-880 to the Estuary (City of Oakland, 2024a). The Estuary Policy Plan is part of the General Plan. The Estuary Policy Plan specifically incudes policies to enhance the Oakland waterfront as a resource for the City. This includes areas of potentially diverse water habitat species and encompasses waterfront spanning from 19th Avenue to 54th Avenue, and I-880 to the estuary. The Project is not located within the CEAP or Estuary Policy Plan planning areas. The Project site is approximately 0.4 miles east of the CEAP and Estuary Policy Plan area boundaries. Additionally, the City of Oakland adopted an Urban Forest Plan in December 2024. The Project would comply with the City of Oakland's Protected Tree Ordinance and applicable goals and policies within the Urban Forest Plan. Therefore, development of the Project would not conflict with such plans and no impact would occur.

PROJECT IMPACTS AND DISCUSSION

Impact BIO-1 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;

Less than Significant with SCAs. The Project site is located in a relatively flat, densely developed urban area surrounded by similar commercial and industrial land uses. Demolition of above-ground structures from the former AB&I Foundry has been demolished, and currently, the existing Project site consists of hardscape from the previous use, and three trees. Given that the Project site consists of no above-ground structures, and sparse vegetation within a heavily industrialized urban area, the Project site does not include suitable habitat

A CNDDB database was queried based on a 5-mile radius from the Project site. The results of these queries formed the basis for analysis of which special- status and protected species have the potential to occur in the Project site. Within a five-mile radius, the CNDDB search determined there are eight plant species and 14 wildlife species with the potential to occur within the Project site. More specified detail on species can be found in Section 4.2.2, Special Status Plants and Special-Status Wildlife. The Project site is located outside of the known geographic or elevation range for the majority of the terrestrial species identified by the CNDDB search for the Project. For the majority of species, occurrences consist of findings dated in the 19th century along with findings being located within the Oakland Hills, east of the Project site and outside of Project vicinity. Additionally, the Project CNDDB search found that plant species that have the potential to occur have likely been extirpated or presumed extant. However, the Project site has the potential to be a suitable habitat for nesting birds and raptors, such as the Cooper's hawk and peregrine falcon, species of birds identified in the CNDDB search that nest within urban structure environments. As such, the remaining analysis is limited to the potential impacts on these specified wildlife species.

Nesting Birds and Roosting Bats

Construction

The Project would involve hardscape demolition, site preparation, grading, infrastructure improvements, paving, building construction, and architectural coating, totaling approximately 22 months of total construction. Approximately 646,343 square feet of hardscape would be demolished during Project construction. During site preparation, approximately 29,687 cy of soil are anticipated to be cut from the site and used for fill elsewhere on-site. Although species present in the Project area are likely to have adapted to fairly high levels of disturbance in this developed portion of the City, construction within the Project area could result in direct or indirect impacts on two bird species (Cooper's hawk and American peregrine falcon) identified as occurring in the Project vicinity by the CNDDB search for the Project and protected by the MBTA and CFGC Section 3503. As the Project site, located in a heavily urbanized area, currently does not have above-ground structures and has a total of three trees on-site currently, nesting in existing vacant structures is not a primary concern. However, as there are trees on-site and vegetated areas adjacent to the Project site, birds protected by the MBTA could potentially nest on existing trees and shrubbery within or adjacent to the Project site. Trees and shrubbery extend to Elmhurst Creek that runs through the south of the Project site boundary, which consists of vegetation suitable for potential

bird nesting. Direct impacts on nesting birds could result from the removal of trees and vegetation and/or demolition of buildings while an active bird nest is present. In addition, earth moving, building demolition, operation of heavy equipment, and increased human presence could result in noise, vibration, and visual disturbance that could indirectly result in nest failure (disturbance, avoidance, or abandonment that leads to unsuccessful reproduction), or could cause flight behavior that would expose an adult or its young to predators. These activities could cause birds that have established a nest before the start of construction to change their behavior or even abandon an active nest, putting their eggs and nestlings at risk for mortality.

Impacts during the non-breeding season generally are not considered significant, primarily because of the birds' mobility and ability to access other comparable foraging habitat in the region. However, potential direct and indirect impacts to special status bird species during the breeding season would have a potentially significant impact. The Project includes the removal of trees on the Project site, which would be done in accordance with SCA BIO-2: Tree Removal During Bird Breeding Season, and SCA BIO-3: Tree permit. SCA BIO-2 would ensure that the removal of any tree or other vegetation suitable for nesting of birds shall not occur during bird breeding season. If tree removal must occur during breeding season, a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. SCA BIO-3 requires that the Project Applicant shall obtain a tree removal permit and abide by the conditions of the permit pursuant to the City's Tree Protection Ordinance (OMC 12.36).

Similar disturbances as a result of tree removal could affect special-status roosting bats, should the site contain bat habitat and active roost sites. Any tree removal on the Project site would be performed in accordance with SCA BIO-1: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees. SCA BIO-1 requires a qualified biologist to survey the site to determine if a specific two-step removal process is required. If the site is host to bat habitat and potentially active roost sites, under SCA BIO-1, tree removal would occur outside of the bat maternity roosting season and period of winter torpor, and a qualified biologist would oversee the required two-step process, including appropriate waiting periods to allow bats to safely escape.

Operation

Operational activities associated with the Project post-construction are unlikely to indirectly impact nesting birds and roosting bats due to the baseline level of human disturbance already occurring in and adjacent to the project site and the similar levels of operational disturbance pre- and post- construction. Furthermore, potential direct impacts associated with the operations of a warehouse include habitat disturbance or complete loss of habitat due to a new operative use present. As the Project site was previously in operation as the Former AB&I Foundry and is located in an area that historically has operated in a heavily urbanized area with similar industrial uses, the operations of the Project would not substantially alter existing conditions, or directly impact nesting bird species as the habitat previous to operation or construction of the Project was not suitable habitat for nesting bird species.

Implementation of SCAs BIO-1, BIO-2, and BIO-3 would ensure that identified bird species as part of the CNDDB search would not be impacted by Project construction or operational activities. Thus, impacts would be less that significant.

SCA BIO-1: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees.

SCA BIO-2: Tree Removal During Bird Breeding Season.

SCA BIO-3: Tree Permit.

Mitigation: None required.

Impact BIO-2 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;

Less than Significant with SCAs. The Project site is not located within mapped critical habitat for any federally threatened or endangered species (USFWS, 2024b). Additionally, the Project site is located in a heavily developed area surrounded by commercial and industrial uses where there is a lack of undeveloped habitat that could potentially support a natural sensitive community. However, the Project site includes a portion of Elmhurst Creek to the south, which is identified by USFWS's National Wetlands Inventory as a Riverine habitat (USFWS, 2024a). SCA HYD-4: Creek Protection Plan, requires the Project Applicant to submit a Creekside protection Plan for review and approval by the City. The plan would be in accordance with Municipal Code section 13.16.150 which includes Best Management Practices (BMPs) during and post-construction to protect Elmhurst Creek. With implementation of applicable SCAs, the Project would have a less than significant impact on riparian habitat or sensitive natural communities.

SCA HYD-4: Creek Protection Plan. See Section 4.6.3, Regulatory Setting.

Mitigation: None required.

Impact BIO-3 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;

Less than Significant with SCAs. The Project site is located within a relatively flat, densely developed urban area surrounded by other commercial and industrial uses. No state or federally listed jurisdictional wetlands occur in the Project site. However, Elmhurst Creek flows through the south corner of the Project site boundary. Elmhurst Creek is identified as a 24.6 acre Riverine habitat by the USFWS National Wetlands Inventory map. A Riverine wetland system is defined as deepwater habitats contained within a channel that is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water (USFWS, 2024a). Elmhurst Creek is a riverine system that flows into the San Leandro Bay and identified estuarine and marine wetland system.

Project construction would not occur within Elmhurst Creek. As such, the Project would not impact federal or state jurisdictional waters, and permits from the USACE, RWQCB, or CDFW would not be required Because Project construction would occur adjacent to Elmhurst Creek, the Project Applicant would be required to prepare a Creek Protection Plan and accompanying hydrology report in accordance with SCA-HYD-4: Creek Protection Plan and obtain a Category IV Creek Protection Permit from the City. The Creek Protection Plan may include, but is not limited to, implementation of litter prevention measures, dust

control measures, methods of cleaning tools and equipment, construction site fencing, sediment and erosion control measures, wet weather protection, and emergency preparations for construction-related spills. The Project would implement SCA HYD-1: State Construction General Permit, and SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects, to ensure that stormwater that could affect receiving waters is managed during project construction and operation. The Project would also be subject to SCA HYD-3: Vegetation Management of Creekside Properties, requiring vegetation management prior to, during, and after the construction, further protecting against sedimentation and erosion. Additionally, SCA UTIL-6, Storm Drain System, would ensure that stormwater that could affect receiving waters is managed during Project construction and operation. With implementation of SCAs HYD-1, SCA HYD-2, SCA HYD 3, SCA HYD-4, and UTIL-6, the Project would have a less than significant impact on state or federally protected wetlands and waters would be less than with no mitigation required.

SCA HYD-1: State Construction General Permit. See Section 4.6.3, Regulatory Setting.

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. See Section 4.6.3, Regulatory Setting.

SCA HYD-3: Vegetation Management of Creekside Properties. See Section 4.6.3, Regulatory Setting.

SCA HYD-4: Creek Protection Plan. See Section 4.6.3, Regulatory Setting.

SCA UTIL-6: Storm Drain System. See Section 4.10.9, Utilities and Service Systems.

Mitigation: None required.

Impact BIO-4 Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

Less than Significant.

Native Wildlife Nursery Sites

The Project site is located in a heavily developed urban area surrounded by commercial and industrial land uses. The area around the Project site and the Project site itself are heavily paved with little to no undeveloped habitat. There is no undeveloped space within the Project site that would be suitable for use as a native wildlife nursery site. Such sites, if present within Project site vicinity, would primarily include sites suitable for communally nesting or roosting birds or individual nesting birds. Potential construction- and operations-related impacts and mitigation measures on individual nesting birds are discussed above under Impact BIO-1. No suitable habitat exists in the Project site for communally nesting or roosting birds such as herons and egrets, and such wildlife nursery sites are not expected. Aside from potential impacts to individual bird nests described in Impact BIO-1, the Project would have no impact on native wildlife nursery sites.

Native Wildlife Movement Corridors

The Project site is located within the Pacific Flyway along the northwestern shoreline of the San Francisco Bay (USFWS, 2024c). Although specific migratory corridors near the Project site are unknown, it can be

assumed that numerous birds pass overhead or in the Project vicinity during spring and fall migrations. In addition, resident birds make daily localized flights at low elevations while they forage, disperse, and flee from dangers. Although the Project area would not be expected to host a high density of birds, the San Leandro Bay has the potential to be an attractant for migrating waterfowl looking for a place to feed and rest.

While the Project site has already undergone above ground demolition of buildings and structures from the previous facility, approximately 646,343 square feet of hardscape demolition and environmental remediation will be required and is included within the site preparation and grading phases of construction. During site preparation, approximately 29,687 cy of soil are anticipated to be cut from the site and used for fill elsewhere on-site. As such, there are no existing building structures present within the Project site suitable for native or wild migratory bird species identified as species of concern relevant to the Project site or vicinity. During periods where heavy equipment is used for construction of the Project and noise associated, birds would likely avoid the Project vicinity and perhaps adjacent natural environments such as the San Leandro Bay. Given that the Project is located in a heavily industrialized urban environment, there is not suitable habitat within the Project site for native or migratory wildlife. In conclusion, there would be a less than significant impact on resident and migratory bird movements due to Project construction.

The portion of buildings most likely to sustain bird strikes extends from ground level to 60 feet above the ground surface (San Francisco Planning Department, 2011). The maximum height of the proposed warehouse is 51 feet and does not substantially increase building heights on the Project site compared to previous Project site facilities. Many bird collisions are also induced by artificial night lighting, particularly from large buildings, which can be especially problematic for migrating songbirds because many are nocturnal migrants. Direct effects on migratory and resident birds moving through an area could include death or injury if birds collide with lighted structures or with transparent or reflective glass surfaces. Indirect effects on migratory birds that become disoriented or entrapped by nighttime lighting resulting in delayed arrival at breeding or wintering grounds, and reduced energy stores necessary for migration, winter survival, or subsequent reproduction (Gauthreaux et al., 2006). While the Project site contains a portion of Elmhurst Creek, it is not located immediately adjacent to a substantial body of water, such as the Oakland Estuary, San Francisco Bay, or other lake, reservoir, or wetland. Additionally, the Project is not located adjacent to a recreation area. Project construction would not include a substantial vegetated or green roof and would not consist of substantial vegetation other than the planting of trees and an understory palette consistent of low water-use shrubbery. As the Project is not adjacent to migratory bird or wildlife habitats and would not consist of substantial shrubbery suitable for wildlife habitation or movement of species. Thus, Project impacts related to sensitive or special status species would be less than significant with no mitigation required.

Mitigation: None required.

Impact BIO-6 Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances; or

Less than Significant with SCAs. Removal of one on-site tree and preservation of the existing street trees along the eastern Project boundary are proposed by the Project. Additionally, the Project would comply with SCA BIO-3: Tree Permit, where the Project Applicant would be required to obtain a tree permit pursuant to the City's Tree Protection Ordinance (OMC Chapter 12.36). The City of Oakland recently adopted the City's first Urban Forest Plan as of December 2024. The plan provides an equitable vision for care, maintenance, and growth of Oakland's urban forest over the next 50 years. Additionally, multiple goals and policies of the Urban Forest Plan focus on updating City ordinances related to trees, encouraging and improving compliance with the City's Tree Protection Ordinance, and incorporating the Urban Forest Plan into City planning documents. The Project would be subject to and would comply with the adopted City Urban Forest Plan.

Therefore, with implementation of the SCA BIO-3 and compliance with the City's Urban Forest Plan, the Project would not conflict with the City's Tree Protection Ordinance, and the impact would be less than significant with no mitigation required.

SCA BIO-3: Tree Permit.

Mitigation: None required.

Impact BIO-7 Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.

Less than Significant with SCAs. A portion of Elmhurst Creek runs through the south corner of the Project site in a creek separated from the portion of the Project site to be developed by an existing wall. As part of the Project, SCA HYD-9: Creekside Protection Plan would be implemented where the Project Applicant would need to obtain a Category IV Creek Protection Permit and be required to submit a Creek Protection Plan for review and approval by the City. The plan will include incorporate the contents required under section 13.15.150 of the OMC, including BMPs during and after construction to protect Elmhurst Creek. With implementation of SCA HYD-9, the Project would have a less than significant impact and would not conflict the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16).

SCA HYD-4: Creek Protection Plan. See Section 4.6.3, Regulatory Setting.

Mitigation: None required.

4.2.5 CUMULATIVE

This section presents an analysis of the cumulative effects of the Project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to biological resources could occur if the incremental impacts of the Project combined with the incremental impacts of one or more of the cumulative projects identified in Section 4.0.7, Cumulative Analysis.

As previously discussed, the Project would have no impact on an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Accordingly, the Project could not contribute to cumulative impacts related to this topic and is not discussed further.

Impact BIO-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts on biological resources.

Less than Significant with SCAs. Significant cumulative impacts related to biological resources could occur if the incremental impacts of the Project combined with the incremental impacts of one or more of the cumulative projects would cause the Project to have a cumulatively considerable impact on special-status species, wetlands, or other waters of the United States, or on other biological resources protected by federal, state, or local regulations or policies (based on the significance criteria and thresholds presented earlier). This analysis then considers whether the incremental contribution of the Project's implementation to this cumulative impact would be considerable. Both conditions must apply for a project's cumulative effects to be significant.

The geographic scope of potential cumulative impacts on biological resources encompasses the Project and biologically linked areas that share the Sausal watershed and greater San Francisco Bay. Historic development in the region has already caused substantial adverse cumulative changes to biological resources in the Project area. This includes the engineering of many portions of the Sausal Creek watershed to allow urban development and the historic loss of the riparian corridors and floodplains to urban encroachment.

The potential impacts of the Project on biological resources are largely site-specific, and the overall cumulative effects would be dependent on the degree to which significant vegetation and wildlife resources are present on a particular development site and, if present, the degree to which they are avoided, or potential impacts are addressed through various forms of mitigation. As discussed above, the Project would result in less-than-significant impacts on biological resources including special-status species. In addition, all other cumulative development has been, or will be, subject to the same City SCAs related to biology, hydrology, and water quality and would be required to comply with the same provisions of the City's Protected Tree Ordinance and Creek Protection Ordinance. Based on compliance with these requirements, the incremental impacts of the Project, combined with impacts of other projects in the area, would not combine to cause a significant cumulative impact on biological resources to which the Project could considerably contribute. The impact would be less than significant.

SCA BIO-1: Avoid and Minimize Impacts on Special Status Roosting Bats in Buildings

SCA BIO-2: Tree Removal During Bird Breeding Season.

SCA BIO-3: Tree Permit.

SCA HYD-1: State Construction General Permit. See Section 4.6.3, Regulatory Setting.

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. See Section 4.6.3, Regulatory Setting.

SCA HYD-3: Vegetation Management on Creekside Properties. See Section 4.6.3, Regulatory Setting.

SCY HYD-4: Creek Protection Permit. See Section 4.6.3, Regulatory Setting.

SCA UTIL-6: Storm Drain System. See Section 4.10.9, Utilities and Service Systems.

Mitigation: None required.

4.2.6 REFERENCES

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4.3 CULTURAL AND HISTORIC RESOURCES

4.3.1 INTRODUCTION

This section assesses the potential for the Project to result in significant adverse impacts related to cultural and historic resources. The section first includes a description of the existing environmental setting as it relates to cultural and historic architectural resources in the Project vicinity and provides a regulatory framework that discusses applicable state and local regulations. The section then includes an evaluation of potential impacts of the Project related to cultural and historic resources.

The cultural resources analysis is based on Cultural Resources Evaluation (CRE) prepared by Archaeological Resource Management (April 2022). The study includes analysis for the Project regarding both archaeological and built environment cultural resources. A California Historic Research Information System (CHRIS) records search was conducted in February 2024 to review cultural resources data on file at the Northwest Information Center (NWIC). Ground penetrating radar testing was conducted on-site in August 2025. The CRE report, CHRIS search, and ground penetrating radar testing results are included as Appendices C1,C2, and C3 of this Draft EIR. Note that confidential information related to cultural resources has been redacted from the appendices, as required by law.

4.3.2 TRIBAL CULTURAL RESOURCES

See Section 4.9, Tribal Cultural Resources, of this chapter for an analysis of potential Project impacts to tribal cultural resources.

4.3.3 DEFINITIONS AND DATA SOURCES

A historical resource is defined in CEQA Guidelines Section 15064.5(a) as one that is listed in, or determined to be eligible for listing in, the California Register of Historical Resources (California register). In addition, a resource that (i) is identified as significant in a local register of historical resources,[1] or (ii) is deemed significant due to its identification in a historical resources survey meeting the requirements of California Public Resources Code Section 5024.1(g) is presumed to be a historical resource "unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant." CEQA Section 21084.1 also permits a lead agency to determine that a resource constitutes a historical resource even if the resource does not meet the foregoing criteria.

For the purposes of this analysis, the term historic architectural resource is used to distinguish such resources from archaeological resources, which may also be considered historical resources under CEQA Guidelines section 15064.5.

The information and analysis in this section is based on a review of the Project; applicable local policies and regulations; a CHRIS search, the historic resource evaluation prepared by Archaeological Resource Management, and the results of ground penetrating radar conducted on-site. The CRE was prepared in

[1] The City of Oakland classifies Areas of Primary Interest (API), contributors to APIs, and individual properties with Oakland Cultural Heritage Survey (OCHS) ratings of A or B as significant local register properties. See Section 4.3.3, *Definitions and Data Sources*, for more information about local register criteria

April 2022,the CHRIS search prepared in February 2024, and the ground penetrating radar testing was performed in August 2025 (Appendices C1, C2, and C3).

4.3.4 ENVIRONMENTAL SETTING

PREHISTORIC BACKGROUND

Categorizing the prehistoric period into cultural stages allows researchers to describe a broad range of archaeological resources with similar cultural patterns and components during a given timeframe, thereby creating a regional chronology. Milliken et al. (2007) provide a framework for interpreting the San Francisco Bay Area and have divided human history of the region into four periods: the *Paleoindian Period*, the *Early Period*, the *Middle Period*, and the *Late Period*.

Economic patterns, stylistic aspects, and regional phases further subdivide cultural patterns into shorter phases. This scheme uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods.

The *Paleoindian Period* (11,500 to 8000 B.C.) was characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during the *Paleoindian Period* has not yet been discovered in the Bay Area.

During the *Early Period* (8000 to 3500 B.C.), also known as the *Lower Archaic*, geographic mobility continued from the *Paleoindian Period*. The period is characterized by the milling slab and handstone as well as large wide-stemmed and leaf-shaped projectile points. The first cut-shell beads and the mortar and pestle are documented in burials during the *Early Period* (3500 to 500 B.C.), indicating the beginning of a shift to sedentism.

During the *Middle Period*, which includes the *Lower Middle Period* (500 B.C. to A.D. 430), and *Upper Middle Period* (A.D. 430 to 1050), geographic mobility may have continued, although groups began to establish longer-term base camps in localities from which a more diverse range of resources could be exploited. The first rich midden sites are recorded from this period. The addition of milling tools, obsidian and chert concave-base projectile points, and the occurrence of sites in a wider range of environments suggest that the economic base was more diverse. By the *Upper Middle Period*, highly mobile hunter-gatherers were increasingly settling down into numerous small villages. Around A.D. 430 a dramatic cultural disruption occurred as evidenced by the sudden collapse of the *Olivella* saucer-bead trade network.

The *Initial Late Period* (A.D. 1050 to 1550) is characterized by social complexity developed toward lifeways of large, central villages with resident political leaders and specialized activity sites. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

ETHNOHISTORICAL CONTEXT

Based on a compilation of ethnographic, historic, and archaeological data, Milliken (1995:13–14) describes a group known as the Ohlone, who once occupied the general vicinity of the proposed Project. While traditional anthropological literature portrayed the Ohlone peoples as having a static culture, today it is better understood that many variations of culture and ideology existed within and between villages. While

these static descriptions of separations between native cultures of California make it an easier task for ethnographers to describe past behaviors, this masks Native adaptability and self-identity. California's Native Americans never saw themselves as members of larger cultural groups, as described by some anthropologists. Instead, they saw themselves as members of specific villages, perhaps related to others by marriage or kinship ties, but viewing the village as the primary identifier of their origins.

Levy (1978:485–495) describes the language group spoken by the Ohlone, known as "Costanoan." This term is originally derived from a Spanish word designating the coastal peoples of Central California. Today Costanoan is used as a linguistic term that references to a larger language family spoken by distinct sociopolitical groups that spoke at least eight languages (as different as Spanish is from French) of the same Penutian language group. The Ohlone once occupied a large territory from San Francisco Bay in the north to the Big Sur and Salinas Rivers in the south. Archaeological investigations at nearby pre-contact sites indicate that while Native Americans mainly utilized the marshland for resource procurement, including the collection of fish, shellfish, plants, and sea mammals, habitation and burial sites were not uncommon along the historic bay margins.

Economically, Ohlone engaged in hunting and gathering. Their territory encompassed both coastal and open valley environments that contained a wide variety of resources, including grass seeds, acorns, bulbs and tubers, bear, deer, elk, antelope, a variety of bird species, and rabbit and other small mammals. The Ohlone acknowledged private ownership of goods and songs, and village ownership of rights to land and/or natural resources; they appear to have aggressively protected their village territories, requiring monetary payment for access rights in the form of clamshell beads, and even shooting trespassers if caught. After European contact, Ohlone society was severely disrupted by missionization, disease, and displacement. Today, the Ohlone still have a strong presence in the greater San Francisco Bay Area and are highly interested in their historic and pre-contact past.

HISTORIC SETTING

The following section summarizes the general history of the area and the Project site in detail, as presented in Archaeological Resource Management's CRE from April 2022 and a CHRIS search conducted in February 2024 (see Appendices B1 and B2).

Review of historical literature and maps indicated historic-period activity within the Project site. Early Rancho maps indicate the Project area was bisected by the bayshore margin and may have contained an embarcadero structure. Early Alameda County maps indicate the Project site was located within the lands of John Mathews (Thompson and West 1878:2), then within lands of Sarah M. Mathews (Wagner and Sandow 1894). The 1915 Hayward USGS 15-minute topographic quadrangle depicts four buildings and one road within the project area. With this information in mind, there is a high potential for unrecorded historic-period archaeological resources to be within the proposed project site (NWIC, 2024).

The 1948 Concord and 1959 Hayward USGS 15-minute topographic quadrangles depict buildings and structures within the Project site. In addition, the 1959 photo revised 1980 Oakland East and San Leandro USGS 7.5-minute topographic quadrangles depict an urban area, indicating one or more buildings and structures within the Project site. If present, these unrecorded buildings or structures meet the Office of Historic Preservation's minimum age standard that buildings, structures, and objects 45 years or older may be of historical value.

The City of Oakland lists designated landmarks, heritage sites, and preservation districts which identify landmarks and properties within the City that have historical, cultural, educational, architectural, aesthetic, or environmental value (City of Oakland, 2024a). Heritage Properties are defined within the Preservation Element of the Oakland General plan as "properties which definitively warrant preservation but which are not Landmarks." Heritage Properties are protected by design review, environmental review, demolition findings, and the California Historical Building Code (City of Oakland, 2024b). Preservation Districts are areas or neighborhoods that are recognized for the same values as individual landmarks. Currently, there are nine designated districts that contain approximately 1,500 buildings (City of Oakland, 2024c). The Project site and surrounding industrial and commercial properties are not classified as designated landmarks, heritage properties, nor does the Project reside within one of the nine Preservation Districts.

AB&I Foundry

The former operator of the Project site, AB&I, operated the Project site from at least 1940 until October 2022. During AB&I foundry operations, the Project site was utilized for the manufacturing of pipe and pipe fittings. Operations included the manufacturing of fittings and pipe from recycled scrap iron along with the production of cast iron. Additionally, the facility accepted scrap iron, pig iron, and steel. Major operation of the foundry involved scrap metal melting, mold making, fitting and pipe casting, and final finishing and coating of pipes and fittings. AB&I ceased foundry operations in October 2022 and vacated the Project site in April 2023. Demolition of all aboveground structures on the Project site was completed in November 2023. The Project site is not classified as a designated landmark or heritage property, nor does the Project reside within a Preservation District.

Historic-Age Resources in the Vicinity of the Project Site

As noted above, the Project site and surrounding properties within the Project area are not designated as Landmarks, Heritage Sites, or reside within a Preservation District according to the City of Oakland and the Landmarks Preservation Advisory Board. Additionally, the CHRIS records search (Appendix C2) states that the State Office of Historic Preservation Built Environment Resources Directory (OHP BERD), which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places. The OHP BERD lists no recorded buildings or structures within or adjacent to the Project site.

ARCHAEOLOGICAL RESOURCES

The CRE (see Appendix C1) conducted by Archaeological Resource Management in April 2022 and CHRIS search in February 2024 (see Appendix C2) was used for the following section describing archaeological resources associated with the Project site.

A review of records from the NWIC of the CHRIS indicates that there are no previously recorded prehistoric or historic-era archaeological sites in the Project site. As noted in the CRE report conducted in April 2022, archival research found that there are no previously recorded archaeological sites located within the Project site, however, a total of seventeen previously recorded resources are located within a one quarter mile radius of the Project site. Two of these recorded resources, are prehistoric shell mounds identified in the early 20th century. These mounds varied widely in size and state of preservation but consist primarily of accumulations of marine shell and other dietary remnants indicative of Native American habitation.

The original site record could not be located by the NWIC and is marked as missing. The NWIC site detail records notes that the "Site is listed as destroyed in original Trinomial Index." However, it is possible that subsurface remnants of this site remain present (Archaeological Resource Management, 2022). While there were no significant cultural materials, prehistoric or historic, noted during surface reconnaissance, the CRE report recommends that an archaeological testing program should be developed and carried out prior to earth moving activities for the Project.

PALEONTOLOGICAL RESOURCES

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates (animals with backbones; mammals, birds, fish, etc.), invertebrates (animals without backbones; starfish, clams, coral, etc.), and microscopic plants and animals (microfossils). They are valuable, non-renewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The age, abundance, and distribution of fossils depend on the geologic formation in which they occur and the topography of the area in which they are exposed. The geologic environments within which the plants or animals became fossilized usually were quite different from the present environments in which the geologic formations now exist. Detailed in the CRE (Appendix C1), there are two recognized prehistoric shell mound sites identified within a one-quarter mile radius of the Project site. Shell mounds can vary widely in size and preservation but consist primarily of accumulations of marine shell and other dietary remnants indicative of Native American habitation. While there are no recognized shell mounds within the Project site, there is the potential to find paleontological resources due to near proximity of discovered shell mounds.

4.3.5 REGULATORY SETTING

FEDERAL

National Register of Historic Places

Under the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 306108), and its implementing regulations, a property is considered significant if it meets the criteria for listing in the National Register of Historic Places (National Register) at 36 CFR 60.4, as stated below:

> The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:
>
> A. Are associated with events that have made a significant contribution to the broad patterns of our history, or
> B. Are associated with the lives of persons significant in our past, or
> C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or
> D. Have yielded, or may be likely to yield, information important in prehistory or history.

If a federal action is required for implementation of a project, Section 106 of the NHPA requires federal agencies to consider the effects of the undertaking on historic properties (i.e., properties listed in or eligible for listing in the National Register) and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the National Register. The Section 106 review normally involves a four-step procedure, which is described in detail in the implementing regulations (36 CFR Part 800) and includes identifying historic properties in consultation with the State Historic Preservation Office (SHPO) and interested parties, assessing effects, consulting with SHPO and others to develop and execute an agreement regarding the treatment of historic properties, and proceeding with the Project according to the agreement.

State

California Environmental Quality Act

The California Environmental Quality Act (CEQA), as codified in PRC Sections 21000 et seq., is the principal statute governing the environmental review of projects in the state. CEQA requires lead agencies to determine if a proposed project would have a significant effect on historical resources, including archaeological resources. The CEQA Guidelines (Section 15064.5(a)) define a historical resource as: (1) a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (California Register), (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be historically significant, provided the lead agency's determination is supported by substantial evidence in light of the whole record. In addition, Section 15064.5 (a)(4) states that "the fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in an historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1."

CEQA requires lead agencies to determine if a proposed project would have a significant effect on important historical resources or unique archaeological resources. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of the project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines section 15064.5[c][4]). Projects that comply with the Secretary's Standards benefit from a regulatory presumption under CEQA that they would have a less-than- significant impact on a historical resource. Projects that do not comply with the Secretary's Standards may or may not cause a substantial adverse change in the significance of a historical resource and must be subject to further analysis to assess whether they would result in material impairment of a historical resource's significance.

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which

resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register.

To be eligible for the California Register, a historical resource must be significant at the local, state, or federal level under one or more of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history (PRC Section 5024.1[c]).

Integrity is the authenticity of a historical resource's physical identity as shown by the survival of characteristics that existed during the period of significance. For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey the reasons for its significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register.

Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine- member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The NAHC is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Public Resources Code Sections 5097.98 and 5097.99

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

California Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery.

LOCAL PLANS, ORDINANCES, AND POLICIES

City of Oakland – Local Plans, Policies, and Regulations

Environmental Review Regulations

Under Section 17.158.090 of the City of Oakland Planning Code (2024), for purposes of evaluating environmental impacts CEQA, a "historical property" are those properties that are

1. Properties that are designated City landmarks;
2. Listed on the National Register of Historic Places;
3. Listed as a California Registered Historical Landmark;
4. Listed as a California Point of Historical Interest;
5. Contributory to an S-7 Preservation Combining Zone pursuant to Section 17.84.010 of this Code; or
6. Have received an "A" or "B" rating by the Oakland Cultural Heritage Survey

General Plan Historic Preservation Element

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the Oakland General Plan (amended July 21, 1998). The Historic Preservation Element sets out a graduated system of ratings and designations resulting from the OCHS and Oakland Zoning Regulations. The following goal and policies address historical resources under CEQA (City of Oakland, 1998):

Goal 2: To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural, or aesthetic interest or value.

Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

> ***Policy 3.1: Avoid or minimize adverse historic preservation impacts related to discretionary city actions*.** The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.
>
> ***Policy 3.5: Historic preservation and discretionary permit approvals*.** For additions or alteration to Heritage Properties[2] or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
>
> (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

[2] Heritage Properties are defined in Appendix A of the City of Oakland Historic Preservation Element as "properties which under Policy 2.5 appear potentially eligible for Landmark or Preservation District designation because they either (1) have received an existing or contingency rating of 'A' (Highest Importance), 'B' (Major Importance), or 'C' (Secondary Importance) from the Intensive Survey; (2) have received an existing or contingency rating of 'A' or 'B' from the Reconnaissance Survey; or (3) contribute or potentially contribute to any area potentially eligible for Preservation District Designation."

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Policy 3.7: Property relocation rather than demolition as part of discretionary projects. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.

Policy 3.8: Definition of "Local Register of Historical Resources" and historic preservation "Significant Effects" for environmental review purposes. For purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland's Local Register of Historic Resources:

1. All Designated Historic Properties [Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties]; and

2. Those Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance (API).

Until complete implementation of Action 2.1.2 (Redesignation), the Local Register of Historical Resources will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

Complete demolition of a Historical Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report.

A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from Landmark or Preservation District eligibility or may have substantial adverse effects on the property's Character-Defining Elements will normally, unless adequately mitigated, be considered to have a significant effect. Possible mitigation measures are suggested in Action 3.8.1.

***Policy 3.13: Security of vacant properties*.** Vacant or abandoned existing or Potential Designated Historic Properties shall be adequately secured in order to prevent unauthorized entry, theft, or property damage.

Policy 4.1: Archaeological resources. To protect significant archaeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas.

The OCHS is an ongoing survey process conducted by the City. It began in 1979 and uses a five-tier rating system for individual properties, ranging from "A" (highest importance) and "B" (major importance) to "E" (of no particular interest). This letter rating is termed the "Individual Property Rating" of a building and is based on the following criteria:

1. **Visual Quality/Design:** Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.
2. **History/Association:** Association of person or organization, the importance of any event, association with patterns of history, and the age of the building
3. **Context:** Continuity and familiarity of the building within the city, neighborhood, or district.
4. **Integrity and Reversibility:** Evaluation of the building's condition, its exterior and interior alterations, and any structural removals.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's Standard Conditions of Approval (SCAs) relevant to reducing impacts on cultural resources and that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to cultural resources. Because the SCAs are incorporated as part of the Project, they are not listed as mitigation measures.

SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction. (*Standard Condition of Approval 38*)

> **Required:** Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.
>
> In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures. (*Standard Condition of Approval 39*)

Requirement: The project applicant shall implement Provision A (Intensive Pre-Construction Study) and Provision B (Construction ALERT Sheet) concerning archaeological resources. If Native American archaeological resources are identified or suspected in a project site, the City shall consult with a Native American representative(s) registered with the Native American Heritage Commission that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

Provision A: Intensive Pre-Construction Study.

The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:

d. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
e. A report disseminating the results of this research.
f. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.

Provision B: Construction ALERT Sheet.

The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.

When Required: Prior to approval of construction-related permit; during construction

Initial Approval: Bureau of Building; Bureau of Planning

Monitoring/Inspection: Bureau of Building

SCA CUL-3: Human Remains – Discovery During Construction. (*Standard Condition of Approval 40*)

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

4.3.6 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines section 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 **and** 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);
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5;
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
4. Disturb any human remains, including those interred outside of formal cemeteries.

APPROACH TO ANALYSIS

The impact analysis is based on the resources, references, and data collection methods identified in Sections 4.3.3, Definitions and Data Sources, and 4.3.4, Environmental Setting. This includes the CRE prepared by Archaeological Resource Management in April 2022, and a CHRIS record search conducted in

February 2024. Impact analysis related to cultural resources also relies on applicable state and local rules and regulations set forth above in Section 4.3.5, Regulatory Setting.

PROJECT IMPACTS AND DISCUSSION

Impact CUL-1 *Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines section 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 and 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);*

No Impact. The Project site is vacant with impervious surfaces left on-site from the parking facilities of previous uses. The surrounding area is developed with commercial, industrial, roadway, and railway uses. A CHRIS search conducted in February 2024 found no listed historic buildings or structures within or adjacent to the Project site. The nearest historic building to the Project site is the Oakland Coliseum. Additionally, the Project site is not within any City designated historic districts. As there are no listed historic buildings or structures, the Project would have no impact on historical resources.

Impact CUL-2 *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5;*

Less than Significant with SCAs. While above ground demolition of buildings and structures from the previous uses on the Project site has been completed, approximately 646,343 square feet of hardscape demolition and would be required as part of Project construction. In addition, approximately 29,687 cy of soil would be cut from the site and used for fill elsewhere on-site. Furthermore, the CRE report from April 2022, CHRIS search conducted in February 2024, and ground penetrating radar testing completed in January 2026 indicated that unrecorded archaeological resources exist within the proposed Project area. While there are no recorded archaeological resources within the Project site, there are a total of seventeen previously recorded resources located within a one-quarter mile radius of the Project site. Two of these recorded resources, are prehistoric shell mound sites indicative of previous Native American habitation. The ground penetrating radar results also indicated that, due to the presence south of 81st Avenue of alluvial sediments, the uncertainty of the previously recorded site boundaries, and the presence of dark brown to black soils composed of clays and silts, the Project site has a high likelihood of containing previously unrecorded archeological resources south of 81st Avenue. As the possibility of encountering cultural materials during Project ground-disturbing activities cannot be entirely discounted, the Project would implement SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction, and SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures. SCA CUL-1 would reduce impacts by requiring all work to halt within 50 feet of an inadvertent discovery of any

historic or prehistoric subsurface cultural resources during ground disturbing activities. The Project Applicant would be required to notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. SCA CUL-2 would require the Project Applicant to implement an Intensive Pre-Construction Study where a qualified archaeologist shall conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the Project site. As recommended by the ground penetrating radar testing report, the study should include excavating 12-16 trenches to a depth of 4-6 feet within the Project site, south of 81st Street, to characterize Project site soils and investigate a specific area within this portion of the Project site to assess whether it represents a precontact feature associated with Native American occupation. In addition, a qualified archaeologist would be required to produce a construction "ALERT" sheet, which would contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the Project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the Project site. Implementation of SCAs CUL-1 and CUL-2 would ensure that appropriate testing procedures are followed, and the impact would be reduced to a less-than-significant level.

SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.

SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.

Mitigation: None required.

Impact CUL-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or

Less than Significant with SCAs. While above ground demolition of buildings and structures from previous uses has been completed, the Project requires 646,343 square feet of hardscape demolition and approximately 29,687 cy of soil would be cut from the site and reused as fill in other areas of the Project site.. As stated in the CRE and CHRIS search, there are no previously recorded archaeological sites within the Project site, however, within a one-quarter mile radius of the Project site, two prehistoric shell mound sites were identified in the early 20th century. Furthermore, the CHRIS search conducted in February determined there is a high potential for unrecorded historic-period archaeological resources within the Project site. As the possibility of encountering cultural materials during Project ground-disturbing activities cannot be entirely discounted, SCA CUL-1 and SCA CUL-2 would apply to Impact CUL-3. With implementation of applicable SCAs, the Project would have a less than significant impact.

SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.

SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.

Mitigation: None required.

Impact CUL-4 Disturb any human remains, including those interred outside of formal cemeteries.

Less than Significant with SCAs. While above ground demolition of building and structures from the previous uses on the Project site has been completed, 646,343 square feet of hardscape demolition and ground disturbance would be required as part of Project construction. Approximately 29,687 cy of soil are anticipated to be cut from the site and used for fill elsewhere on-site. The CRE report prepared in April 2022 identified that there are no previously recorded archaeological sites within the Project site. However, within a one-quarter mile radius of the Project site, two prehistoric shell mound sites were identified in the early 20th century. After conducting surface reconnaissance as part of the CRE, no significant cultural materials, prehistoric or historic, were identified. Additionally, a CHRIS search noted that there is a high potential for Native American and historic-period archaeological resources to be within the Project area. Though no human remains are known to exist on site, the CHRIS search indicates that there is high potential for unrecorded historic-period archaeological resources within the Project site. As there is potential to discover human remains during ground disturbance, the Project would implement SCA CUL-3: Human Remains – Discovery During Construction. SCA CUL-3 would reduce impacts by requiring all work to halt within 50 feet of an inadvertent discovery of any human remains and the Project Applicant to notify the City and the Alameda County Coroner, who would determine whether an investigation of the cause of death is required or if the remains are Native American in origin. Implementation of SCA CUL-3 would ensure that appropriate regulatory procedures are followed, and the impact would be reduced to a less-than-significant level.

SCA CUL-3: Human Remains – Discovery During Construction.

Mitigation: None required.

4.3.7 CUMULATIVE

Historic Architectural Resources

Impact CUL-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative adverse impacts on historical resources. (Less than Significant)

No Impact. CHRIS records search was prepared in February 2024, where a review of historical literature and maps within the Project site was conducted. The State Office of Historic Preservation Built Environment Resources Directory (OHP BERD), which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, lists no recorded buildings or structures within or adjacent to the proposed Project site. The Project would not result in any impacts to historical resources and therefore, would not contribute to any potential cumulative impact on historic resources within the City of Oakland. Thus, no impacts would occur.

Archaeological Resources and Human Remains

Impact CUL-2.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative adverse impacts on archaeological resources and human remains.

Less than Significant with SCAs. The geographic scope for cumulative effects on archaeological resources includes the immediate vicinity of locations where the Project could cause disturbance to these resources. As discussed above, a CRE report (Appendix C2) was conducted in April 2022, where it was determined that there are no previously recorded archaeological sites located within the Project site, however, there are previously recorded archaeological resources within a one-quarter mile radius of the Project site. Two of the recorded resources based on NWIC of the California Archaeological Site Inventory were identified as prehistoric shell mound sites identified in the early 20th Century. Similar to the Project, cumulative projects in the vicinity could have a significant impact on previously undiscovered archaeological resources, including human remains interred outside of formal cemeteries, during ground-disturbing activities. As such, the potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on archaeological resources or human remains.

While there were no significant cultural materials, prehistoric or historic, noted during surface reconnaissance, the CRE report recommends that an archaeological testing program should be developed and carried out prior to earth moving activities for the Project. The Project would implement SCA CUL-2, which would require the Project applicant to retain a qualified archaeologist to conduct a site-specific, intensive archaeological study for review and approval by the City prior to soil disturbing activities. As this has been conducted in the form of the CRE report and ground disturbing activities could have a potentially significant impact on undiscovered archaeological resources, the applicant shall hire a qualified archaeologist to prepare an ALERT sheet that would detail what could potentially be discovered during construction. Additionally, archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet) and the procedures to follow if any artifacts are encountered, field recording, and sampling.

Additionally, the Project would implement SCA CUL-1 and SCA CUL-3, which would require that work halt in the vicinity of a find until it is evaluated by a qualified archaeologist, and in the case of human remains the Alameda County Coroner. In addition, cumulative projects undergoing CEQA review would also include these SCAs.

Therefore, with implementation of SCA CUL-1, SCA CUL-2, and SCA CUL-3, the Project's contribution to cumulative impacts would not be considerable, and the impact would be less than significant.

SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction.

SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures.

SCA CUL-3: Human Remains – Discovery During Construction.

Mitigation: None required.

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4.4 GREENHOUSE GAS EMISSIONS

4.4.1 INTRODUCTION

This section assesses the potential for the Project to result in significant adverse environmental impacts from greenhouse gas (GHG) emissions. The section first includes a description of the existing environmental setting as it relates to GHG emissions and provides a regulatory framework that discusses applicable state and local regulations. This analysis considers the GHG emissions that would result from construction and operation activities associated with the Project and compares these emissions to the thresholds of significance.

The information and analysis in this section is based on the GHG Emissions Assessment (Appendix D) prepared by Kimley-Horn and Associates (September 2025). This study includes analysis for the Project regarding both construction and operational GHG impacts.

4.4.2 ENVIRONMENTAL SETTING

GREENHOUSE GASES AND CLIMATE CHANGE

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected back toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO_2 emissions,

approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere.[1] **Table 4-17: Description of Greenhouse Gases** describes the primary GHGs attributed to global climate change, including their physical properties.

Table 4-17: Description of Greenhouse Gases

Greenhouse Gas	Description
Carbon Dioxide (CO_2)	CO_2 is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO_2 emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO_2 is variable because it is readily exchanged in the atmosphere. CO_2 is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs.
Nitrous Oxide (N_2O)	N_2O is largely attributable to agricultural practices and soil management. Primary human-related sources of N_2O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N_2O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N_2O is approximately 120 years. The Global Warming Potential of N_2O is 298.
Methane (CH_4)	CH_4, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, about 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH_4 include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH_4 is about 12 years and the Global Warming Potential is 25.
Hydrofluorocarbons (HFCs)	HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.
Perfluorocarbons (PFCs)	PFCs have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200.
Chlorofluorocarbons (CFCs)	CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that

[1] Intergovernmental Panel on Climate Change, *Carbon and Other Biogeochemical Cycles. In: Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, 2013.

Greenhouse Gas	Description
	Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400.
Sulfur Hexafluoride (SF_6)	SF_6 is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF_6 is 23,900.
Hydrochlorofluoro-carbons (HCFCs)	HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.
Nitrogen Trifluoride (NF_3)	NF_3 was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. This gas is used in electronics manufacturing for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200.
Source: Compiled from U.S. EPA, *Overview of Greenhouse Gases*, (https://www.epa.gov/ghgemissions/overview-greenhouse-gases), 2018; U.S. EPA, *Inventory of U.S. Greenhouse Gas Emissions and Sinks*: 1990-2016, 2018; Intergovernmental Panel on Climate Change, *Climate Change 2007: The Physical Science Basis*, 2007; National Research Council, *Advancing the Science of Climate Change*, 2010; U.S. EPA, *Methane and Nitrous Oxide Emission from Natural Sources*, April 2010, accessed September 2024..	

4.4.3 REGULATORY SETTING

FEDERAL

To date, national standards have not been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the Project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Clean Air Act

In April 2007, in Massachusetts v. EPA, the U.S. Supreme Court directed the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the U.S. EPA Administrator was directed to follow the language of Section 202(a) of the Federal Clean Air Act (FCAA). In December 2009, the Administrator signed a final rule with two distinct findings regarding GHGs under Section 202(a) of the FCAA:

- Elevated concentrations of GHGs (CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6) in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the "endangerment finding.".
- The combined emissions of GHGs (CO_2, CH_4, N_2O, and HFCs) from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the "cause or contribute finding."

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the FCAA.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

Additional provisions of the Energy Independence and Security Act (EISA) address energy savings in government and public institutions, promote research for alternative energy, additional research in carbon capture, international energy programs, and the creation of "green jobs."

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards were projected to achieve 163 grams per mile of CO_2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles.

According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.[2]

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In 2018, the President and the U.S. EPA stated their intent to halt various federal regulatory activities to reduce GHG emission, including the phase two program. California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives.

On September 27, 2019, the U.S. EPA and the NHTSA published the "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program." (84 Fed. Reg. 51,310 (Sept. 27, 2019.)) The Part One Rule revokes California's authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the U.S. EPA and NHTSA finalized rulemaking for SAFE Part Two which sets CO_2 emissions standards and corporate average fuel economy (CAFE) standards for passenger vehicles and light duty trucks, covering model years 2021-2026. The current U.S. EPA administration has repealed SAFE Rule Part One, effective January 28, 2022, and is reconsidering Part Two.

As of April 1, 2022, the CAFE standards require an industry-wide fleet average of approximately 49 mpg for passenger cars and light trucks in model year 2026. The new CAFE standards for model year 2024-2026 will reduce fuel use by more than 200 billion gallons through 2050, as compared to continuing under the old standards.[3]

On June 7, 2024, the NHTSA announced the final rule for passenger cars and light trucks for model years 2027-2031, which strengthened previous emission standards and proposed an industry-wide fleet average of approximately 50.4 mpg in model year 2031. The new CAFE standards for model years 2027-2031 would reduce fuel use by 70 billion gallons through 2050.[4]

In response to President Trump's "Unleashing American Energy" Executive Order, published on January 20, 2025, the U.S. EPA announced its intention to reconsider regulations and actions that rely on the Endangerment Finding on March 12, 2025. This includes the CAFE standards. On June 6, 2025, the NHTSA published an interpretive rule that established the NHTSA's authority to revise the CAFE standards without consideration of electrical vehicles. As discussed above, on February 12, 2026, the U.S. EPA finalized its

[2] U.S. EPA and NHTSA, *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles – Phase 2,* 2016. Available at https.//www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf. Accessed September 2024.

[3] National Highway Traffic Safety Administration, *USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026*, available at: https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026, accessed September 2024.

[4] National Highway Traffic Safety Administration, NHTSA Announces Final Rule for CAFE and HDPUV Standards, Available at: https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy. Accessed March 2026.

rescission of the Endangerment Finding, revoking the U.S. EPA's authority to set GHG emission standards, including those developed as part of federal motor vehicle regulation. As a result, vehicle manufacturers are no longer subject to federal GHG emission measurement, control, or reporting requirements.[5]

STATE

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO_2 equivalents (CO_2e) in the world and produced 371 million gross metric tons of CO_2e in 2022.[6] In the State, the transportation sector is the largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark Assembly Bill (AB) 32, California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other pieces of legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation but also provide GHG reductions. This section describes the major provisions of the legislation.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verification of statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

2017 CARB Scoping Plan

CARB adopted the Scoping Plan to achieve the goals of AB 32. The Scoping Plan establishes an overall framework for the measures that would be adopted to reduce California's GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business-as-usual").[7] The Scoping Plan evaluates opportunities for sector-specific reductions, integrates early actions and additional GHG reduction measures by both CARB and

[5] U.S. Environmental Protection Agency, *Final Rule: Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-rescission-greenhouse-gas-endangerment. Accessed March 2026.

[6] California Air Resources Board, *Current California GHG Emission Inventory Data 2000-2022 GHG Inventory (2024 Edition)*, available at: https://ww2.arb.ca.gov/ghg-inventory-data

[7] CARB defines business-as-usual (BAU) in its Scoping Plan as emissions levels that would occur if California continued to grow and add new GHG emissions but did not adopt any measures to reduce emissions. Projections for each emission-generating sector were compiled and used to estimate emissions for 2020 based on 2002–2004 emissions intensities. Under CARB's definition of BAU, new growth is assumed to have the same carbon intensities as was typical from 2002 through 2004.

the State's Climate Action Team, identifies additional measures to be pursued as regulations, and outlines the adopted role of a cap-and-trade program.[8] Additional development of these measures and adoption of the appropriate regulations occurred through the end of 2013. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions (adopted in 2011).
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).
- Creating targeted fees, including a public goods charge on water use, fees on gasses with high global warming potential, and a fee to fund the administrative costs of the State of California's long-term commitment to AB 32 implementation.
- The California Sustainable Freight Action Plan was developed in 2016 and provides a vision for California's transition to a more efficient, more economically competitive, and less polluting freight transport system. This transition of California's freight transport system is essential to supporting the State's economic development in coming decades while reducing pollution.
- CARB's Mobile Source Strategy demonstrates how the State can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next fifteen years. The mobile Source Strategy includes increasing ZEV buses and trucks.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated in light of current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 million metric tons of CO2e (MMTCO2e) to 545 MMTCO2e. The reduction in forecasted 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent, down from 29 percent. CARB also provided a lower 2020 inventory forecast that incorporated State-led GHG emissions reduction measures already in place. When this lower

[8] The Climate Action Team, led by the secretary of the California Environmental Protection Agency, is a group of State agency secretaries and heads of agencies, boards, and departments. Team members work to coordinate statewide efforts to implement global warming emissions reduction programs and the State's Climate Adaptation Strategy.

forecast is considered, the necessary reduction from business-as-usual needed to achieve the goals of AB 32 is approximately 16 percent.

CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG emissions reductions necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB32.

In 2016, the Legislature passed Senate Bill (SB) 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan.9 The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support other federal actions.

2022 CARB Scoping Plan

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the State in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on

[9] California Air Resources Board, *California's 2017 Climate Change Scoping Plan,* November 2017.

evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects.[10] CARB specifically states that Appendix D does not address other land uses (e.g., industrial).[11] However, CARB plans to explore new approaches for other land use types in the future.[12] As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.

Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan (CARB, 2017b). The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities and other federal actions. In 2022, CARB published the 2022 Scoping Plan, which is discussed above.

SB 375 (The Sustainable Communities and Climate Protection Act of 2008)

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet the GHG reduction goals established by AB 32. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies. The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) serve as the metropolitan planning organization for the nine counties in the Bay Area region. The applicable sustainable community strategy in the Bay Area is Plan Bay Area 2050, which sets out a path toward achieving a 20 percent per capita reduction in GHG emissions from passenger cars and light-duty trucks by 2035.

AB 1493 (Pavley Regulations and Fuel Efficiency Standards)

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by

[10] California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality*, *Appendix D: Local Actions*, November 2022, accessed September 2024.

[11] Ibid.

[12] Ibid.

lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO_2e emissions and 75 percent fewer smog-forming emissions. In 2018, the EPA proposed the SAFE Vehicles Rule, which would roll back fuel economy standards and revoke California's waiver. However, in December 2021, the NHTSA repealed the SAFE Vehicle Rule Part One.

SB 1368 (Emission Performance Standards)

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of CO_2 per megawatt-hour.

AB 398 (Market-Based Compliance Mechanisms)

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

SB 150 (Regional Transportation Plans)

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

AB 1346 (Air Pollution: Small Off-Road Engines)

Signed into law in October 2021, AB 1346 requires CARB, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, consistent with federal law, by July 1, 2022. The bill requires CARB to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality

management districts to implement to support the transition to zero-emission small off-road equipment operations.

AB 1279 (The California Climate Crisis Act)

AB 1279 establishes the policy of the State to achieve carbon neutrality as soon as possible, but no later than 2045; to maintain net negative GHG emissions thereafter; and to ensure that by 2045 statewide anthropogenic GHG emissions are reduced at least 85 percent below 1990 levels. The bill requires CARB to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies.

SB 905 (Carbon Sequestration Program)

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated carbon dioxide fluid into a Class II injection well for the purpose of enhanced oil recovery.

AB 1757 (Nature-Based Solutions)

Signed on September 16, 2022, AB 1757 requires State agencies to develop a range of targets for natural carbon sequestration and nature-based climate solutions that reduce GHG emissions to meet the 2030, 2038, and 2045 goals which would be integrated into a scoping plan addressing natural and working lands.

Renewable Electricity Standards

Established in 2002, California's Renewables Portfolio Standard (RPS) requires electricity providers (i.e., utilities, cooperatives, and community choice aggregators) to ensure that renewable energy constitutes a specified minimum portion of their electric load. Since then, the State Legislature has modified, increased, and accelerated the RPS several times. Relevant RPS laws are summarized below.

SB 1078. SB 1078 (2002) requires California to generate 20 percent of its electricity from renewable energy by 2017.

SB 107. SB 107 (2006) accelerated the 20 percent RPS requirement from 2017 to 2010.

SB 2 (1X). SB 2 (1X) (2010) increased the RPS to 33 percent renewables by 2020 with compliance period targets of 20 percent by 2013 and 25 percent by 2016.

SB 350. SB 350 (2015) extended the RPS to 50 percent by 2030, with interim targets of 40 percent by 2024 and 45 percent by 2027. The bill also requires that 65 percent of RPS procurement must be derived from long-term contracts (10 years or more) starting in 2021.

SB 100. SB 100 (2018) increased California's renewable electricity portfolio to 60 percent by 2030, with interim targets of 44 percent by 2024 and 52 percent by 2027. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

SB 1020. SB 1020 (2022) provides additional goals for the path to the 2045 goal of 100 percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs using executive orders. Although not regulatory, they set the tone for the State and guide the actions of state agencies.

Executive Order S-3-05. Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07. Issued on January 18, 2007, Executive Order S 01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

Executive Order S-13-08. Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08. Issued on November 17, 2008, Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Executive Order S-21-09. Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's RPS to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

Executive Order B-30-15. Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO_2e ($MMTCO_2e$). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among

other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18. Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant State agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires State agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

Executive Order N-79-20. Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new zero emission vehicles (ZEVs) "towards the target of 100 percent." The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division (CalGEM), and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat even with rapid population growth.

Title 20 Appliance Efficiency Regulations. The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

Title 24 Building Energy Efficiency Standards. California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions.

On August 11, 2021, the CEC adopted the 2022 Building Energy Efficiency Standards (2022 Energy Code), which were subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Energy Code encourages efficient electric heat pumps,

establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more.

Title 24 California Green Building Standards Code. The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as the CALGreen Code, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code went into effect January 1, 2023 (2022 CALGreen). The 2022 CALGreen standards continue to improve upon the existing standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

California Vehicle Regulations

CARB recently adopted various regulations to reduce criteria pollutants including:

- **Advanced Clean Cars Program.** This program aims to make all new passenger cars, trucks, and SUVs sold in California zero emissions by 2035.
- **Advanced Clean Truck Regulation.** CARB adopted the Advanced Clean Truck (ACT) Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission (ZE) trucks beginning in 2024. By 2045, every new truck sold in California is required to be ZE.
- **Low NO_X Heavy-Duty Omnibus Regulation.** Adopted in September 2021, the Heavy-Duty Engine and Vehicle Omnibus Regulation (Omnibus Regulation) will significantly increase the stringency of nitrogen oxides (NO_X) emissions standards for heavy-duty diesel engines for use in vehicles with a gross vehicle weight rating (GVWR) greater than 10,000 pounds. The more stringent NO_X emission standards begin with the 2024 model year engines and become more stringent with 2027 and subsequent model year engines.
- **Advanced Clean Fleets Regulation.** Adopted in April 2023, the Advanced Clean Fleets Regulation (ACF) requires fleet owners to begin transitioning toward zero emissions vehicles (ZEVs) starting in 2024. Drayage trucks will need to be ZE by 2035, and all other fleet owners have the option to transition a percentage of their vehicles to meet expected ZE milestones, which gives owners the flexibility to continue operating combustion-powered vehicles as needed during the move toward cleaner technology.

On January 13, 2025, CARB withdrew their requests for FCAA waivers from the U.S. EPA needed to support four recently adopted vehicle emissions regulations: 1) the Advanced Clean Fleets Regulations; 2) the In-Use Locomotive Regulations; 3) part of the Commercial Harbor Craft and Ocean-Going Vessels At-Berth Regulations; and 4) part of the Transport Refrigeration Unit Engine Standards Regulations. Therefore, the implementation status of these regulations is currently unknown.

REGIONAL

Bay Area Air District Thresholds

The Bay Area Air District is the primary agency responsible for addressing air quality concerns in the San Francisco Bay Area, including the City of Oakland. Bay Area Air District also recommends methods for analyzing project-related GHGs in CEQA analyses as well as multiple GHG reduction measures for land use development projects. Bay Area Air District released its Justification Report CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (Bay Area Air District Justification Report) in April 2022. The GHG thresholds of significance have been updated to consider newer State reduction targets (e.g., SB 32) and plans for eventual carbon neutrality by 2045 (e.g., Executive Order B-55-18 and SB 1279), as well as evolving case law. The Bay Area Air District Justification Report (and thus the GHG thresholds) was adopted by the Board of Directors on April 20, 2022. In summary, the updated thresholds emphasize:

- Avoiding wasting electricity and developing fossil fuel infrastructure (i.e., natural gas plumbing or appliances) in new buildings that will be in place for decades and thus conflict with carbon neutrality by 2045.
- Compliance with California Green Building Standards Code (CALGreen) Tier 2 EV requirements and per capita VMT reductions consistent with SB 743.
- Consistency with a qualified GHG reduction strategy (also known as a Climate Action Plan).

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The FCAA and California Clean Air Act require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the State particulate matter 10 microns in diameter or less (PM_{10}) standard). The 2017 Clean Air Plan: Spare the Air, Cool the Climate was adopted on April 19, 2017, by Bay Area Air District.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how Bay Area Air District will continue progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and TACs; to reduce emissions of CH_4 and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of CO_2 by reducing fossil fuel combustion.

Metropolitan Transportation Commission/Association of Bay Area Governments Sustainable Communities Strategy

MTC is the federally recognized MPO for the nine county Bay Area, which includes Alameda County and the City of Oakland. On July 18, 2013, the Plan Bay Area was jointly approved by ABAG's Executive Board and by MTC. The Plan includes the region's Sustainable Communities Strategy, as required under SB 375, and the 2040 Regional Transportation Plan. The Sustainable Communities Strategy lays out how the region will meet GHG reduction targets set by the California Air Resources Board (CARB).

LOCAL

City of Oakland General Plan

The City of Oakland (General Plan) is a long-range planning document that provides a framework for action and the direction in which to focus that action. The City's Land Use and Transportation Element (LUTE), Open Space, Conservation, and Recreation (OSCAR) elements of the General Plan contains the following policies applicable to the proposed Project:

> ***Policy T.3.6.*** The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling, and walking.
>
> ***Policy CO-12.1:*** Promote land use patterns and densities which help improve regional air quality conditions by: (a) minimizing dependence on single passenger autos; (b) promoting projects which minimize quick auto starts and stops, such as live-work development, mixed use development, and office development with ground floor retail space; (c) separating land uses which are sensitive to pollution from the sources of air pollution; and (d) supporting telecommuting, flexible work hours, and behavioral changes which reduce the percentage of people in Oakland who must drive to work on a daily basis.
>
> ***Policy CO.12.4.*** Require that development projects be designed in a manner which reduces potential adverse air quality impacts. This may include: (a) the use of vegetation and landscaping to absorb carbon monoxide and to buffer sensitive receptors; (b) the use of low-polluting energy sources and energy conservation measures; and (c) designs which encourage transit use and facilitate bicycle and pedestrian travel..
>
> ***Policy CO.13.3.*** Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency.

City of Oakland Equitable Climate Action Plan and GHG Reduction Targets

In October 2018, the Oakland City Council passed Resolution 87183 adopting an interim citywide GHG emissions reduction target of 56 percent below 2005 levels by 2030 to support the City's 2050 reduction targets. The City of Oakland Equitable Climate Action Plan (Equitable Climate Action Plan or ECAP) is the City's roadmap to bring about an equitable transition to a low-carbon economy with actions and strategies designed to meet equitable, realistic, ambitious, balanced, and adaptive criteria. The goal of this ECAP is to identify an equitable path toward cost-effectively reducing Oakland's local climate emissions a minimum of 56 percent transitioning away from fossil fuel dependence and ensuring that all of Oakland's communities are resilient to the foreseeable impacts of climate change, by 2030. The 2030 ECAP includes a set of 40 actions projected to result in a 60 percent reduction in GHG emissions by 2030, relative to Oakland's 2005 emission levels. The actions were split into seven sectors: Transportation and Land Use, Buildings, Material Consumption and Waste, Adaptation, Carbon Removal, City Leadership, and Port of Oakland.

City of Oakland 2021-2026 Hazard Mitigation Plan

The City of Oakland Hazard Mitigation Plan (HMP) was adopted to establish and promote a comprehensive mitigation strategy and efforts to protect the community and environment from identified manmade and natural hazards which includes climate change. The HMP notes that climate change may alter exposure and vulnerability of people, property, and critical facilities to hazards which include dam failure, drought, earthquake, flood, landslides, sea-level rise, severe weather, tsunami/seiche, and wildfire. The HMP also includes a range of mitigation best practices that would mitigate risks from current and new risks that may result from climate change.

City of Oakland Green Building Ordinance

The City of Oakland adopted mandatory green building standards for private development projects on October 19, 2010. All buildings or projects are required to follow the California Building Energy Efficiency Standards and subsequent updates to those standards, as well as meet a variety of checklist requirements. By following these standards, proposed buildings or projects would indirectly reduce GHGs through design features that lower building energy use.

City of Oakland Municipal Code

The Oakland Municipal Code (OMC) includes various directives to minimize GHG emissions in Oakland. Per the City of Oakland Municipal Code, Title 15 Buildings and Construction, Chapter 15.04 Oakland Amendments to California Model Building Construction Codes Part 11 requires all new multifamily and non-residential buildings to include full circuit infrastructure for plug-in electric vehicle (PEV) charging stations for at least 10 percent of the total parking spaces. In addition, inaccessible conduits for future expansion of PEV spaces must be installed 10 percent of the total parking at non-residential buildings. The new requirements are designed to accelerate the installation of vehicle chargers to address demand.

City of Oakland Energy Code Amendments

In September 2025, Oakland City Council passed the Oakland Amendments to the California Energy and Green Buildings Codes, expanding on state requirements related to energy efficiency. These amendments include stricter performance standards and promote enhanced air filtration and increased readiness for full electrification for new and existing buildings. The amendments were developed in support of the City's ECAP and Environmental Justice (EJ) Element, which requires the City to facilitate the transition to all-electric buildings.

City of Oakland Building Code Amendments

In September 2025, the Oakland City Council passed the Oakland Amendments to the 2025 California Model Building Construction Codes, expanding on state requirements related to building permits and inspections and construction practices. These amendments include requirements related to seismic safety, grading and fire-rated construction, and electrical requirements for both commercial and residential construction, in support of advancing sustainable infrastructure.

City of Oakland Standard Conditions of Approval

The Oakland Standard Conditions of Approval (SCAs) were designed to achieve consistency between project approvals and enforce environmental protection measures. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable,

to be implemented during construction and operation of the Project. SCAs relevant to reducing greenhouse gas impacts applicable to the Project are listed below.

SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan. *(Standard Condition of Approval 48)*

Required:

a) Greenhouse Gas (GHG) Reduction Plan Required.

The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan:

The goal of the GHG Reduction Plan shall be to increase energy efficiency and to reduce GHG emissions to at least the amount that would be achieved by committing to all of the emissions reductions strategies identified on the ECAP Consistency Checklist as the City's project-level implementation of its Equitable Climate Action Plan (adopted in 2020), which calls for reducing city-wide GHG emissions by 56 percent below 2005 levels by 2030 and 83 percent by 2050. The GHG Reduction Plan shall include, at a minimum, (a) a detailed quantified GHG emissions inventory for the project taking into consideration energy efficiencies included as part of the project (including proposed mitigation measures, project design features, those strategies being implemented and other City requirements), (b) for each ECAP Consistency Checklist strategy that the project will not meet, a quantified calculation of the additional GHG emission reductions that would have occurred had it implemented the GHG emissions reduction measure consistent with the ECAP Consistency Checklist, (c) a quantified strategy for achieving an GHG emission reduction equivalent to the reduction that would have resulted from complying with the ECAP Consistency Checklist strategy, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented.

If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.

Potential additional GHG reduction measures to be considered include, but are not be limited to, measures recommended in Bay Area Air District's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.

The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below.

The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; then (4) off-site within the State of California.

As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; then (3) within the State of California. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's net difference operational emissions estimated in the GHG Reduction Plan for the project as compared to the Checklist baseline.

For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.

b) GHG Reduction Plan Implementation During Construction.

The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval. These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects).

c) *GHG Reduction Plan Implementation After Construction*.

The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis.

The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.

Annual Report. Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report ("Annual Report"), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City's choosing, to be paid for by the project applicant.

The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the Checklist baseline emissions reported in the GHG Plan.

The GHG Reduction Plan shall be considered fully attained when project emissions are less than the Checklist baseline, as confirmed by the City through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below.

Corrective Procedure. If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures ("Corrective GHG Action Plan"). The project applicant shall then implement the approved Corrective GHG Action Plan.

If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.

The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved compared to the applicable numeric significance thresholds described in the GHG Reduction Plan.

In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan.

The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the Equitable Climate Action Plan.

Timeline Discretion and Summary. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.

4.4.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO_2e annually.
2. For a project involving a land use development, fail to demonstrate consistency with the 2030 Equitable Climate Action Plan (ECAP) adopted by the City Council on July 28, 2020. Consistency with the 2030 ECAP can be shown by either:
    a. Committing to all of the GHG emissions reductions strategies described on the ECAP Consistency Checklist, or
    b. Complying with the GHG Reduction Standard Condition of Approval that requires a project-level GHG Reduction Plan quantifying how alternative reduction measures will achieve the same or greater emissions than would be achieved by meeting the ECAP Consistency Checklist.

APPROACH TO ANALYSIS

Global climate change is, by definition, a cumulative impact of GHG emissions. Therefore, there is no project-level analysis. The baseline against which to compare potential impacts of the Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities which almost doubled between 1970 and 2010 from approximately 27 gigatonnes (Gt) of CO_2/year to nearly 49 $GtCO_2$/year. Further, average annual GHG emissions during 2010–2019 were higher than in any previous decade on record, while the rate of growth between 2010 and 2019 (1.3 percent per year) was lower than that between 2000 and 2009 (2.1 percent per year) and world-wide GHG emissions in 2019 were estimated to be 59 $GtCO_2$/year. As such, the geographic extent of climate change and GHG emissions' cumulative impact discussion is worldwide.

The Project's construction and operational emissions were calculated using the California Emissions Estimator Model version 2022.1 (CalEEMod). Refer to Appendix D for details of the modeling assumptions and emission factors. For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. The Project's construction-related GHG emissions were forecasted based on the proposed construction schedule and applying the mobile-source emissions factors derived from CalEEMod. The Project's construction-related

GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. The Project's operations-related GHG emissions would be generated by vehicular traffic, area sources (e.g., landscaping maintenance, consumer products), electrical generation, water supply and wastewater treatment, and solid waste. In addition, the Project is evaluated for consistency with the ECAP.

Emissions Estimates

Project-related GHG emissions fall into two categories: construction emissions, and ongoing operational emissions. Estimated construction- and operation-related emissions are presented in **Table 4-18: Construction-Related Greenhouse Gas Emissions** and **Table 4-19: Project Greenhouse Gas Emissions**, respectively. Additionally, the Project would include a backup diesel emergency fire pump, which would represent a new stationary source of GHG emissions. According to the City's GHG thresholds, for projects that involve both a stationary source and land use development, the stationary source emissions should be calculated separately and compared to the stationary source threshold. Refer to Impact GHG-2 below for further discussion on stationary source emissions.

Construction Greenhouse Gas Emissions

The Project would result in direct emissions of GHGs from construction. The approximate quantity of daily GHG emissions generated by construction equipment utilized to build the Project is depicted in **Table 4-18: Construction-Related Greenhouse Gas Emissions.**

Table 4-18: Construction-Related Greenhouse Gas Emissions

Category	$MTCO_2e$
Construction (2027)	1,499
Construction (2028)	590
Construction (2029)	3
Total Construction Emissions	**2,093**
30-Year Amortized Construction	70
Note: Totals may not add up due to rounding	
Source: CalEEMod version 2022.1. Refer to Appendix A of Appendix D for model outputs.	

Table 4-18: Construction-Related Greenhouse Gas Emissions shows that the Project would result in the generation of approximately 2,093 $MTCO_2e$ over the course of construction. Construction GHG emissions are typically summed and amortized over a 30-year period, then added to the operational emissions. The amortized Project construction emissions would be 70 $MTCO_2e$ per year. Once construction is complete, the generation of these GHG emissions would cease.

Long-term Operational Greenhouse Gas Emissions

Operational or long-term emissions occur over the life of the Project. GHG emissions would result from direct emissions such as Project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the Project, the emissions associated with solid waste generated from the Project, and

any fugitive refrigerants from air conditioning. Total GHG emissions associated with the Project are summarized in **Table 4-19: Project Greenhouse Gas Emissions**.

Table 4-19: Project Greenhouse Gas Emissions

Emissions Source	$MTCO_2e$ per Year	Percent of Total
Construction Amortized Over 30 Years	70	3%
Area Source	5	0.2%
Energy	320	15%
Mobile	1,513	71%
Off-Road Equipment	-	-
Waste	91	4%
Water and Wastewater	142	7%
Total Project Emissions	**2,143**	**100%**
1. Totals may not add up due to rounding. 2. The Project is estimated to include 10 electric forklifts and 1 emergency fire pump.		
Source: CalEEMod version 2022.1. Refer to Appendix D for model outputs.		

PROJECT IMPACTS AND DISCUSSION

Impact GHG-1 For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO_2e annually.

Impact GHG-2 For a project involving a land use development, fail to demonstrate consistency with the 2030 Equitable Climate Action Plan (ECAP) adopted by the City Council on July 28, 2020. Consistency with the 2030 ECAP can be shown by either:

a) committing to all of the GHG emissions reductions strategies described on the ECAP Consistency Checklist, or

b) complying with the GHG Reduction Standard Condition of Approval that requires a project-level GHG Reduction Plan quantifying how alternative reduction measures will achieve the same or greater emissions than would be achieved by meeting the ECAP Consistency Checklist.

Less than Significant with SCAs.

ECAP and GHG Reduction Plan

Both Bay Area Air District and CAPCOA consider GHG impacts to be exclusively cumulative impacts in that no single project could, by itself, result in a substantial change in climate. Therefore, the evaluation of GHG emissions impacts assesses whether the Project would make a considerable contribution to cumulative climate change effects. The City of Oakland's current adopted thresholds for GHG emissions rely upon the technical and scientific basis for the City's 2030 ECAP, which provides substantial evidence that adherence to the 2030 ECAP action items will achieve GHG emissions reduction targets of at least 56 percent below 2005 levels by 2030 and 83 percent below 2005 levels by 2050. These reduction targets

are more aggressive than the state's adopted 2030 reduction target of 40 percent below 1990 levels (per SB 32).

ECAP Consistency Checklist

The Project Applicant prepared an ECAP Consistency Checklist (ECAP Checklist) for the Project (see Appendix D for checklist). The purpose of the ECAP Checklist is to determine, for purposes of compliance with CEQA, whether a development project complies with the ECAP and the City's GHG emission reduction targets. According to the Project's ECAP Checklist, the Project has not committed to all applicable GHG emissions reduction strategies, and would, therefore, be required to comply with SCA GHG-1, GHG Reduction Plan, that requires a project-level GHG Reduction Plan quantifying how alternative reduction measures will achieve the same or greater emissions than would be achieved by meeting the ECAP Checklist. According to the ECAP Checklist, the Project complies with all applicable ECAP Checklist items, with the exception of Checklist Item #2. Therefore, a GHG Reduction Plan (see Appendix D for the Project GHG Reduction Plan) has been prepared for the Project per SCA GHG-1. The GHG Reduction Plan demonstrates how the Project would reduce GHG emissions through alternative reduction measures and achieve the same or greater emissions reductions than would be achieved by meeting the ECAP Checklist Item #2 (Refer to Appendix D for further details of the Project GHG Reduction Plan).

GHG Reduction Plan

The ECAP Checklist Item #2 requires industrial developments in "Transit Accessible Areas" as defined in the Planning Code, to provide less than one space per 3,500 square feet of floor area if total size exceeds 25,000 square feet. Projects that provide more than one space per 3,500 square feet of floor area (if total building size exceeds 25,000 square feet) would be considered inconsistent with the ECAP Checklist Item #2.

Regarding ECAP Checklist Item #2, while parking provided by the Project is consistent with the amount of parking allowed under the Planning Code, it exceeds the minimum parking requirements. The City of Oakland Planning Code Section 17.116.090 establishes minimum parking requirements for the Project. The Project has minimum required off-street parking of 1.0 spaces per 3,500 sf of floor area for industrial activities. Since the office component of the Project is an accessory part of the warehouse, the parking requirement for industrial use applies to the whole Project. Therefore, the Project is required to provide a minimum of 89 parking spaces.[13]

While parking provided by the Project is consistent with the amount of parking allowed under the Planning Code, the Project's proposed 288 off-street parking spaces[14] exceeds the minimum parking requirements by 199 spaces. For a conservative analysis of the GHG impacts associated with the additional parking, it is assumed that each parking space eliminated onsite would result in two fewer daily employee one-way trips, for a total of 398 fewer one-way trips per day associated with 199 parking spaces.[15] In addition, we

[13] The required parking for industrial use is (311,000 square feet) * (1 parking space / 3,500 square feet) = 89 parking spaces

[14] As noted in Appendix D, the Project has since been refined to include less (only 220) off-street parking spaces. As such, the analysis contained herein is conservative.

[15] This is a conservative assumption because it assumes that all the Project's parking spaces are fully occupied every day, and each parking space accommodates one worker's daily commute (two one-way trips).

note that GHG Report conservatively studied the impacts of 288 off-street parking spaces, rather than the 220 off-street parking spaces the Project proposes. As such, the GHG Report results in a conservative analysis and the GHG Reduction Plan reduces GHG impacts even further than the proposed Project would otherwise be required to.

Based on the Transportation Analysis prepared by Kimley-Horn (see Appendix H), the Project would generate approximately 1,439 trips per day. Of the daily trips associated with the warehouse component of the project, 1,259 trips would be associated with passenger automobiles, and the remainder would be associated with trucks. If parking were reduced by 199 spaces, the number of passenger vehicle trips would be reduced by 398 one-way trips, and the overall number of passenger automobile trips associated with the warehouse component of the Project would be reduced from 1,259 one-way trips per day to 861 one-way trips per day.[16]

In order to determine the GHG reductions that would result from minimizing the allowable parking on the Project site, mobile source emissions were calculated for the reduced parking scenario, based on the assumption that reduced parking would reduce the number of daily automobile trips associated with the warehouse component of the Project by 398 daily trips. Mobile-source emissions under the reduced parking scenario were then compared to mobile-source emissions that would result from the Project, as proposed. Overall, it was determined that reducing parking to the minimum required by Code would result in an annual reduction of 431.80 $MTCO_2e$.

GHG Reduction Plan - Alternative Reduction Measures. The GHG Reduction Plan identified two alternative reduction measures: (1) implement a mandatory commute trip reduction program and (2) provide transit-oriented development. In addition, should future CAPCOA measures, City-adopted SCAs, or comparable programs become available that would achieve similar reductions, the Project will evaluate and incorporate such measures where feasible. As discussed in Appendix D, the two alternative measures would result in emission reductions of 444.68 $MTCO_2e$ per year which is greater than the emissions that would have been reduced with implementation of ECAP Checklist Item #2 (431.80 $MTCO_2e$). SCA GHG-1 also contains reporting requirements and corrective procedures to ensure the implementation of the GHG Reduction Plan. Therefore, with implementation of SCA GHG-1, Project GHG emissions associated with land use development would be less than significant.

GHG Reduction Plan – Stationary Sources. The Project would include a backup diesel emergency fire pump, which would represent a new stationary source of GHG emissions. According to the City's GHG thresholds, for projects that involve both a stationary source and land use development, the stationary source emissions should be calculated separately and compared to the stationary source threshold. **Table 4-20: Stationary Source Greenhouse Gas Emissions** compares the estimated GHG emissions from the generator to the City's threshold of 10,000 metric tons of CO_2e for stationary sources. Stationary source-related emissions would total approximately 2 $MTCO_2e$ annually, which is below City and Bay Area Air

[16] The emissions reductions that would be achieved by reducing onsite parking to the minimum amount required by code was calculated by assuming that the 199 excess parking spaces and associated 398 trips per day would be removed from the warehouse component of the Project.

District threshold for stationary sources of 10,000 $MTCO_2e$ per year. Therefore, GHG emissions associated with the Project's emergency fire pump (stationary source) would be less than significant.

Table 4-20: Stationary Source Greenhouse Gas Emissions

Emissions Source	$MTCO_2e$ per Year
Emergency Fire Pump	2
City of Oakland Stationary Source Threshold	10,000
Exceed Threshold?	**No**
Source: Refer to Appendix D for model outputs	

Other Considerations

Consistency with the 2022 CARB Scoping Plan

The 2022 CARB Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II and other regulations. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

As indicated in **Table 4-19: Project Greenhouse Gas Emissions**, approximately 71 percent of the Project's GHG emissions are from mobile sources which would be further reduced by the 2022 Scoping Plan measures discussed above. It should be noted that the City has no control over vehicle emissions. However, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover. Statewide GHG emissions reduction strategies in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-emission vehicle (ZEV) buses and trucks. Several of the State's plans and policies would contribute to a reduction in mobile source emissions from the Project. These include the following:

- **CARB's Advanced Clean Truck Regulation**: Adopted in June 2020, CARB's Advanced Clean Truck Regulation requires truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-

emission. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium- and heavy-duty vehicles from Class 2b to Class 8.

- **Executive Order N-79-20 and ZEV Action Plan**: Executive Order N-79-20 establishes the goal for all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California will be zero-emission by 2035 and all medium and heavy-duty vehicles will be zero-emission by 2045. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new ZEVs "towards the target of 100 percent."
- **CARB'S Mobile Source Strategy**: CARB's Mobile Source Strategy takes an integrated planning approach to identify the level of transition to cleaner mobile source technologies needed to achieve all of California's targets by increasing the adoption of ZEV buses and trucks.
- **CARB's Sustainable Freight Action Plan**: The Sustainable Freight Action Plan which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks. This Plan applies to all trucks accessing the Project site and may include existing trucks or new trucks that are part of the statewide goods movement sector.
- **CARB's Emissions Reduction Plan for Ports and Goods Movement**: CARB's Emissions Reduction Plan for Ports and Goods Movement identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories.
- **In-Use Off-Road Diesel-Fueled Fleets Regulation**. CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation reduces emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. CARB is currently proposing amendments to this regulation to further reduce emissions. The Proposed Amendments would reduce emissions by requiring that fleets phaseout operation of their oldest and highest emitting off road diesel vehicles, prohibiting the addition of high emitting vehicles to a fleet, and requiring the use of R99 or R100 renewable diesel in off-road diesel vehicles.
- **Clean Off-Road Fleet Voucher Incentive Program.** CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE) is intended to accelerate deployment of advanced technology in the off-road sector by providing a streamlined way for fleets to access funding that helps offset the incremental cost of such technology.
- **Low Carbon Transportation Investments and the Air Quality Improvement Program.** This program provides mobile source incentives to reduce GHG, criteria pollutant, and toxic air contaminant emissions through the deployment of advanced technology and clean transportation in the light-duty and heavy-duty sectors. Low Carbon Transportation Investments are supported by Cap-and-Trade auction proceeds.
- **Clean Miles Standard and Incentive Program**. The Clean Miles Standard and Incentive Program requires CARB to adopt and for the California Public Utilities Commission to implement annual GHG reduction targets consistent with the Zero-Emission Vehicle Action Plan.

While these measures are not directly applicable to the Project, any commercial activity associated with goods movement would be required to comply with these measures as adopted. The Project would not

obstruct or interfere with efforts to increase ZEVs or State efforts to improve system efficiency. As such, the Project would not interfere with their implementation.

Following compliance with all applicable regulations, the proposed Project would not conflict with the State's progress towards carbon neutrality under the 2022 Scoping Plan.

Plan Bay Area

The Project would not conflict with the overall goals of Plan Bay Area 2050 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce adverse health impacts. Plan Bay Area 2050 is based on the land uses in the City's General Plan. As noted above, the Project would construct a new one-story warehouse building. The Project would add employment and vehicle trips related to new employees that work directly at the Project site, but such trips are anticipated by Plan Bay Area as the Project is consistent with the City's General Plan land use designation. Further, the Plan Bay Area seeks to decrease vehicle per capita emissions to 20 percent below 2005 levels by 2035. Achievement of the decrease in vehicle per capita emissions is conducted by regional planning efforts through the MTC and other agencies with regard to land use and transportation decision making. The Project would not impede the region from reaching its GHG reductions required under Plan Bay Area.

Thus, implementation of the Project would not conflict with the Plan Bay Area, an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant.

Consistency with Other Applicable Plans and Policies

The Project would be subject to compliance with all building codes in effect at the time of construction, which would include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards. It should be noted that the operational emissions provided by CalEEMod reflect Project energy consumption based on the 2019 Title 24 Part 6 (Building Energy Efficiency Standards) and therefore the emissions provided in **Table 4-19: Project Greenhouse Gas Emissions** are conservative. The standards require updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements that would cut residential energy use by more than 50 percent (with solar) and nonresidential energy use by 30 percent. The standards also encourage demand responsive technologies including battery storage and heat pump water heaters and improve the building's thermal envelope through high performance attics, walls and windows to improve comfort and energy savings.[17] As noted above, the 2022 Energy Code became effective on January 1, 2023 and strengthens ventilation standards, includes new electric heat pump requirements, promotes electric-ready requirements for new homes (including the addition of circuitry for electric appliances, battery

[17] California Energy Commission, *2019 Building Energy Efficiency Standards*, 2018. Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

storage panels, and dedicated infrastructure), and expands solar photovoltaic and battery storage standards. The Project would be required to comply with the 2022 Energy Code.[18]

The Project would be constructed according to the 2022 CALGreen standards, which includes water conserving plumbing fixtures and fittings, electric heat pump technology, electric-ready requirements when natural gas is installed, and strengthening ventilation standards. The Project would also comply with the appliance energy efficiency standards in Title 20 of the California Code of Regulations. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

At the state and global level, improvements in technology, policy, and social behavior can also influence and reduce operational emissions generated by a project. The State is currently on a pathway to achieving the Renewable Portfolio Standards goal of 60 percent renewables by 2030 per SB 100 and 100 percent clean electricity by 2045 per AB 1279. The majority of the Project's emissions would be from mobile and energy sources. Future mobile source emissions are greatly dependent on changes in vehicle technology, fuels, and social behavior, which can be influenced by policies to varying degrees.

The primary source of Project emissions (approximately 71 percent) would occur from mobile sources. CARB is directly responsible for regulating mobile and transportation source emissions in the State. Regarding the first parameter, California addresses emissions control technology through a variety of legislation and regulatory schemes, including the state's Low Carbon Fuel Standard (Executive Order S-01-07) (LCFS), a regulatory program designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The regulatory standards are expressed in terms of the "carbon intensity" of gasoline and diesel fuel and their substitutes. Different types of fuels are evaluated to determine their "life cycle emissions" which include the emissions associated with producing, transporting, and using the fuels. Each fuel is then given a carbon intensity score and compared against a declining carbon intensity benchmark for each year. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets these declining benchmarks for each annual compliance period. In 2018, CARB approved amendments to the LCFS, which strengthened the carbon intensity benchmarks through 2030 to ensure they are in-line with California's 2030 GHG emission reduction target enacted through SB 32. This ensures that the transportation sector is meeting its obligations to achieve California's GHG reduction targets. The State is also implementing legislation and regulations to address the second parameter affecting transportation related GHG emissions by controlling for VMT. Examples of this include SB 375, which links land use and transportation funding and provides one incentive for regions to achieve reductions in VMT, and SB 743, which discourages VMT increases for passenger car trips above a region-specific benchmark. As such, the Project has no regulatory control over emissions control technology and therefore limited ability to control or mitigate emissions associated with mobile source emissions associated with this Project.

[18] California Energy Commission, *2022 Building Energy Efficiency Standards*, 2022. Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency.

Therefore, the proposed Project would be consistent with applicable plans, policies, and regulations related to the reduction of GHG emissions, and a less than significant impact with implementation of SCA GHG-1 would occur.

SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan.

Mitigation: None required.

4.4.5 CUMULATIVE

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe.

Impact GHG-1.CU *The Project, combined with cumulative development in the Project vicinity, would not result in significant cumulative impacts relative to greenhouse gas emissions*

Less than Significant with SCAs. It is generally the case that an individual project of the Project's size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory.[19] State CEQA Guidelines generally address GHG emissions as a cumulative impact because of the global nature of climate change. As the California Supreme Court explained, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself." As such, GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHG emissions would not result in a cumulatively considerable contribution to global climate change. As shown in Appendix D and discussed in Impacts GHG-1 and GHG-2 above, the Project would comply with the City of Oakland's ECAP through implementation of the GHGRP, current City Sustainability Programs, as well as General Plan policies and regulations and other local, regional and statewide plans, policies and regulations related to GHG emissions reduction. Thus, the Project would not conflict with any applicable GHG reduction plan and would not interfere with the State's goal to achieve carbon neutrality by 2045. Therefore, the Project's cumulative contribution of GHG emissions would be less than cumulatively considerable.

SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan.

Mitigation: None required.

[19] California Air Pollution Control Officers Association, *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, page 31, 2008.

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4.5 HAZARDS AND HAZARDOUS MATERIALS

4.5.1 INTRODUCTION

This section presents hazards and hazardous materials conditions in the Project vicinity and evaluates the potential for the construction or operation of the proposed Project to result in significant impacts related to exposing people or the environment to adverse hazards and hazardous materials conditions; and impairment of emergency response and access plans. The section first includes a description of the existing environmental setting as it relates to hazards and hazardous materials in the Project vicinity and provides a regulatory framework that discusses applicable state and local regulations. The section then includes an evaluation of potential impacts of the Project.

ACEHD LOP has been providing regulatory environmental oversight for the investigation and cleanup activities associated with Cleanup Site Program Case # RO0003535, located on the Project site, since July 2022. This section relies in part on the site-specific reports listed below (Appendices F1, F2, F3, F4, F5, F6, and F7):

- Appendix F1: Haley & Aldrich, Inc. 2022. ASTM Phase I Environmental Site Assessment, AB&I Foundry 7741, 7825, and 7929 San Leandro Street, Oakland, California. April 20.
- Appendix F2: Haley & Aldrich, Inc. 2022. Limited Phase II Environmental Investigation, 7825 San Leandro Street, Oakland, California. May 9.
- Appendix F3: Roux. 2024. Passive Soil Gas and Groundwater Investigation Report, AB&I Redevelopment, 7825 San Leandro Street, Oakland, California. October 4.
- Appendix F4: Roux. 2024. Data Gap Investigation Report, AB&I Redevelopment, 7825 San Leandro Street, Oakland, California. October 8.
- Appendix F5: Terraphase Engineering. 2025. Conceptual Site Model. July 15.
- Appendix F6: Terraphase Engineering. 2025. Off-Site Disposal of Liquid Sediment, Evaluations of Integrity of Pits & Sumps, and Filing/Covering the Pits & Sumps. November 15.
- Appendix F7: Terraphase Engineering. 2026. Shallow Soil Sample Collection to Assess Soil Conditions at Stormwater Treatment System and Drop Inlets. February 12.

4.5.2 ENVIRONMENTAL SETTING

DEFINITIONS OF HAZARDOUS MATERIALS

Definitions of terms used in the characterization of baseline conditions, regulatory framework, and impact analysis for hazards and hazardous materials are provided below.

- **Hazardous Material:** The term "hazardous material" can have varying definitions depending on the regulatory programs. For the purposes of this Draft EIR, the term refers to both hazardous materials and hazardous wastes. The California Health and Safety Code Section 25501(n) defines hazardous material as any material that because of its quantity, concentrations, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released. Hazardous materials include, but are not limited to, hazardous substances,

hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

- **Hazardous Waste:** A "hazardous waste" is a waste that because of its quantity, concentration, or physical, chemical, or infectious characteristic, causes or significantly contributes to an increase in mortality or illness or poses substantial or potential threats to public health or the environment (42 U.S.C. 6903(5)). Hazardous waste is further defined under the Resource Conservation and Recovery Act (RCRA) as substances exhibiting the characteristics of ignitability, reactivity, corrosivity, or toxicity. Chemical-specific concentrations used to define whether a material is a hazardous, designated, or non-hazardous waste include Total Threshold Limit Concentrations (TTLCs), Soluble Threshold Limit Concentrations (STLCs), and Toxic Characteristic Leaching Procedure (TCLPs), listed in CCR Title 22, Chapter 11, Article 3, Section 66261, and used as waste acceptance criteria for landfills. Waste materials with chemical concentrations above TTLCs, STLCs, and TCLPs must be sent to Class I disposal facilities, which are permitted to accept hazardous waste at concentrations above TTLCs, STLCs, and TCLPs.
- **Screening Levels for Hazardous Materials in Soil, Soil Gas, or Groundwater:** The San Francisco Bay Area Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) are guidelines used to evaluate the potential risk associated with chemicals found in soil or groundwater where a release of hazardous materials has occurred. Screening levels have been established for both residential and commercial/industrial land uses, for construction workers, and for ecological receptors. Soil with chemical concentrations below ESLs generally would not require remediation and would be suitable for unrestricted uses if disposed of offsite in accordance with ACEHD's *Soil Import/Export Characterization Requirements*.

SITE CONDITIONS

The Project site is developed and was in continuous heavy industrial use from 1940 to 2022. The Project site, formerly known as AB & I Foundry, has three environmental cleanup cases associated with the former industrial use (State Water Resources Control Board, 2024a). Two records have been closed (Case # SL18298719 and Case # RO0000092) while one record for a site cleanup program requirement case is still open and compliance efforts are on-going at the time of writing (Case # RO0003535). The open site assessment has been on-going since July 2022. The Phase I Environmental Site Assessment (Appendix F1), Phase II Environmental Investigation (Appendix F2), Passive Soil Gas and Groundwater Investigation Report (Appendix F3), Data Gap Investigation Report (Appendix F4), Conceptual Site Model (Appendix F5), Off-site Disposal of Liquid and Sediment, Evaluation of Integrity of Pits & Sumps, and Filling/Covering the Pits & Sumps (Appendix F6), and Shallow Soil Sample Collection to Assess Soil Conditions at Stormwater Treatment System and Drop Inlets (Appendix F7) include summaries of the site history; documentation of the results of the testing, soil gas, soil, and groundwater; cleanup activities; a discussion of the results and recommendations; and actions required to complete remediation.

Site History

The former operator of the Project site, AB&I, operated the Project site from at least 1940 until October 2022. During AB&I foundry operations, the Project site was utilized for the manufacturing of pipe and pipe

fittings. Operations included the manufacturing of fittings and pipe from recycled scrap iron, along with the production of cast iron.

Facility Closure, Investigation, and Remediation to Date

There is one closed cleanup program site (Case # SL18298719) associated with the former AB&I Foundry, with potential contaminants of concern such as arsenic, chromium, copper, and lead discharged to Elmhurst Creek. Cleanup and Abatement Orders were issued in response to apparent discharges to Elmhurst Creek. In 1995, a black powdery material was observed onsite and outside of the facility. The material was found to contain metals at concentrations above screening levels. In February 1999, a document that the Water Board labels as a "Closure/No Further Action Letter" was issued documenting that the cleanup program site no longer requires oversight work and could be removed from the active "SLIC" (Spills, Leaks, Investigations, and Cleanups) list. The case was open and inactive until September 2011 when the case was officially closed (State Water Resources Control Board, 2024c). Additionally, one closed leaking underground storage tank (LUST) case (Case # RO0000092) identified releases from one or more of the seven USTs previously located on site. Enhanced aerobic biodegradation was conducted in two areas of the Site, and subsequent groundwater monitoring indicated generally stable or decreasing concentrations of applicable chemicals of concern. In November 2011, a report documenting that all nine monitoring wells were decommissioned and destroyed in accordance with the Alameda County Public Works Agency was prepared and published, ending further activities regarding the LUST cleanup site. The onsite LUST case has been closed as of November 2011 with a land use covenant that, among other restrictions, limits future land use to industrial (State Water Resources Control Board, 2024d).

A Phase I Environmental Assessment (ESA) was completed by Haley & Aldrich Inc. (H&A) in April 2022 (Appendix F1). The Phase I ESA recognized several environmental conditions of concern, which H&A investigated during a limited Phase II Environmental Investigation in May 2022. The Phase II investigation included the collection and analysis of eight soil samples two groundwater samples, and two soil vapor samples from the Project site (Appendix F2). Soil sample results indicated that shallow soil on the Project site contained benzene in exceedance of the 2019 Regional Water Quality Control Board's Commercial/Industrial Environmental Screening Level (ESL). In addition, vinyl chloride was also detected in groundwater at concentrations exceeding the Commercial/Industrial ESL. Benzene, chloroform, ethylbenzene, trichloroethene, vinyl chloride, and total petroleum hydrocarbons as gasoline were detected in soil vapor at concentrations exceeding their respective Commercial/Industrial ESL.

Demolition of the above ground AB&I structures on the Project site was completed under regulatory oversight in compliance with the Facility CUPA Closure Plan (AB&I, 2023), the Community Air Monitoring Plan (Roux, 2023), and the ministerial demolition permit issued by the City. Demolition activities occurred from September 2023 through November 2023.

In May 2023, the Passive Soil Gas and Groundwater Investigation Work Plan was submitted to ACEHD. ACEHD approved the workplan in June 2023.

On behalf of Prologis, Roux Associates Inc. prepared a Passive Soil Gas and Groundwater Investigation Report in October 2023 for the Project site (Appendix F3). To evaluate soil vapor on a site-wide basis, Roux installed 64 passive soil gas samplers across the Site on a grid with approximate 100-foot spacing. Additionally, to assess groundwater quality conditions underlying the Project site and to establish the

groundwater gradient at the Project site, Roux installed eight groundwater monitoring wells. During well installation activities, soil samples were also collected from varying discrete depths at each well location. Based on groundwater results, it was determined that the wells should be monitored quarterly, and future monitoring should be limited to VOCs, total petroleum hydrocarbons, and metals. Results of the report include exceedances of ESLs for VOCs in passive soil gas at the Project site. Roux Associates recommended an assessment of active soil gas and bioattenuattion through the installation of soil vapor probes at specified locations to further analyze the extent of potential impacts in soil gas beneath the Project site. Roux Associates also recommended an additional soil investigation to delineate hot spots and focus on areas of expected soil disturbances during redevelopment.

Additionally, in October 2024, on behalf of Prologis, Roux Associates prepared a Data Gap Investigation Report for the Project site (Appendix F4). The scope and purpose of the Data Gap Investigation Report was to delineate VOCs previously detected in passive soil vapor samples at the Project site; assess benzene in soil vapor in three distinct areas at the Project site; assess VOCs in soil vapor and bioattenuation potential by installing and sampling soil vapor probes; analyze the extent of potential vapor intrusion risk from soil vapor beneath the Project site; and, assess concentrations of compounds in shallow soil across the Project site and within proposed utility corridors and bio-swales. The report determined that the nearly complete coverage of the Project site with the planned building and paved areas would eliminate direct contact with soil after Project site redevelopment is completed, and residual concentrations in soil will be managed in accordance with the approved Revised Site Management Plan. For groundwater, it was determined that existing monitoring wells will continue to be sampled quarterly, and no additional groundwater investigations were recommended. Based on the soil vapor results of the Data Gap Investigation Report, Roux Associates recommended the development of a Vapor Intrusion Site Conceptual Model (VICSM) in accordance with ACEHD's Decision Matrix for Development VICSM and Vapor Intrusion Risk Classification.

In October 2024, Auto Plus Towing began operating on the Project site.[1] Auto Plus Towing stored towed vehicles, including damaged (i.e., burned and wrecked) vehicles, on-site. Vehicles on-site were observed and documented leaking oil and gasoline. Oily residues were also observed throughout the site as well as within improper disposal containers. (ACEHD, 2025) See **Figure 4-2: Auto Plus Towing Lease Area** for Auto Plus Towing's lease area on-site. A Notice of Violation (#20250109) for the use was issued by ACEHD dated January 2025. Operation of the Project site as a tow yard ceased when Auto Plus Towing vacated the Project site in January 2026.

[1] This use occurred subsequent to publication of the Notice of Preparation for the Project and is thus not considered part of the baseline for purposes of Project analysis. Nonetheless, information on this subsequent use is being provided to inform the public on all available information about the Project site.

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Figure 4-2: Auto Plus Towing Lease Area

7825 San Leandro Street Project
Draft Environmental Impact Report

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Terraphase Engineering prepared a Conceptual Site Model (CSM) for the Project Site dated July 2025 (Appendix F5). This CSM identified key contaminants of potential concern for groundwater, soil, and soil vapor on the Project site. Contaminants are recognized by the CSM as "key" based on the frequency of screening level exceedances and consideration of the COPC presence in other materials. For instance, benzene was retained as a key COPC in groundwater, despite only two exceedances of groundwater screening levels, because multiple exceedances were also identified in soil and soil vapor.. Refer to **Table 4-21: Key Contaminants of Potential Concern** below for a summarized list of key contaminants of concern.

Table 4-21: Key Contaminants of Potential Concern

Media	Key Contaminants of Potential Concern
Groundwater	Arsenic, lead, nickel, benzene, tetrachloroethene (PCE), trichloroethene (TCE), vinyl chloride (VC), 1,1,1-trichloroethane, 1,1-dichloroethane (DCA), 1,1-dichloroethene (DCE), 1,2-DCA, cis-1,2-DCE, total petroleum hydrocarbons as gasoline (TPHg), and total petroleum hydrocarbons as diesel (TPHd)
Soil	Arsenic, lead, nickel, benzo(a)pyrene, TPHg, TPHd, and benzene
Soil Vapor	Benzene, TPHg, PCE, TCE, and VC

Terraphase submitted the *Off-Site Disposal of Liquid and Sediment, Evaluation of Integrity of Pits & Sumps, and Filling/Covering the Pits & Sumps* on November 14, 2025, which documented the activities conducted to remove, sample, and dispose of water and sediment from on-site pits associated with historical AB&I operations prior to backfilling the pits with lightweight cellular concrete or covering with engineered covers (Appendix F6). In addition to some of the Site COPCs, samples of media from the pits contained per- and polyfluoroalkyl substances (PFAS) at concentrations above applicable ESLs.

A *Shallow Soil Sample Collection to Assess Soil Conditions at Stormwater Treatment System and Drop Inlets* technical memorandum dated February 12, 2026 was submitted in compliance with the Facility CUPA Closure Plan (AB&I, 2023) (Appendix F7). The results in this report found that arsenic concentrations exceeded commercial/industrial risk-based screening levels but were generally below regional background. Dibenz(a,h)anthracene was detected in 1 out of 11 soil samples at a concentration slightly above the commercial/industrial risk-based screening level.

Anticipated Future ACEHD Coordination and Approvals

On March 26, 2026, ACEHD requested that an updated CSM be prepared to include all information obtained since Auto Plus Towing occupied the site that will identify data gaps with respect to all COPCs at the site. The Applicant will prepare and submit and updated CSM for ACEHD review. This updated CSM will inform future Work Plans for the Project site. Approved Work Plan(s) and associated reporting will be completed with oversight from ACEHD LOP. In parallel, actions to complete the Facility CUPA Closure Plan (AB&I, 2023) will continue.

Prior to issuance of any building related permits (i.e. building, grading, or infrastructure) a Corrective Action and Implementation Plan will be submitted to and approved by ACEHD LOP. Once all required corrective actions on the Project site are approved by ACEHD LOP and CUPA, ACEHD LOP will accept a Corrective Action Implementation Report and ACEHD CUPA will issue a Facility Closure Letter. These documents are required to be approved prior to ACEHD LOP & CUPA completing full Site Closure relating to Hazardous Materials.

Proximity to Sensitive Receptors

The nearest sensitive receptors to the Project site are a single-family residence and temporary shelter for the unhoused located 625 feet and 730 feet from the Project site, respectively.

There are no schools within 0.25 mile of the Project site. The nearest schools are the Encompass Academy Elementary School and Acorn Woodland Elementary School, located on the same campus about 0.3 miles to the east. While not within 0.25 mile of the Project site, given that Encompass Elementary School and Acorn Woodland Elementary School are still in proximity to the Project site it will be analyzed in Impact HAZ-2 in the Project Impacts and Discussion.

The Pequenos Family Daycare facility is located approximately 0.25 mile north of the Project site. While not within 0.25 mile of the Project site, the Bizzy Bee's Family Daycare is located approximately 0.28 mile northeast of the Project site.

The following hospital and medical facility is within 0.25 mile of the Project site.

- African American Health Centers LLC at 675 Hegenberger Road in Oakland, located approximately 0.1 miles to the west. Note that this facility is on the other side of Elmhurst Creek, railroad tracks, and Hegenberger Road.

Proximity to Airports

The Project site is approximately 1.5 miles northeast of the Oakland International Airport. According to the Airport Land Use Compatibility Plan (ALUCP) for the Oakland International Airport, the Project site is not located within the Airport Influence Area, the Safety Compatibility Zone, or the Noise Compatibility Zone (Alameda County, 2010).

Emergency Response or Evacuation Plans

The Oakland Office of Emergency Services (OES) has identified a network of evacuation routes in the General Plan Safety Element (City of Oakland, City of Oakland General Plan Safety Element, 2023). Emergency Evacuation Routes are typically along major thoroughfares. The main regional routes include Interstate 880 and Interstate 580, the nearest primary local routes are Hegenberger Road and

International Boulevard, and San Leandro Street is the nearest secondary local route (Figure SAF 13a of the Oakland General Plan Safety Element).

WILDLAND FIRES

Wildland fires in Oakland are a concern in the Oakland Hills, where wildlands abut residential development and steep terrain slows emergency vehicle access. The City has delineated a Fire Hazards that are based off California Department of Forestry and Fire Protection's (CAL FIRE) Fire Hazard Severity Zone (FHSZ) map. Additionally, the Fire Hazards figure (Figure SAF-3a) includes which areas and communities are within a high social vulnerability zone. The Project site is located within the "Highest Social Vulnerability" zoned area (City of Oakland General Plan Safety Element, 2023).

CAL FIRE maps areas of significant fire hazard based on fuels, terrain, weather and other relevant factors. These zones, referred to as Fire Hazard Severity Zones, then determine the requirements for special building codes designed to reduce the ignition potential of buildings. The Project site is not located within a Very High Fire Hazard Severity Zone (CAL FIRE, 2024).

4.5.3 REGULATORY SETTING

FEDERAL

The primary federal agencies with responsibility for hazardous materials management include the U.S. Environmental Protection Agency (U.S. EPA), U.S. Department of Labor Occupational Safety and Health Administration (Fed/OSHA), and the U.S. Department of Transportation (USDOT). Federal laws, regulations, and responsible agencies that are relevant to the Project are summarized in **Table 4-22: Federal Laws and Regulations for Hazardous Materials Management.**

Table 4-22: Federal Laws and Regulations for Hazardous Materials Management

Classification	Law or Responsible Federal Agency	Description
Hazardous Materials Management	Community Right-to-Know Act of 1986 (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA))	Imposes requirements to ensure that hazardous materials are properly handled, used, stored, and disposed of and to prevent or mitigate injury to human health or the environment in the event that such materials are accidentally released.
Hazardous Waste Handling	Resource Conservation and Recovery Act of 1976 (RCRA)	Under RCRA, the U.S. EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste from "cradle to grave."
	Hazardous and Solid Waste Act	Amended RCRA in 1984, affirming and extending the "cradle to grave" system of regulating hazardous wastes. The amendments specifically prohibit the use of certain techniques for the disposal of some hazardous wastes.
Hazardous Materials Transportatio	USDOT	USDOT has the regulatory responsibility for the safe transportation of hazardous materials. The USDOT regulations govern all means of transportation except

Classification	Law or Responsible Federal Agency	Description
n		packages shipped by mail (49 CFR).
Occupational Safety	Occupational Safety and Health Act of 1970	Fed/OSHA sets standards for safe workplaces and work practices, including the reporting of accidents and occupational injuries (29 CFR 1910).

State and local agencies often have either parallel or more stringent rules than federal agencies. In most cases, state law mirrors or overlaps federal law and enforcement of these laws is the responsibility of the state or of a local agency to which enforcement powers are delegated. For these reasons, the requirements of the law and its enforcement are discussed under either the state or local agency section.

STATE

The primary state agencies with responsibility for hazardous materials management in the region include the DTSC and the RWQCB within the California Environmental Protection Agency (Cal EPA), California Occupational Safety and Health Administration (Cal/OSHA), California Department of Health Services (CDHS), California Highway Patrol (CHP), and the California Department of Transportation (Caltrans). The state laws, regulations, and responsible agencies that are relevant to the Project are summarized in **Table 4-23: State Laws and Regulations for Hazardous Materials Management**.

Table 4-23: State Laws and Regulations for Hazardous Materials Management

Classification	Law or Responsible State Agency	Description
Hazardous Materials Management	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program); CUPA (Health and Safety Code Sections 25404 et seq)	In January 1996, Cal EPA adopted regulations, which implemented a Unified Program at the local level. The agency responsible for implementation of the Unified Program is called the Certified Unified Program Agency (CUPA), which for the City of Oakland is ACEHD.
	California Fire Code, Title 24, Chapter 9 of the California Code of Regulations	The California Fire Code regulates the storage and handling of hazardous materials, including the requirement for secondary containment, separation of incompatible materials, and preparation of spill response procedures.
Hazardous Waste Handling	California Hazardous Materials Release Response Plan and Inventory Law of 1985;	The California Hazardous Materials Release Response Plan and Inventory Law of 1985 (Business Plan Act) requires that businesses that store hazardous materials onsite prepare a Hazardous Materials Business Plan (HMBP) and submit it to

Classification	Law or Responsible State Agency	Description
	CUPA	the local CUPA, which in this case is the ACEHD.
	California Hazardous Waste Control Act; DTSC	Under the California Hazardous Waste Control Act, California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100, et seq., DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills. DTSC is also the administering agency for the California Hazardous Substance Account Act. California Health and Safety Code, Division 20, Chapter 6.8, Sections 25300 et seq., also known as the State Superfund law, providing for the investigation and remediation of hazardous substances pursuant to state law.
Hazardous Materials Transportation	Titles 13, 22, and 26 of the California Code of Regulations	Regulates the transportation of hazardous waste originating in and passing through the state, including requirements for shipping, containers, and labeling.
	CHP and Caltrans	These two state agencies have primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies.
Occupational Safety	Cal/OSHA	Cal/OSHA has primary responsibility for developing and enforcing workplace safety regulations in California. Because California has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those found in Title 29 of the Code of Federal Regulations (CFR). Cal/OSHA standards are generally more stringent than federal regulations.
	Cal/OSHA regulations (Title 8 CCR)	Concerning the use of hazardous materials in the workplace, Cal/OSHA regulations require employee safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation.

Classification	Law or Responsible State Agency	Description
Construction Storm Water General Permit (Construction General Permit; Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ)	RWQCB	Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one of more acres, are required to obtain coverage under the *NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit; Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006- DWQ). Construction activity subject to this permit includes clearing, grading, grubbing, and other disturbances to the ground such as excavation and stockpiling, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific Best Management Practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving offsite into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area.
Municipal Separate Storm Sewer System (MS4) Permit NPDES No. CAS000004 and Order No. R2-2015- 0049, as amended by Order R2-2019-0004	RWQCB	The MS4 permit requires permittees (in this case, Alameda County) to reduce pollutants and runoff flows from new development and redevelopment using BMPs to the maximum extent practical. The MS4 permittee also has its own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification element. The MS4 permit requires specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.
Underground Infrastructure	California Code of Regulations Section 4216-4216.9	Section 4216-4216.9 "Protection of Underground Infrastructure" requires an excavator to contact a regional notification center (e.g., Underground Services Alert or Dig Alert) at least two days prior to excavation of any subsurface installations. Any utility provider seeking to begin

Classification	Law or Responsible State Agency	Description
		a project that could damage underground infrastructure can call Underground Service Alert, the regional notification center for southern California. Underground Service Alert will notify the utilities that may have buried lines within 1,000 feet of the project. Representatives of the utilities are then notified and are required to mark the specific location of their facilities within the work area prior to the start of project activities in the area.

LOCAL

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program)

The Unified Program, codified in Health and Safety Code Sections 25404 et seq., requires the administrative consolidation of six hazardous materials and waste programs under one agency, a CUPA. The following programs are consolidated under the unified program:

- Hazardous Materials Release Response Plans, and Inventory (also referred to as Hazardous Materials Business Plans [HMBPs])
- California Accidental Release Program
- Underground Storage Tanks
- Aboveground Petroleum Storage Spill Prevention Control and Countermeasures
- Hazardous Waste Generation and Onsite Treatment
- Uniform Fire Code Plans and Inventory Requirements

The State Secretary for Environmental Protection designated ACEHD as the local CUPA. The CUPA is charged with the responsibility of conducting compliance inspections of hazardous materials facilities in Alameda County, including the City of Oakland. These facilities handle hazardous materials, generate or treat a hazardous waste, and/or operate underground storage tanks. The CUPA uses education and enforcement to minimize the risk of chemical exposure to human health and the environment. The CUPA forwards important facility information to local fire prevention agencies that enables them to take appropriate protective action in the event of an emergency at regulated facilities. To legally store and use hazardous materials above the trigger quantities, users must apply for permits and demonstrate satisfactory compliance with regulations. The quantities that trigger disclosure are based on the maximum quantity on site at any time:

- 55 gallons, 500 pounds, or 200 cubic feet capacity for 30 days or more at any time in a year
- Any amount of hazardous waste

- Category I or II pesticides
- Explosives
- Extremely hazardous substances above the threshold planning quantity

Alameda County Sheriff's Office – Office of Emergency Services

The Alameda County Sheriff's Office – Office of Emergency Services (County OES) is the lead agency for Alameda County under the Standardized Emergency Management System (SEMS; see Emergency Response above under state regulations), the purpose of which is to prepare the County to respond efficiently and effectively to emergencies which threaten life, property, or the environment. The County OES administers and operates the Emergency Operations Center (EOC) from which centralized emergency management can be conducted. The EOC is activated by an on-call County OES Coordinator in the event of an emergency. Under such condition, the EOC supports and coordinates emergency response and recovery operations; coordinates and works with other appropriate federal, state and other local government agencies; and prepares and disseminates emergency public information, among other responsibilities.

The Alameda County Board of Supervisors adopted an Emergency Operations Plan (EOP) in 2012. The Alameda County operational area includes the City of Oakland. The EOP is an extension of the State's California Emergency Plan, and provides tasks, policies, and procedures for managing multi-agency and multi-jurisdictional emergency operations, public information functions and resource management. The EOP identifies several potential threats based upon a hazard analysis, including earthquakes, wildland/urban interface fire, extreme weather, public health emergency, technological and resource emergency, hazardous material incident, terrorism, floods, and landslides.

In addition, in 2011, the County OES, with participation by 12 of the incorporated cities in Alameda County including Oakland, committed to participating with the 2010 Association of Bay Area Governments Local Hazard Mitigation Plan, Taming Natural Disasters, Multi-Jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area. This serves as the County's Local Hazard Mitigation Plan pursuant to the State Disaster Mitigation Act of 2000. The document identifies the County-wide mitigation strategies to be implemented by the participating agencies to reduce hazard risk and increase resiliency throughout Alameda County.

In 2023, the City of Oakland updated their EOP and incorporated an "all-hazards EOP" to ensure that the necessary and appropriate actions are taken to protect Oakland residents and visitors and their property from any threat or hazard. The updated EOP consists of three parts, a base plan, emergency support functions (ESFs), and incident annexes.

City of Oakland 2021-2026 Hazard Mitigation Plan

The City of Oakland adopted the 2021-2026 Hazard Mitigation Plan to "establish and promote a comprehensive mitigation strategy and efforts to protect the whole community and environment from identified natural and manmade hazards," including climate change (City of Oakland, 2021). As discussed in the Hazard Mitigation Plan, climate change may alter exposure and vulnerability of people, property, and critical facilities to hazards including dam failure, drought, earthquake, flood, landslide, sea-level rise, severe weather, tsunami/seiche, and wildfire. The Hazard Mitigation Plan includes a range of mitigation

best practices that will mitigate risks from current hazards or help reduce new risk that could result from climate change.

City of Oakland General Plan

The Safety Element of the Oakland General Plan describes the following policies regarding hazards and hazardous materials, adopted for the purpose of avoiding or mitigating an environmental effect, and that apply to the Project (City of Oakland, 2023).

Safety Element

Goal SAF-5: Minimize health and safety impacts related to the use, storage, manufacture, and transport of hazardous materials.

> ***Policy SAF-5.1: Risks from Hazardous Facilities.*** Review proposed facilities that would produce or store hazardous materials, gas, natural gas, or other fuels to identify, and require feasible mitigation for, any significant risks. Regulations and enforcement of activities should be disclosed in a set of findings. The review shall consider, at a minimum, the following:
>
> - Presence of seismic or geologic hazards;
> - Presence of other hazardous materials;
> - Proximity to residential development and areas in which substantial concentrations of people exist, particularly environmental justice communities already overburdened by pollution, including toxic releases from facilities, cleanup sites, groundwater threats/threats from sea level rise, and other sources; and
> - Nature and level of risk and hazard associated with the proposed project.
>
> ***Policy SAF-5.2: Hazardous Materials.*** Through partnerships, programs, and regulations, minimize the potential risks to human and environmental health and safety associated with the past and present use, handling, storage and disposal of hazardous materials. Toxic materials removed as part of cleanup efforts should be disposed of in the least harmful manner so that the impact is not shifted from one vulnerable community to another.
>
> ***Policy SAF-5.3: Site Contamination.*** Through enforcement of standard conditions of approval, ensure buildings and sites are or have been investigated for the presence of hazardous materials and/or waste contamination prior to development or if there is reason to believe an existing building or site may contain hazardous materials that pose a threat to possible users. Continue to require remediation and construction techniques for adequate protection of construction workers, future occupants, adjacent residents, and the environment are adequately protected from hazards associated with contamination.
>
> ***Policy SAF-5.4: Hazardous Materials Accidents.*** Seek to prevent industrial and transportation accidents involving hazardous materials, and enhance the City's capacity to respond to such incidents. Continue to enforce regulations limiting truck travel through certain areas of the city to designated routes, and consider updating OMC 10.52.010 to establish time-based restrictions on truck travel on certain routes to reduce the risk and potential impact of accidents during peak traffic hours.

Policy SAF-5.5: Study Options to Provide Financing for the Remediation of Environmentally Contaminated Sites, with Priority for Affordable Projects. As grant and loan funding sources are secured, support property owners through technical assistance and financing of characterization and/or remediation of environmentally contaminated sites. Prioritize bioremediation techniques to remove contamination from water sources.

Goal SAF-8: Maintain an emergency preparedness and response network that keeps all Oaklanders informed, connected, and safe before, during, and after an emergency.

Policy SAF-8.5: Cohesive Evacuation Routes. Ensure the evacuation routes network is interconnected with adequate capacity and reflects ability to evacuate for multiple threats.

- Maintain adequate capacity along evacuation routes through methods such as limiting street parking where capacity may be needed.
- Maintain a higher level of tree and vegetation maintenance along evacuation routes and remove flammable trees adjacent to these routes.
- Collaborate with other City Officials upon the next update to the LHMP to ensure AB 747 requirements are met.

Policy SAF-8.17: Traffic Signaling**.** Prioritize the connection of traffic signals along evacuation routes to the City's Traffic Management Center to allow for real-time modifications to signal timing that can speed evacuation in the event of an emergency.

Policy SAF-8.18: Primary Route Coordination**.** Partner with Caltrans and neighboring jurisdictions on measures to protect critical evacuation routes and work with local agencies to develop contingency plans that address disconnected routes and explore roadway improvements that can provide better emergency access under emergency evacuation scenarios. Work with emergency response teams and transit providers to identify and support Oakland residents without access to transportation in the event of an emergency. Create evacuation strategies for all residents, with a focus on low-income and unhoused residents.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on hazards and hazardous materials that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to hazards and hazardous materials. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

In addition to the City SCA below related to Hazards and Hazardous Materials, SCA HYD-1: State Construction General Permit related to hydrology and water quality and SCA TRANS-1: Construction Activity in the Public Right of Way related to transportation are related to and applicable for environmental analysis regarding hazards and hazardous materials. Refer to Section 4.6, Hydrology and Water Quality and Section 4.8, Transportation and Circulation, for the full SCA text.

SCA HAZ-1: Hazardous Materials Related to Construction. (*Standard Condition of Approval 49*)

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
b. Avoid overtopping construction equipment fuel gas tanks;
c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
d. Properly dispose of discarded containers of fuels and other chemicals;
e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA HAZ-2: Hazardous Building Materials and Site Contamination. (*Standard Condition of Approval 50*)

a) Hazardous Building Materials Assessment

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

any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of demolition, grading, or building permits

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b) Environmental Site Assessment Required

Requirement: The project applicant shall submit a Phase I Environmental Site Assessment report. If the Phase I Environmental Assessment report reveals potential contamination or a recognized environmental condition, the project applicant shall complete a Preliminary Endangerment Assessment, as defined in Health and Safety Code Section 78095. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials.

If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards.

The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of construction-related permit (except those needed to perform remedial actions and investigations)

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

c) Health and Safety Plan Required

Requirement: The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

d) Best Management Practices (BMPs) Required for Contaminated Sites

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following

i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.
ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA HAZ-3: Hazardous Materials Business Plan. *(Standard Condition of Approval 51)*

Requirement: The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:

a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
b. The location of such hazardous materials.
c. An emergency response plan including employee training information.
d. A plan that describes the manner in which these materials are handled, transported, and disposed.

When Required: Prior to building permit final

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

4.5.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. 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;
3. Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors
4. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
5. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment;
6. Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions;
7. 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 significant safety hazard for people residing or working in the project area;
8. Be located within the vicinity of a private airstrip, and would result in a significant safety hazard for people residing or working in the project area;
9. Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
10. 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.

APPROACH TO ANALYSIS

The environmental analysis of the potential impacts related to hazards and hazardous materials is based on various documents documenting the AB&I redevelopment open site assessment that has been ongoing as of May 2022 (State Water Resources Control Board, 2024a). This includes a Phase I Environmental Site Assessment conducted by H&A, Inc, in April 2022, a Limited Phase II Environmental Investigation conducted by H&A, Inc, in October 2024, a Passive Soil Gas and Groundwater Investigation Report prepared by Roux, a Data Gap Investigation Report prepared by Roux, a Conceptual Site Model prepared by Terraphase Engineering in July 2025, an Off-Site Disposal of Liquid Sediment, Evaluations of Integrity of Pits & Sumps, and Filing/Covering the Pits & Sumps by Terraphase in November 2025, and a Shallow Soil Sample Collection to Assess Soil Conditions at Stormwater Treatment System and Drop Inlets

prepared by Terraphase Engineering dated February 2026. All reports can be found in Appendices F1, F2, F3, F4, F5, F6, and F7.

The Project would be regulated by the various laws, regulations, and policies summarized above. Compliance by the Project with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements. Compliance with applicable regulations is a condition of building, demolition, and grading permit approval from the City.

TOPICS CONSIDERED AND NO IMPACT DETERMINED

The following topic is considered to have no impact caused by the Project based on the Project characteristics, its geographical location, and underlying site conditions. Therefore, this topic is not addressed further in this document for the following reasons:

- ***Wildland Fires (Criterion 10).*** The Safety Element of the City's General Plan identifies the geographic confines of the Oakland Hills as the fire prevention and assessment district boundary, designated by the California Department of Forestry and Fire Protection (CAL FIRE) as a very high fire hazard severity zone (City of Oakland, 2023; CAL FIRE, 2025). No other areas in the City, including the Project site, are considered at high risk from wildfire. The Project site is currently developed within a highly urbanized area, does not contain dense vegetation, and is surrounded by other developed properties and roadways. Therefore, no impact would be associated with wildland fires.

PROJECT IMPACTS AND DISCUSSION

Impact HAZ-1 *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*

Impact HAZ-2 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;

Less than Significant with SCAs.

Demolition

Between the closure of the former AB&I Foundry and the preparation of this environmental document, above ground demolition of buildings and structures on-site has been completed. However, approximately 646,343 square feet of hardscape demolition and environmental remediation will be required and are included within the site preparation and grading phases of the Project. During site preparation, approximately 29,687 cy of soil are anticipated to be cut from the site and used for fill elsewhere on-site.

Due to the past land uses and contamination encountered on the Project site, demolition activities may encounter soil, soil gas, and/or groundwater with concentrations of contaminants that are above regulatory screening levels or site-specific remedial action objectives. Refer to **Table 4-21: Key**

Contaminants of Potential Concern for potential contaminants by media. Additionally, demolition on the Project site would likely require the transport of hazardous materials in the form of soil removed from the site. Existing regulations require that demolition and construction activities that may disturb or require the removal of hazardous materials be inspected and/or tested for the presence of hazardous materials. Hazardous building materials must be managed and disposed of in accordance with applicable laws and regulations. The Project is also subject to SCA HAZ-1, Hazardous Materials Related to Construction, and SCA HAZ-2, Hazardous Building Materials and Site Contamination. As there are known releases on the Project site, the Applicant has complied, and shall continue to comply, with the requirement of SCA HAZ-2 that "the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards" under ACEHD (CUPA and LOP) oversight. Anticipated future remediation actions in compliance with ACEHD LOP requirements, as understood at the time of writing, are summarized above in section 4.5.2, Environmental Setting.

The development of the Project is subject to clearance from ACEHD LOP and ACEHD CUPA review through the open compliance cases. Regulations listed in **Table 4-22: Federal Laws and Regulations for Hazardous Materials Management** and **Table 4-23: State Laws and Regulations for Hazardous Materials Management** and City SCA regulatory requirements pertaining to the transportation, use, handling, and disposal of hazardous materials are applicable to the Project and would address the potential for creation of hazardous conditions due to the routine use or accidental release of hazardous materials, resulting in impacts that would be less than significant.

Construction

After hardscape demolition and the completion of environmental remediation, the Project applicant would construct the new warehouse building and associated office space. During the construction phase, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. The routine use or an accidental spill of hazardous materials used in construction could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment.

Construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving water bodies, including the San Leandro Bay and San Francisco Bay. Contractors would be required to prepare and implement Hazardous Materials Business Plans (HMBPs) that would require that hazardous materials used for construction be used properly and stored in appropriate containers with secondary containment, as needed, to contain a potential release. The California Fire Code also contains measures for the safe storage and handling of hazardous materials. The Project Applicant would be required to implement SCA HAZ-1, Hazardous Materials Related to Construction, and SCA HAZ-2, Hazardous Building Materials and Site Contamination to ensure best management practices are followed during construction activities including those related to the use, storage, and disposal of chemical products used in construction.

As discussed in 4.10.3, Geology and Soils, and Section 4.6, Hydrology and Water Quality, construction contractors would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for construction activities according to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit requirements in compliance with SCA HYD-1, State Construction General Permit. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; describe protocols for responding immediately to spills; and describe Best Management Practices (BMPs) for controlling site run-on and runoff.

In addition, the transportation of hazardous materials would be regulated by those agencies listed in **Table 4-22: Federal Laws and Regulations for Hazardous Materials Management** and **Table 4-23: State Laws and Regulations for Hazardous Materials Management**. Together, federal and state agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of an accidental release.

Finally, in the event of a spill that releases hazardous materials at the Project site, a coordinated response would occur at the federal, state, and local levels, as appropriate, including the City of Oakland. The Oakland Fire Department is the local hazardous materials response team. In the event of a hazardous materials spill, the Oakland Police and Fire departments would be simultaneously notified and sent to the scene to respond and assess the situation.

Since development of the Project would be subject to the SCAs pertaining to the handling of hazardous materials related to construction activities and the remedial actions required when site contamination is encountered, and required compliance with the numerous laws and regulations discussed above that govern the transportation, use, handling, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the use or accidental release of hazardous materials, this impact would be less than significant.

Operations

Project and warehouse construction on a speculative basis as the end-user and nature of the use are unknown. Currently, the end use is assumed to be a distribution warehouse for the purposes of conservative analysis. Limited quantities of hazardous materials may be transported through a distribution warehouse that is not specifically designated as a hazardous materials transportation facility. However, products that contain hazardous materials would be contained within packaging designed to prevent leakage during storage and transportation. Once constructed, the warehouse space and offices would use and store small quantities of chemicals typical in an office and warehouse storage setting, such as office cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and fork lifts). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons).

SCA HAZ-3, Hazardous Materials Business Plan, would ensure that employees are adequately trained to handle hazardous materials in accordance with all applicable local, state, and federal requirements. Therefore, with implementation of SCA HAZ-1, HAZ-2, and HAZ-3, the potential impacts associated with emitting and handling hazardous substance would be appropriately transported and managed, and the impact would be less than significant.

SCA HAZ-1: Hazardous Materials Related to Construction.

SCA HAZ-2: Hazardous Building Materials and Site Contamination.

SCA HAZ-3: Hazardous Materials Business Plan.

SCA HYD-1: State Construction General Permit. See Section 4.6.3, Regulatory Setting.

Mitigation: None required.

Impact HAZ-3 Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors

Impact HAZ-4 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

Less than Significant with SCAs. There is one medical facility located within 0.25 miles of the Project site. African American Health Centers LLC at 675 Hegenberger Road in Oakland, is located approximately 0.1 miles west of the Project site. Additionally, there are schools within 0.25-mile of the Project site, although the Acorn Woodland Elementary School is approximately 0.3 miles east of the Project site. The Pequenos Family Daycare is located 0.25 mile north of the Project site, and the Bizzy Bee's Family Daycare is located 0.28 mile northeast of the Project site.

Demolition and Construction

Above ground demolition of buildings and structures of the former AB&I Foundry has already been completed. However, the Project would require approximately 646,343 square feet of hardscape demolition and an environmental remediation phase prior to the commencement of construction. Additionally, during site preparation approximately 29,687 cy of soil would be cut from the site and used for fill elsewhere on-site. As previously discussed under Impact HAZ-1, demolition and construction activities would involve the handling and transportation hazardous materials, substances, and waste given the site contamination from the former use. The development of the Project is subject to ACEHD LOP, ACEHD CUPA review through the open compliance cases. Regulations listed in **Table 4-22: Federal Laws and Regulations for Hazardous Materials Management** and **Table 4-23: State Laws and Regulations for Hazardous Materials Management** and City SCA regulatory requirements pertaining to the transportation, use, handling, and disposal of hazardous materials are applicable to the Project Together, federal and state agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of an accidental release. The SCAs specific to hazardous materials, described in Impact HAZ-1, are relevant here. Implementation of SCA HAZ-1, and SCA HAZ-2 would ensure best management practices are followed during demolition and construction activities pertaining to any potentially contaminated materials, and the impact would be less than significant.

Operations

While the applicant proposes the Project and warehouse construction on a speculative basis as the end-user and nature of the use are unknown, this document assumes use as a distribution warehouse for the purposes of conservative analysis. The warehouse operations may store and transport hazardous

materials as products for distribution. However, products that contain hazardous materials would be contained within packaging designed to prevent leakage during storage and transportation. At a minimum, the land uses may involve the use of hazardous materials and waste such as cleaning solvents or oil-based paints. Once constructed, the warehouse space and offices would use and store small quantities of chemicals typical in an office and warehouse storage setting, such as office cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and fork lifts). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small, generally less than 5 gallons. SCA HAZ-3, Hazardous Materials Business Plan, would ensure that employees are adequately trained to handle hazardous materials in accordance with all applicable local, state, and federal requirements. Therefore, with implementation to SCA HAZ-1, HAZ-2, and HAZ-3, the potential impacts associated with emitting and handling hazardous substance within 0.25-mile of schools, hospitals, and daycare facilities would be appropriately managed, and the impact would be less than significant with the flowing SCAs applied.

SCA HAZ-1: Hazardous Materials Related to Construction.

SCA HAZ-2: Hazardous Building Materials and Site Contamination.

SCA HAZ-3: Hazardous Materials Business Plan.

Mitigation: None required.

Impact HAZ-5 Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment;

Less than Significant with SCAs. The Project site is developed and has been disturbed with continuous heavy industrial use from 1940 to 2022. The Project site, formerly known as AB & I Foundry, has two closed and one open hazardous materials records cases associated with it. The three cases comprise one ongoing open cleanup program site assessment, one closed cleanup program site assessment, and one closed LUST cleanup site associated with the former AB&I Foundry (State Water Resources Control Board, 2024a). The closed program site (Case # SL18298719) and closed LUST site (Case # RO0000092) both have been closed cases as of 2011 with no further action required regarding potential contaminants of concern associated with the former cases.

The open site assessment is a cleanup program site case investigating soil, soil vapor, and groundwater contamination (Case #RO00003535). Refer to **Table 4-21: Key Contaminants of Potential Concern** for potential contaminants of concern by media.

As a part of compliance with regulations that require the property-wide cleanup activities described above, the Project would be required to implement SCA HAZ-2, Hazardous Building Materials and Site Contamination, which obligates the Project Applicant to submit the Phase I and II environmental site assessments to ACEHD LOP for approval. A Phase I Environmental Site Assessment report and Limited Phase II Environmental Investigation have been prepared and submitted to ACEHD LOP, along with the other sampling documents and studies discussed herein. SCA HAZ-2 further requires the Project Applicant

to submit to the City evidence of approval by the ACEHD LOP for any proposed remedial action, including potential site mitigation and contingency plans, vapor intrusion mitigation and capping systems, and required clearances by the applicable local, state, or federal regulatory agency. As such, compliance with SCA HAZ-2 would ensure that the recommendations of the Phase I and II environmental site assessments and requirements for remediation by the appropriate environmental regulatory agencies (i.e., ACEHD LOP and CUPA) are implemented. SCA HAZ-2 would also ensure that hazardous materials are encapsulated onsite or removed from the site in a secure and safe manner to ensure environmental and health issues are resolved pursuant to applicable laws and policies, subject to applicable regulatory agency oversight. Implementation of SCA HAZ-2 would ensure that the Project complies with all applicable recommendations from the site analyses and all ACEHD LOP requirements.. The Project would be in compliance with local, state, and federal rules and agency clearances. Thus, impacts would be less than significant.

SCA HAZ-2: Hazardous Building Materials and Site Contamination.

Mitigation: None required.

Impact HAZ-6 Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions;

Less than Significant. The Project does not propose to close or obstruct any existing emergency access routes. According to the Oakland General Plan Safety Element, emergency access routes consist of main regional routes, primary routes, and secondary routes. The main regional routes include Interstate 880 and Interstate 580, the nearest primary local routes are Hegenberger Road and International Boulevard, and San Leandro Street is the nearest secondary local route. As Project construction would not obstruct emergency access routes, the only proposed off-site improvements are along San Leandro Street, the Project would have a less than significant impact.

Mitigation: None required.

Impact HAZ-7 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 significant safety hazard for people residing or working in the project area;

Impact HAZ-8 Be located within the vicinity of a private airstrip, and would result in a significant safety hazard for people residing or working in the project area;

Less than Significant. The Project site is located approximately 1.5 miles northeast of the Oakland International Airport. The Oakland International ALUCP was adopted by Alameda County in 2010. The ALCUP defines the airport influence area (AIA) as the area in which current or future airport-related noise, overflight, safety, and/or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. Noise and safety compatibility zones and are also defined by the ALUCP. The Project site is located within the AIA on the easternmost edge. Per Table 3-1 of the ALUCP, 60 dB CNEL is

the acceptable exterior noise exposure for the warehouse and offices proposed by the Project. Per Figure 3-3 of the ALUCP, the Project site is located beyond the 60 CNEL contour. Per Figure 3-4 of the ALCUP, the Project site is not located within safety compatibility zones associated with Oakland International Airport (Alameda County, 2010). Thus, Oakland international Airport operations would not result in a significant safety hazard for future employees on the Project site.

The nearest private airport is the Hayward Executive Airport located approximately 6.9 miles south of the Project site. The Hayward Executive Airport ALUCP was adopted by the County of Alameda in 2012. Per Figures 3-3 and 3-4 of the Hayward Executive Airport ALUCP, the Project site is not located within safety compatibility zone or noise compatibility zones associated with the Hayward Executive Airport (Alameda County, 2012). Thus, operations of the Hayward Executive airport would not result in a significant safety hazard.

As operations of the Oakland international Airport and the private Hayward Executive Airport would not result in a significant safety hazard for future employees on the Project site impacts would be less than significant.

Mitigation: None required.

Impact HAZ-9 Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or;

Less than Significant with SCAs. For Project work proposed in the public right of way, SCA TRANS-1: Construction Activity in the Public Right of Way, would require the Project Applicant to obtain an Obstruction Permit from the City of Oakland prior to placing any temporary construction-related obstruction in the public right of way. Additionally, SCA-TRANS-1 would require a Traffic Control Plan if the Project would obstruct vehicle or bicycle travel lanes, bust stops, or sidewalks. The Traffic Control Plan would contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. With implementation of SCA TRANS-1, the Project would not result in obstruction of an adopted emergency response plan or emergency evacuation plan.

SCA TRANS-1: Construction Activity in the Public Right of Way. See Section 4.8.3, Regulatory .

Mitigation: None required.

4.5.5 CUMULATIVE

As analyzed above, the Project would result in no impact with regard to the following criteria: being located within an airport land use plan or being within two miles of a public airport; and significant risk of loss, injury, or death involving wildland fire. Because no impact would result, the Project could not cause or contribute to any cumulative effect in these regards. Therefore, this cumulative analysis focuses on the Project's less-than-significant impacts relating to routine transport, use, or disposal of hazardous materials; accidental release of hazardous materials into the environment, handling hazardous materials near sensitive receptors (e.g., within one-quarter mile of a sensitive receptor), and emergency access and response.

This section presents an analysis of the cumulative effects of the Project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. The geographic area affected by the Project and its potential to contribute to cumulative impacts varies based on the environmental resource under consideration. Hazards and hazardous materials are generally site-specific and depend on the nature and extent of the hazardous materials release, and existing and future soil and groundwater conditions. For example, hazardous materials incidents tend to be limited to a smaller more localized area surrounding the immediate spill location and extent of the release and could only be cumulative if two or more hazardous materials releases spatially overlapped. The geographic scope of analysis for cumulative hazards and hazardous materials impacts encompasses and is limited to the Project site and the immediately adjacent area.

The timeframe during which the Project could contribute to cumulative hazards and hazardous materials effects includes the construction and operations phases. For the Project, the operations phase is assumed to be permanent. Impacts relative to hazardous materials are generally location- and time-specific. Hazardous materials events could only be cumulative if two or more hazardous materials releases occurred at the same time, as well as overlapping at the same location.

Impact HAZ-1.CU *The Project, combined with cumulative development in the Project vicinity, would not result in significant cumulative impacts relative to hazards and hazardous materials.*

Less than Significant with SCAs.

Cumulative Impacts during Project Construction

Significant cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the Project combined with the incremental impacts of one or more cumulative projects to create a substantially increased risk that people or the environment would be exposed to hazardous materials used.

Cumulative projects would be subject to the same regulatory requirements discussed above for the Project, including the implementation of health and safety plans, as needed. Therefore, cumulative projects involving releases of or encountering hazardous materials also would be required to remediate their respective sites to the same established regulatory standards. This would be the case regardless of the number, frequency, or size of the release(s), or the residual amount of chemicals present in the soil from previous spills. While it is possible that the Project and cumulative projects could result in releases of hazardous materials at the same time and in overlapping locations, the responsible party associated with each spill would be required to remediate site conditions to the same established regulatory standards. The residual less-than-significant effects of the Project (with SCAs if applicable) that would remain after remediation would not combine with the potential residual effects of cumulative projects to cause a potential significant cumulative impact because residual impacts would be highly site-specific.

Additionally, site review for individual building projects and existing emergency response requirements are sufficient to ensure that a project's potential impairment of or effect on implementation of any emergency response or evacuation plans would be considered a less-than-significant impact (with SCAs if applicable). However, cumulative development in the surrounding area could increase the number of

people and structures that could interfere with emergency evacuation or emergency response plans. Similar to the Project, cumulative development would be designed to comply with the most up-to-date building and fire codes and include fire safety measures and equipment, including the provision of adequate emergency access to the Project site for emergency vehicles and personnel. Cumulative development project plans would be subject to review and approval by the Oakland Fire Department.

As such, no significant cumulative impact with respect to the use or release of hazardous materials would result. For the above reasons, the combined effects of the construction of the Project in combination with cumulative projects would not have a cumulatively considerable contribution to a cumulative impact. In addition, both the Project and cumulative projects would be required to provide appropriate traffic control and emergency access for their projects during construction and would be required to implement the applicable City's SCAs pertaining to hazards and hazardous materials. Therefore, no significant cumulative impact related to hazards and hazardous materials is identified for Project construction.

Cumulative Impacts during Project Operation

Significant cumulative impacts related to operational hazards could occur if the incremental impacts of the Project combined with those of one or more other projects were to cause a substantial increase in risk that people or the environment would be exposed to hazardous materials used or encountered during the operations phase.

Similar to hazardous materials during construction, compliance with the laws and regulations regarding the safe transport, use, storage, and disposal of hazardous materials would reduce the Project-specific incremental impact to a less-than-significant level (with SCAs if applicable). The cumulative project components involving the handling, storage, and disposal of hazardous materials would also be required to prepare and implement HMBPs and comply with the same applicable laws and regulations, including those governing containment, site layout, and emergency response and notification procedures in the event of a spill or release. Transportation and disposal of wastes, such as spent cleaning solutions, would also be subject to regulations for the safe handling, transportation, and disposal of chemicals and wastes. As noted previously, such regulations include standards to which parties responsible for hazardous materials releases must return spill sites, regardless of location, frequency, or size of release, or existing background contaminant concentrations, to their original conditions. Therefore, compliance with existing laws and regulations and the City's SCAs regarding hazardous materials would reduce the risk of environmental or human exposure to such materials. For the above reasons, the combined effects of the Project and cumulative projects would not have a cumulatively considerable contribution to a cumulative impact. No significant cumulative impact is identified.

Summary

With implementation of SCA TRANS-1, the Project and cumulative projects would not fundamentally impair implementation of or physically interfere with an adopted emergency response or evacuation plan and the impact would be less than significant. Implementation of SCAs HYD-1, HAZ-1, HAZ-2, and HAZ-3, would ensure that the Project and cumulative Projects would be held to the same established regulatory standards that require procedural remediation and the implementation of health and safety plans. This includes the implementation of BMPs during construction to minimize potential negative effects on groundwater, soils, and human health. All cumulative projects would be required to comply with the same

regulations and City SCAs. Similar to hazard materials during construction, operative activities would be compliant with applicable Federal, State, and local laws and regulations discussed throughout Section 4.5.3, Regulatory Setting. This includes the Project and all cumulative projects implementing HMBP's in regard to handling, storing, and disposing hazardous materials utilized. Therefore, with compliance of existing laws and regulations and the City's SCAs, the effects of the Project would not combine with cumulative development in the surrounding area to become cumulatively considerable.

SCA HAZ-1: Hazardous Materials Related to Construction.

SCA HAZ-2: Hazardous Building Materials and Site Contamination.

SCA HAZ-3: Hazardous Materials Business Plan.

SCA HYD-1: State Construction General Permit. See Section 4.6.3, Regulatory Setting.

SCA TRANS-1: Construction Activity in the Public Right-of-Way. See Section 4.8.3, Regulatory Setting.

Mitigation: None required.

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4.6 HYDROLOGY AND WATER QUALITY

4.6.1 INTRODUCTION

This section describes the existing hydrological setting for the Project site, including surface water runoff, drainage, and water quality characteristics, groundwater, and flooding This section also identifies potentially significant impacts that could result from implementation of the proposed Project.

4.6.2 ENVIRONMENTAL SETTING

SURFACE WATER, RUNOFF, AND WATER QUALITY

The Project site is in a relatively flat and highly urbanized area. The closest body of water to the Project site is Elmhurst Creek, which runs through the southern corner of the Project site, that is connected to the San Leandro Bay located approximately 0.9 miles southwest of the Project site.

Stormwater runoff in Oakland is generally collected from the Oakland-Berkeley Hills to the northeast through the developed flatlands where it then flows primarily through underground storm drains and culverts to the San Francisco Bay via the Oakland Estuary (directly or by way of Lake Merritt) or through the City of Emeryville. The Alameda County Flood Control and Water Conservation District (ACFCWCD) constructs, operates, and maintains major trunk lines and flood-control facilities in Oakland, and the Oakland Public Works Agency is responsible for construction and maintenance of the local storm drainage system within Oakland's public areas and roads.

In the Bay Area, including the Project area, the San Francisco Bay Regional Water Quality Control Board (RWQCB) is responsible for implementing the Water Quality Control Plan (Basin Plan). The Basin Plan establishes beneficial water uses for waterways and water bodies within the region and is a master policy document for managing water quality in the region (RWQCB, 2024).

GROUNDWATER

The Department of Water Resources (DWR) considers the East Bay Plain (DWR Groundwater Basin No. 2-009.04) an important and beneficial groundwater basin underlying the East Bay, extending from Richmond to Hayward. The alluvial materials that extend westward from the East Bay hills to the edge of the San Francisco Bay constitute the deep water-bearing strata for East Bay Plain groundwater basin (DWR, 2004). This deep basin provides municipal, industrial, and agricultural water supply. However, water supply for the Project area is not provided by groundwater sources in this basin, but rather from surface water sources maintained by East Bay Municipal Utility District (EBMUD).

FLOODING HAZARDS

The City of Oakland 2021-2026 Local Hazard Mitigation Plan was developed to reduce risks from disasters to the people, property, economy, and environment within the City (City of Oakland, 2021). The plan complies with federal and state hazard mitigation planning requirements to establish eligibility for funding under Federal Emergency Management Agency (FEMA) grant programs and includes sections related to flooding, tsunamis and seiches, dam failure, and sea-level rise. This section considers these topics.

Flood Zones

Flooding is any overflowing of water onto land that is normally dry, whether due to rain, ocean waves, snowmelt, or the failure of a dam or levee. The extent of flooding associated with a one percent annual probability of occurrence (the base flood or 100-year flood) is used as a regulatory boundary by many agencies. This is referred to as the special flood hazard area (SFHA) and is a convenient tool for assessing vulnerability and risk in flood-prone communities (City of Oakland, 2021). The Project site is primarily within a 500-year flood zone, with the exception of the portion of Elmhurst Creek that runs through the southwest corner of the Project site, which is designated as within a 100-year flood zone (MTC and ABAG, 2023). While the creek is partially located on the Project site, no Project work is proposed in it, and the building footprint would not transect the 100-year flood zone.

FEMA defines flood hazard areas as areas expected to be inundated by a flood of a given magnitude and uses its Digital Flood Insurance Rate Maps (DFIRMs) to designate various SFHAs and other areas. The DFIRM indicates that the Project site is within Zone X, which is an area with either a 0.2 percent annual chance flood hazard, one percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (FEMA, 2024). As noted above, Elmhurst Creek runs through the southwest corner of the Project site. According to the DFIRM, the creek is a FEMA regulatory floodway contained in infrastructure, and is considered to be Zone AE, which represents a special flood hazard area with base flood elevation or depth.

Tsunami and Seiche

Tsunamis are a series of waves caused by an underwater earthquake, landslide, or volcanic eruption. The City of Oakland General Plan Safety Element states that tsunamis and seiches have not been a major problem in Alameda County or most of the Bay Area and have resulted in insignificant damage City of Oakland, 2023). The National Weather Service is responsible for issuing warnings about potential tsunamis along the West Coast of the United States. Warning times vary depending on the distance to the earthquake epicenter. Most often, tsunamis are generated by large offshore earthquakes in the Pacific Ocean, producing waves that reach the California coast many hours after the earthquake. Tsunamis can also be generated by local earthquakes, in which case the first waves could reach shore mere minutes after the ground stops shaking, giving authorities no time to issue a warning. For most tsunamis approaching the coast, several hours are available to evacuate residents and undertake other emergency preparations. Flooding from tsunamis would affect low-lying areas along San Francisco Bay and the Oakland Estuary, especially filled areas that are only a few feet above sea level. Although the probability of a tsunami affecting Oakland is low, given the rarity and unpredictability of the hazard, the impact from a rare tsunami would be high. The Project site is not located within a tsunami evacuation zone (MTC and ABAG, 2021).

Seiches are water level oscillations in an enclosed or semi-enclosed body of water such as a lake, reservoir, or harbor. The City of Oakland General Plan Safety Element describes that the only threat of large-scale damage from seiches appears to come from downstream flooding that would be caused by large volumes of water overtopping a dam or reservoir. Thus, the likelihood of large-scale devastation in Oakland resulting from seiches is minimal (City of Oakland, 2023).

Sea Level Rise

Sea-level rise is primarily caused by global warming. In the last century, San Francisco Bay water levels have risen nearly 8 inches (NOAA, 2018). Given current trends in greenhouse gas emissions and increasing global temperatures, sea level rise is expected to accelerate in the coming decades, with scientists projecting as much as a 6.6-feet increase in sea level along segments of California's coast by the year 2100 (California Coastal Commission, 2021). As bay water levels continue to rise, the extent and frequency of flooding will increase. Areas once considered to be outside of the floodplain will begin to experience periodic coastal and/or urban flooding (City of Oakland 2021).

The State of California has provided and continues to update planning guidance for assessing and adapting to the impacts of sea level rise. The City's 2021-2026 Local Hazard Management Plan (City of Oakland, 2021), and the Preliminary Sea Level Rise Road Map (City of Oakland, 2017), both consider impacts from sea-level rise based on this State guidance. Sea levels offshore of Oakland are expected to rise between 11 and 24 inches by mid-century and 36 to 66 inches by 2100 (City of Oakland, 2017). According to the Preliminary Sea Level Rise Road Map, the Project site is above the area that would be permanently inundated with 72 inches of sea level rise, or the area that would be temporarily flooded due to a 100-year storm with 30 inches of sea level rise.

Dam Inundation

Dam failure can cause massive destruction to the ecosystems and communities located downstream. The most common causes are earthquakes, landslides, extreme storms, equipment malfunction, structural damage, foundation failures, and sabotage (City of Oakland, 2021). An inundation map shows flooding that could result from a hypothetical failure of a dam or its critical structure (DWR, 2024). The nearest dam is the Dunsmuir Reservoir which is located approximately 2.7 miles southeast of the Project site. The western, southwestern, southern, and southeastern portions of the Project site and the surrounding area are located within a dam inundation boundary for the Dunsmuir Reservoir. Additionally, the Project site is within the dam inundation boundary for the Lake Chabot Dam and New Upper San Leandro Dam.

4.6.3 REGULATORY SETTING

FEDERAL

National Pollutant Discharge Elimination System (NPDES) Permit

The NPDES permit system was established in the federal Clean Water Act to regulate municipal and industrial point discharges to surface waters of the U.S. Each NPDES permit for point discharges contains limits on allowable concentrations of pollutants contained in discharges. The City of Oakland is covered by Municipal Regional Stormwater NPDES Permit No. CAS612008 and Order No. R2-2015-0049 (MRP). In accordance with the MRP requirements, new development and redevelopment projects are required to

incorporate treatment measures and other appropriate source control and site design features to reduce the pollutant load in stormwater discharges and manage runoff flows.

Among many other stormwater management requirements included in the MRP, Provision C.3 contains specific post-construction runoff requirements for new development and redevelopment. Provision C.3 governs storm drain systems and regulates post-construction stormwater runoff. The provision requires new development and redevelopment projects to incorporate treatment measures and other appropriate source control and site design features to reduce the pollutant load in stormwater discharges and to manage runoff flows.

Porter-Cologne Water Quality Control Act

Porter-Cologne, passed in 1969, is articulated with the federal Clean Water Act. It established the State Water Board and divided the state into nine regions, each overseen by a regional Water Board. In general, the State Water Board manages both water rights and statewide regulation of water quality, while the regional Water Boards focus exclusively on water quality in their regions.

Coverage under a Construction Stormwater General Permit (Construction General Permit) requires the preparation and implementation of a stormwater pollution prevention plan (SWPPP) and notice of intent (NOI). The SWPPP includes pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills), demonstration of compliance with all applicable local and regional erosion and sediment control standards, identification of responsible parties, a detailed construction timeline, and a BMP monitoring and maintenance schedule. The NOI includes site-specific information and the certification of compliance with the terms of the Construction General Permit.

STATE

California State Lands Commission and AB 691

The California State Lands Commission has jurisdiction over tidelands and submerged lands along the entire coast, and within three nautical miles offshore from the ordinary high water mark. The California State Lands Commission requires sea level rise planning by Legislative Trust Grantees, such as the Port of Oakland; and requires grantees with average annual gross public trust revenues over $250,000 to prepare and submit a sea level rise plan to the California State Lands Commission no later than July 1, 2019. The Port of Oakland submitted a Sea Level Rise Assessment on July 1, 2019.

LOCAL

San Francisco Bay Plan

The San Francisco Bay Conservation and Development Commission (BCDC) has regulatory jurisdiction over the Bay shoreline, which is generally the first 100 feet inland from the shoreline of the San Francisco Bay and Oakland Estuary. BCDC's San Francisco Bay Plan (Bay Plan) implements the 1965 McAteer-Petris Act (Government Code Sections 66600–66694), which charges BCDC with planning for the long-term use of the Bay and regulating development in and around the Bay. The Bay Plan provides policy direction for BCDC's permit authority regarding the placement of fill, extraction of materials, determining substantial changes in use of land, water, or structures within its jurisdiction, protection of the Bay habitat and shoreline, and maximizing public access to the Bay.

Sea level rise vulnerability and risk assessments are required when planning shoreline areas. New projects likely to be affected by future sea level rise and storm surge activity during the life of the project must meet additional requirements and, when feasible, integrate hard shoreline protection structures with natural features that enhance the Bay ecosystem (e.g., including marsh and/or upland vegetation). BCDC reviews permits for proposed projects in the shoreline band for consistency with the McAteer-Petris Act and the Bay Plan.

City of Oakland General Plan

The *Open Space, Conservation, and Recreation Element* of the Oakland General Plan describes the following policies regarding water resources, adopted for the purpose of protecting water resources, and that apply to the Project (City of Oakland, 1996).

Objective CO-5: Water Quality. To minimize the adverse effects of urbanization on Oakland's groundwater, creeks, lakes, and nearshore waters.

> ***Policy CO-5.1:*** Encourage groundwater recharge by protecting large open space areas, maintaining setbacks along creeks and other recharge features, limiting impervious surfaces where appropriate, and retaining natural drainage patterns within newly developing areas.
>
> ***Policy CO-5.2:*** Support efforts to improve groundwater quality, including the use of non-toxic herbicides and fertilizers, the enforcement of anti-litter laws, the clean-up of sites contaminated by the Alameda County Flood Control and Water Conservation District.
>
> ***Policy CO-5.3:*** Employ a broad range of strategies, compatible with Alameda Countywide Clean Water Program, to: (a) reduce water pollution associated with stormwater runoff; reduce water pollution associated with hazardous spills, runoff from hazardous material areas, improper disposal of household hazardous wastes, illicit dumping, and marina "live-aboards"; and (c) improve water quality in Lake Merritt to enhance the lake's aesthetic, recreational, and ecological functions.

Oakland Municipal Code 13.16

The City's Creek Protection, Stormwater Management, and Discharge Control Ordinance (Chapter 13.16 of the OMC) prohibits activities that would result in the discharge of pollutants to Oakland's waterways or in damage to creeks, creek functions, or habitat. The ordinance requires the use of standard BMPs to prevent pollution or erosion to creeks and/or storm drains. Additionally, a creek protection permit is required for any construction work on creekside properties. The ordinance establishes comprehensive guidelines for the regulation of discharges to the City's storm drain system and the protection of surface water quality. Under the ordinance, the City of Oakland Public Works Agency issues permits for storm drainage facilities that would be connected to existing City drainage facilities. The ordinance includes enforcement provisions to provide more effective methods to deter and reduce the discharge of pollutants to the storm drain system, local creeks, and San Francisco Bay. The Project site contains a portion of Elmhurst Creek and a creek protection permit would be required for the Project.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on hydrology and water quality and that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to hydrology and water quality. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

In addition to the City SCAs below that are in relation to hydrology and water quality, SCA UTIL-6: Storm Drain System related to utilities and service systems is applicable for environmental analysis regarding hydrology and water quality. Refer to Section 4.10.9, Utilities and Service Systems for the full SCA text.

SCA HYD-1: State Construction General Permit. *(Standard Condition of Approval 56)*

> **Requirement:** The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.
>
> **When Required:** Prior to approval of construction-related permit
>
> **Initial Approval:** State Water Resources Control Board; evidence of compliance submitted to Bureau of Building
>
> **Monitoring/Inspection:** State Water Resources Control Board

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. *(Standard Condition of Approval 60)*

a) Post-Construction Storm Water Management Plan Required

> **Requirement:** The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:
>
> i. Location and size of new and replaced impervious surface;
> ii. Directional surface flow of stormwater runoff;
> iii. Location of proposed on-site storm drain lines;
> iv. Site design measures to reduce the amount of impervious surface area;
> v. Source control measures to limit stormwater pollution;
> vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
> vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

b) Maintenance Agreement Required

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

iii. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and

iv. 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 maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

SCA HYD-3: Vegetation Management on Creekside Properties. *(Standard Condition of Approval 65)*

Requirement: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat;
b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
c. Leave stumps and roots from cut down trees to prevent erosion;
d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches diameter at breast height or dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;

i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
j. Do not trim/prune branches that are larger than 4 inches in diameter;
k. Do not remove tree canopy;
l. Do not dump cut vegetation in the creek;
m. Do not cut tall shrubbery to less than 3 feet high; and
n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA HYD-4: Creek Protection Plan. *(Standard Condition of Approval 66)*

a. Creek Protection Plan Required

Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the OMC including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).

i. **When Required:** Prior to approval of construction-related permit
ii. **Initial Approval:** Bureau of Planning
iii. **Monitoring/Inspection:** N/A

b. Construction BMPs

Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:

i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.
v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.
xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

xiv. **When Required:** Prior to approval of construction-related permit
xv. **Initial Approval:** Bureau of Planning
xvi. **Monitoring/Inspection:** N/A

c. Post-Construction BMPs

Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

i. **When Required:** Prior to approval of construction-related permit
ii. **Initial Approval:** Bureau of Planning
iii. **Monitoring/Inspection:** N/A

d. Creek Landscaping

Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

i. **When Required:** Prior to approval of construction-related permit
ii. **Initial Approval:** Bureau of Planning
iii. **Monitoring/Inspection:** N/A

e. Creekside Protection Plan Implementation

Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

4.6.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. Violate any water quality standards or waste discharge requirements;
2. 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 proposed uses for which permits have been granted);
3. Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters;
4. Result in substantial flooding on- or off-site;
5. Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems;
6. Create or contribute substantial runoff which would be an additional source of polluted runoff;
7. Otherwise substantially degrade water quality;
8. 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;
9. Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
10. Expose people or structures to a substantial risk of loss, injury, or death involving flooding;
11. Expose people or structures to a substantial risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow;
12. 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; or
13. Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.

Approach to Analysis

The impact analysis of the potential impacts related to hydrology and water quality is based on the resources, references, and data collection methods identified in the discussion in Section 4.6.2, Environmental Setting, and a review of literature and database research.

The Project would be regulated by the various laws, regulations, and policies summarized above in Section 4.6.3, Regulatory Setting. Compliance by the Project with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

Using the significance criteria listed above, the analysis considers the potential impacts of the Project related to water quality standards, waste discharge requirements, groundwater, erosion, siltation, flooding, runoff, 100-year flood hazard areas, tsunamis, seiches, mudflow, and drainage patterns, and potential Project conflicts with City of Oakland Creek Protection Ordinance.

Topics Considered and No Impact Determined

The Project would have no impact to the following topics based on the Project characteristics, its geographical location, and underlying site conditions. Therefore, these topics are not addressed further in this document for the following reasons:

- **Housing and Structure Flood Hazard** (Significance Criteria 8 and 9). The Project does not propose the development of any housing on the Project site. Therefore, the Project would not place housing within a 100-year flood hazard area which would impede or redirect flood flows. As mentioned above, the Project building footprint is not located within a 100-year flood hazard area. As such, Project development of a warehouse would not involve the construction of a structure within a 100-year flood hazard area. No impacts would occur.

PROJECT IMPACTS AND DISCUSSION

Impact HYD-1 Violate any water quality standards or waste discharge requirements;

Impact HYD-3 Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters;

Impact HYD-7 Otherwise substantially degrade water quality;

Impact HYD-12 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;

Impact HYD-13 Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources;

Less than Significant with SCAs. The existing Project site contains 642,586 square feet of impervious surface area. The Project would result in 557,208 square feet of impervious surface area on the Project site. As such, the Project would result in decreased impervious surface area on the Project site. Since the Project would result in new and replaced impervious surface area greater than 5,000 square feet, it is defined as a "Regulated Project" under Provision C.3.b of the MRP and must comply with the NPDES C.3 stormwater requirements (Alameda County, 2024). Moreover, pursuant to Provision C.3, Regulated Projects are required to incorporate stormwater management measures, including site design measures, source control measures, and stormwater treatment measures to reduce stormwater pollution. Further, since the total amount of replaced impervious surface is equal to or greater than fifty percent of the existing impervious surface on the Project site, the City requires stormwater treatment to be applied to the whole Project site. Therefore, the Project would be required to implement SCA HYD-1: State Construction General Permit and SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. SCA HYD-1 was developed to ensure that stormwater is managed and erosion is controlled on construction sites. The Construction General Permit requires Project Applicants to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), which requires applications of BMPs to control run-on and runoff from construction work site. SCA HYD-2 relates to water quality and stormwater runoff during operation and would apply to the entire Project site. This SCA requires a post-construction stormwater

management plan and maintenance agreement. In addition, the Project would be subject to SCA UTIL-6: Storm Drain System, which requires, to the maximum extent practicable, a peak stormwater runoff reduction from the Project site by at least 25 percent compared to the pre- Project condition (see Section 4.10.9, Utilities and Service Systems). Stormwater from the Project site would be collected and treated on-site and routed to an existing storm drain line on the Project site.

The Project proposes the following site design measures pursuant to SCA HYD-2:

- Minimize land disturbance and impervious surfaces;
- Maximize permeability by clustering development;
- Protect sensitive areas, including wetland and riparian areas, and minimize changes to natural topography;
- Direct runoff into vegetated areas;
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.

The Project proposes the following source control measures pursuant to SCA HYD-2:

- Install stenciling/medallions as directed at storm drain inlets, such as “No Dumping – Drains to Bay;”
- Plumb drains to the sanitary sewer for interior floor drains;
- Provide a roofed and enclosed area for dumpsters, recycling containers, etc.;
- Perform process activities either indoors or in roofed outdoor areas designed and drain to the sanitary sewer for outdoor process activities; locate the area only on paved and contained surfaces; roof storage areas that will contain non-hazardous liquids should drain to the sanitary sewer and be contained by berms or similar structures;
- Cover the area for outdoor equipment storage and material storage, or design to avoid pollutant contact stormwater run-off;
- Cover and/or grade loading docks, position downspouts to direct stormwater away from the loading areas, drain water from the docks to the sanitary sewer, and install door skirts between trailers and the building;
- Design the discharge of fire sprinkler test water to on-site vegetated areas or the sanitary sewer;
- Drain condensate of air conditioning units to landscaping, connect large air conditioning units to the sanitary sewer, drain roofs drains to unpaved areas where practicable, and drain boiler drain lines, rooftop equipment, and all wash water to the sanitary sewer.

The Project would include stormwater treatment measures in the form of flow-combo bioretention areas within the Project site. The bioretention areas would utilize the combination flow and volume-based approach to treat at least 80 percent of the total runoff over the life of the Project as allowed by MRP Provision C.3.d.i. With implementation of the SCAs HYD-1 and HYD-2, the Project would have a less than significant impact with respect to violating any water quality standards or waste discharge requirements;

substantially increasing erosion or siltation on- or off-site that would affect the quality of receiving waters; or otherwise substantially degrading water quality.

Elmhurst Creek runs along the southern corner of the Project site. Project development would include exterior construction work conducted within 20 feet from the top of the Elmhurst Creek bank. Thus, the Project would require a Category IV Creek Permit pursuant to the City's creek protection ordinance. The City's creek protection ordinance is intended to address potential water quality impacts from stormwater and other discharges into identified waterways. The Category IV Creek Protection Permit would require a site plan to be submitted with the permit application, clearly illustrating the relationship and distance of the Project to the creek centerline and top of the creek bank. In addition, Category IV permits are required to submit a Creek Protection Plan (CPP) that describes how a project will protect the creek, its banks, riparian vegetation wildlife, surrounding habitat, and the creek's natural appearance during and after construction. Since the Project requires a Category IV CPP, the Project is subject to SCA HYD-4: Creek Protection Plan. SCA HYD-4 requires the CPP to incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs during construction and site design measures to limit stormwater runoff volume and velocity. The Project would also be subject to SCA HYD-3, Vegetation Management of Creekside Properties, since it would be located on a Creekside property. SCA HYD-3 requires vegetation management prior to, during, and after construction activities to further protect against sedimentation and erosion. The Project would not include any construction or operation activities inside of Elmhurst Creek. Therefore, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site or fundamentally conflict with the City's Creek Protection Ordinance. Impacts would be less than significant.

With implementation of SCAs HYD-1, HYD-2, HYD-3, and HYD-4, the Project would not violate water quality standards or waste discharge requirements; result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters; otherwise substantially degrade water quality; 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; or fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. The Project would control stormwater on-site during construction and operation. Project development would not include any non-stormwater discharges to Elmhurst Creek or storm drain system and would not fundamentally conflict with the City of Oakland Creek Protection Ordinance. Therefore, impacts would be less than significant

SCA HYD-1: **State Construction General Permit.**

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.

SCA HYD-3: Vegetation Management on Creekside Properties.

SCA HYD-4: Creek Protection Plan.

SCA UTIL-6: Storm Drain System. See Section 4.10.9.

Mitigation: None required.

Impact HYD-2 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 proposed uses for which permits have been granted) (Criterion 2)

Less than Significant. Based on sampling at the Project site detailed in Appendix F4, groundwater has been encountered between approximately 17 to 19 feet above mean sea level within the Project site. Roux found the depth of groundwater based on measurements during the exploration program (Roux, 2023). The Project would require excavation up to 12 feet in depth. Based on the depth of groundwater, dewatering of the Project site is not expected to be required during construction. However, if groundwater were to be encountered and dewatering necessary, water would be extracted in a limited quantity and would not substantially deplete groundwater. As noted above, the Project would not result in an increase in impervious surfaces on-site and would direct runoff towards vegetation. Thus, the Project would not result in an adverse impact with respect to groundwater recharge. Further, operation of the Project would not require use of groundwater supplies. As such, the Project would not result in substantially depleted groundwater supplies or interfere substantially with groundwater recharge that would result in a net deficit in aquifer volume or lowering the local groundwater table. Impacts would be less than significant.

Mitigation: None required.

Impact HYD-4 Result in substantial flooding on- or off-site;

Impact HYD-5 Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems;

Impact HYD-6 Create or contribute substantial runoff which would be an additional source of polluted runoff;

Less than Significant with SCAs. Construction of the Project would include earthmoving activities such as excavation and grading. As described above, the Project would be required to implement a SWPPP per SCA HYD-1: State Construction General Permit. The SWPPP would describe BMPs for controlling site run-on and runoff from Project construction work sites. BMPs contained in the SWPPP would control the volume and velocity of runoff which would reduce the risk of substantial on- or off-site flooding during construction. As stated above, the Project site is currently covered with impervious surfaces. The Project would result in a reduction of impervious area on the Project site and result in 557,208 square feet of post-Project pervious area. Based on the site design, source control, and stormwater treatment measures mentioned above, the Project would direct roof, sidewalks, walkways, patios, driveways, and/or uncovered parking lots onto vegetated areas. Furthermore, the Project would cover and enclose trash/recycling storage areas and design these areas to prevent stormwater runoff. The Project would be designed to meet the requirements of Provision C.3 of the MRP issued under the NPDES and implement a Post-Construction Stormwater Management Plan to reduce pollutant load from the site into the

stormwater drainage system and receiving waters, as required through SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. The Project would also be required to comply with SCA HYD-4: Creek Protection Plan, which outlines construction BMPs. The Project would also be subject to SCA UTIL-6: Storm Drain System, which requires, to the maximum extent practicable, a peak stormwater runoff reduction from the Project site by at least 25 percent compared to the pre-Project condition (see Section 4.10.9, Utilities and Service Systems).

Implementation of these SCAs would ensure that the Project would not contribute substantial runoff which would exceed the capacity of the City's stormwater drainage system. Rather, the Project would be designed to provide a reduction of stormwater runoff velocities, volume, and pollutant load compared to pre-Project conditions. Overall, the Project would reduce the risk of substantial flooding on- or off-site and polluted runoff, and the impact would be less than significant.

SCA HYD-1: State Construction General Permit.

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.

SCA HYD-4: Creek Protection Plan.

SCA UTIL-6: Storm Drain System. See Section 4.10.9.

Mitigation: None required.

Impact HYD-10 Expose people or structures to a substantial risk of loss, injury, or death involving flooding;

Impact HYD-11 Expose people or structures to a substantial risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow;

Less than Significant. As discussed above, an inundation map shows the approximate flooding that could result from a hypothetical failure of a dam or its critical structure and is intended to provide general information for emergency planning and response. The Project site is located within the dam inundation area for the Chabot Dam, Dunsmuir Dam, and New Upper San Leandro Dam (DWR, 2024). The Chabot Dam, Dunsmuir Dam, and New Upper San Leandro Dam are all categorized as extremely high hazard dams. All of these dams are owned by EBMUD. As noted above, the most common causes for dam failure are earthquakes, landslides, extreme storms, equipment malfunction, structural damage, foundation failures, and sabotage (City of Oakland, 2021). Failure of the Dunsmuir Dam would result in flooding on the Project site of one to five feet concentrated around Elmhurst Creek. The Project would include a barrier and fence between the proposed warehouse use and Elmhurst Creek. The location of the proposed warehouse structure would not be anticipated to flood in the event of a dam failure. Failure of the Chabot Dam would result in inundation of one to seven feet on a majority of the Project site. Failure of the New Upper San Leandro Dam would result in inundation of one to ten feet on a majority of the Project site. However, EBMUD operates a Dam Safety Program that proactively inspects, upgrades, and improves its dams and water supply structures as needed and in consultation with regulatory agencies (EBMUD, 2024). Additionally, the evacuation routes have been mapped within the City in the event of dam failure (City of Oakland, 2024).

As discussed above, the Project site is not located within a tsunami evacuation zone and the large-scale devastation in Oakland resulting from seiches is minimal. Overall, the Project would not expose people or structures to a substantial risk of loss, injury, or death because of inundation and the impact would be less than significant.

Mitigation: None required.

4.6.5 CUMULATIVE

Impact HYD-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts on surface water or groundwater quality.

Less than Significant with SCAs. As analyzed above, Project work would not occur in a 100-year floodplain though a floodplain does exist on-site. Thus, the Project would not result in a significant impact relating to placement of people and structures within a 100-year flood hazard zone. Therefore, this cumulative analysis focuses on these aspects of the Project as well as the Project's less-than-significant impacts relating to water quality, groundwater, and flooding (including tsunamis and dam failures) and runoff during construction and operation.

The geographic scope for cumulative impacts on water quality is the area managed by the RWQCB's Basin Plan that receives runoff from tributaries and discharges from industrial and urban sources into the San Francisco Bay. The cumulative development for water quality includes all development within the Basin Plan. The cumulative context for groundwater is the East Bay Basin Plan boundary. The cumulative context for the Project's stormwater runoff would be the development within the City's stormwater drainage collection area that includes the Project site.

Cumulative Impact and Project Contribution

Water Quality

The Project, in combination with other past, present, and future development in the Basin Plan watersheds would continue to contribute runoff and discharges to the Bay that contain constituents from agriculture, industrial, and urban land uses that would continue to potentially impact water quality in the Basin Plan area resulting in the need for continual updates to water quality control plans like the Basin Plan, and water quality regulations like those listed in the regulatory setting in this section. Likewise, these activities would continue to infiltrate and affect groundwater quality in the East Bay Basin. However, the Project would be required to comply with the current and future Basin Plan, applicable NPDES Permit requirements and ordinances, Creek Protection Permit requirements, and other water quality and stormwater control regulations, including SCA HYD-1, HYD-2, HYD-3, HYD-4, and UTIL-6. These regulatory requirements and the design of the Project to capture on-site stormwater within a new on-site stormwater system meeting stormwater quality design specifications would reduce the Project's incremental contribution to a cumulative impact to water quality to a less-than-considerable level. The applicable SCAs also contain construction BMPs to protect Elmhurst Creek during construction. Therefore, the Project would not have a cumulatively considerable contribution to the cumulative impact on water quality, and the impact would be less than significant.

Groundwater

The Project would not involve groundwater extraction or dewatering, and the total post-Project impervious surface would be reduced relative to the existing Project impervious surface. Therefore, the Project's impacts on groundwater would not combine with other areas of the City and the Project would not have a cumulatively considerable contribution to a cumulative impact on groundwater.

Flooding and Runoff

The Project, in combination with other past, present, and future development in the City's stormwater drainage collection area that includes the Project site would contribute to runoff that could cumulatively result in off-site flooding, exceedances of the capacity of the City's stormwater drainage system, and/or contribute substantial runoff which would be an additional source of polluted runoff. Similar to the Project, cumulative projects would be subject to the City's SCAs that would also ensure that they would not contribute substantial runoff which would exceed the capacity of the City's stormwater drainage system, and provide reduction of stormwater runoff velocities, volume, and pollutant load thereby reducing the risk of substantial flooding on- or off-site and polluted runoff. Applicable NPDES Permit requirements and ordinances, and other water quality and stormwater control regulations, including SCA HYD-1, HYD-2, HYD-3, and UTIL-6, would reduce the Project's incremental contribution to a cumulative impact to flooding and runoff to a less-than-considerable level. Applicable creek permit requirements and the Creek Protection Plan ordinance, including SCA HYD-3 and HYD-4, would reduce the Project's incremental contribution to a cumulative impact to Elmhurst Creek. Therefore, the Project would not have a cumulatively considerable contribution to a cumulative impact with regard to flooding and runoff, and the impact would be less than significant.

Regarding risks associated with dam inundation or tsunamis, Impact HYD-4 above concluded that, given the location of Project development, proactive maintenance from the dam owners, and access to existing evacuation routes, the Project would not expose people or structures to a substantial risk of loss, injury, or death because of inundation. The Project would not combine with any other past, present, and future development in the Project vicinity that would increase the risk associated with dam failure, tsunami, or seiches. Therefore, the Project would not contribute to a cumulative impact.

SCA HYD-1: State Construction General Permit.

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects.

SCA HYD-3: Vegetation Management on Creekside Properties.

SCA HYD-4: Creek Protection Plan.

SCA UTIL-6: Storm Drain System. See Section 4.10.9.

Mitigation: None required.

4.6.6 REFERENCES

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4.7 NOISE AND VIBRATION

4.7.1 INTRODUCTION

This section assesses the potential for the Project to result in significant adverse impacts related to noise and vibration. The section first includes a description of the existing environmental setting as it relates to noise levels in the Project vicinity and provides a regulatory framework that discusses applicable state and local regulations. The section then includes an evaluation of potential impacts of the Project related to noise and vibration.

The information and analysis in this section is based on the Noise and Vibration Assessment (Appendix G) prepared by Kimley-Horn and Associates (September 2025). This study includes analysis for the Project regarding both construction and operational noise and vibration impacts. Additionally, the analysis includes a review of applicable local policies, regulations and standards in the general plans and noise ordinances of the cities of Oakland and Alameda; and guidance on performing noise and vibration analyses from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

4.7.2 ENVIRONMENTAL SETTING

SOUND AND ENVIRONMENTAL NOISE

Noise is generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) that is measured in decibels (dB), which is the standard unit of sound amplitude measurement. The dB scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound, with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain. Pressure waves traveling through air exert a force registered by the human ear as sound.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude. When all the audible frequencies of a sound are measured, a sound spectrum is plotted consisting of a range of frequency spanning 20 to 20,000 Hz. The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the sound frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to extremely low and extremely high frequencies. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements. Some representative noise sources and their corresponding A-weighted noise levels are shown in **Table 4-24: Typical Noise Levels**. All noise levels presented in this report are A-weighted unless otherwise stated.

Table 4-24: Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	– 110 –	Rock Band
Jet fly-over at 1,000 feet		
	– 100 –	
Gas lawnmower at 3 feet		
	– 90 –	
Diesel truck at 50 feet at 50 miles per hour		Food blender at 3 feet
	– 80 –	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawnmower, 100 feet	– 70 –	Vacuum cleaner at 10 feet
Commercial area		Normal Speech at 3 feet
Heavy traffic at 300 feet	– 60 –	
		Large business office
Quiet urban daytime	– 50 –	Dishwasher in next room
Quiet urban nighttime	– 40 –	Theater, large conference room (background)
Quiet suburban nighttime		
	– 30 –	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	– 20 –	
		Broadcast/recording studio
	– 10 –	
Lowest threshold of human hearing	– 0 –	Lowest threshold of human hearing

Source: California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

Noise Descriptors

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Most commonly, environmental sounds are described in terms of the equivalent noise level (L_{eq}) that has the same acoustical energy as the summation of all the time-varying events. While L_{eq} represents the continuous sound pressure level over a given period, the day-night noise level (L_{dn}) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Each is applicable to this analysis and defined in **Table 4-25: Definitions of Acoustical Terms**.

Table 4-25: Definitions of Acoustical Terms

Term	Definitions
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in µPa (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g. 20 µPa). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in dB as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level (Lmax) Minimum Noise Level (Lmin)	The maximum and minimum dBA during the measurement period.
Exceeded Noise Levels (L_{01}, L_{10}, L_{50}, L_{90})	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (L_{dn})	A 24-hour average L_{eq} with a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn}.
Community Noise Equivalent Level (CNEL)	A 24-hour average L_{eq} with a 5 dBA weighting during the hours of 7:00 a.m. to 10:00 a.m. and a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.

Term	Definitions
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Because sound levels can vary markedly over a short period of time, a method for describing either the sound's average character (L_{eq}) or the variations' statistical behavior (L_{XX}) must be utilized. The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within approximately plus or minus 1 dB. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The predicted models' accuracy depends on various factors, such as the distance between the noise receptor and the noise source, the character of the ground surface (e.g., hard or soft), and the presence or absence of structures (e.g., walls or buildings) or topography, and how well model inputs reflect these conditions.

A-Weighted Decibels

The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by A-weighted decibel (dBA) values. There is a strong correlation between dBA and the way the human ear perceives sound. For this reason, the dBA has become the standard tool of environmental noise assessment. All noise levels reported in this document are in terms of dBA, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10.[1] When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness.[2] For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions. Under the dB scale, three sources of equal loudness together would produce an increase of 5 dBA.[3]

Sound Propagation and Attenuation

Sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source.[4] Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics.[5] No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound,

[1] California Department of Transportation, Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013.
[2] Ibid.
[3] Ibid.
[4] Ibid.
[5] Ibid.

so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. For line sources, an overall attenuation rate of 3 dB per doubling of distance is assumed in this report.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the noise receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm can reduce noise levels by 5 to 15 dBA.[6] The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA.[7] Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:[8]

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to

[6] Federal Highway Administration, Highway Traffic and Construction Noise - Problem and Response**,** April 2006, accessed September 2024.
[7] Compiled from James P. Cowan, *Handbook of Environmental Acoustics,* 1994, and Cyril M. Harris, *Handbook of Noise Control*, 1979.
[8] Compiled from California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013, and Federal Highway Administration, *Noise Fundamentals,* 2017.

chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.[9]

Annoyance. Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. A noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.[10]

GROUNDBORNE VIBRATION

Sources of groundborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g. factory machinery) or transient (e.g. explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave and is expressed in terms of inches-per-second (in/sec). The RMS velocity is defined as the average of the squared amplitude of the signal and is expressed in terms of velocity decibels (VdB). The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 4-26: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the individual's sensitivity. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

[9] U.S. Department of Labor, *Occupational Safety and Health Standards, 29 CFR 1910 (Occupational Noise Exposure), accessed September 2024*.
[10] Federal Interagency Committee on Noise, *Federal Agency Review of Selected Airport Noise Analysis Issues*, August 1992, accessed September 2024.

Table 4-26: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations

Maximum PPV (in/sec)	Vibration Annoyance Potential Criteria	Vibration Damage Potential Threshold Criteria	FTA Vibration Damage Criteria
0.008	--	Extremely fragile historic buildings, ruins, ancient monuments	--
0.01	Barely Perceptible	--	--
0.04	Distinctly Perceptible	--	--
0.1	Strongly Perceptible	Fragile buildings	--
0.12	--	--	Buildings extremely susceptible to vibration damage
0.2	--	--	Non-engineered timber and masonry buildings
0.25	--	Historic and some old buildings	--
0.3	--	Older residential structures	Engineered concrete and masonry (no plaster)
0.4	Severe	--	--
0.5	--	New residential structures, Modern industrial/commercial buildings	Reinforced-concrete, steel or timber (no plaster)
PPV = peak particle velocity; in/sec = inches per second; FTA = Federal Transit Administration			
Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, 2020 and Federal Transit administration, Transit Noise and Vibration Assessment Manual, 2018.			

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities such as earth-moving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

EXISTING CONDITIONS

Existing Noise Sources

The Project site is impacted by various noise sources. The existing mobile noise sources in the Project area are generated by motor vehicles traveling on Hegenberger Road and San Leandro Street and trains traveling at the nearby Bay Area Rapid Transit (BART) station. The primary sources of stationary noise in the Project vicinity are those associated with the surrounding industrial uses. Stationary noise sources associated with the industrial uses may include mechanical equipment (use of heating, ventilation, and air conditioning [HVAC] units, etc.), truck operations (backup beepers, diesel engines, unloading activities, etc.), and parking lot activities (cars parking, open and closing doors, etc.). The noise associated with these sources may represent a single-event noise occurrence, short-term, or long-term/continuous noise.

Noise Measurements

The Project site is currently vacant and unoccupied. To quantify existing ambient noise levels in the Project area, Kimley-Horn conducted four short-term noise measurements and one long-term noise measurement on May 8, 2024; refer to Appendix G. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the Project site. The 10-minute measurements were taken between 10:32 a.m. and 11:32 a.m. Measurements of L_{eq} are considered representative of the noise levels throughout the day. A 24-hour measurement was taken at 12:02 p.m. on May 8, 2024 through May 9, 2024. The average noise levels and sources of noise measured at each location are listed in **Table 4-27: Existing Noise Measurements** and measurement locations are shown in **Figure 4-3: Noise Measurement Locations**.

Table 4-27: Existing Noise Measurements

Site	Location	Measurement Period	Duration	L_{eq} (dBA)	L_{dn} (dBA)
ST-1	At the southeast corner of the project site.	11:23 a.m. – 11:33 a.m.	10 Minutes	68.2	-
ST-2	Along the southwest boundary of the project site.	11:09 a.m. – 11:19 a.m.	10 Minutes	64.8	-
ST-3	At the northern corner of the project site.	10:52 a.m. – 11:02 a.m.	10 Minutes	66.4	-
ST-4	At the nearest residence located along 75th Avenue.	10:32 a.m. – 10:42 a.m.	10 Minutes	68.1	-
LT-1	At the project site driveway along 77th Avenue.	12:02 p.m. – 12:02 p.m.	24 Hour	67.8	72.0

Source: Noise measurements taken by Kimley-Horn, May 8, 2024. See Appendix G for noise measurement results.

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Source: Kimley-Horn, 2025

Figure 4-3: Noise Measurement Locations

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Not to scale

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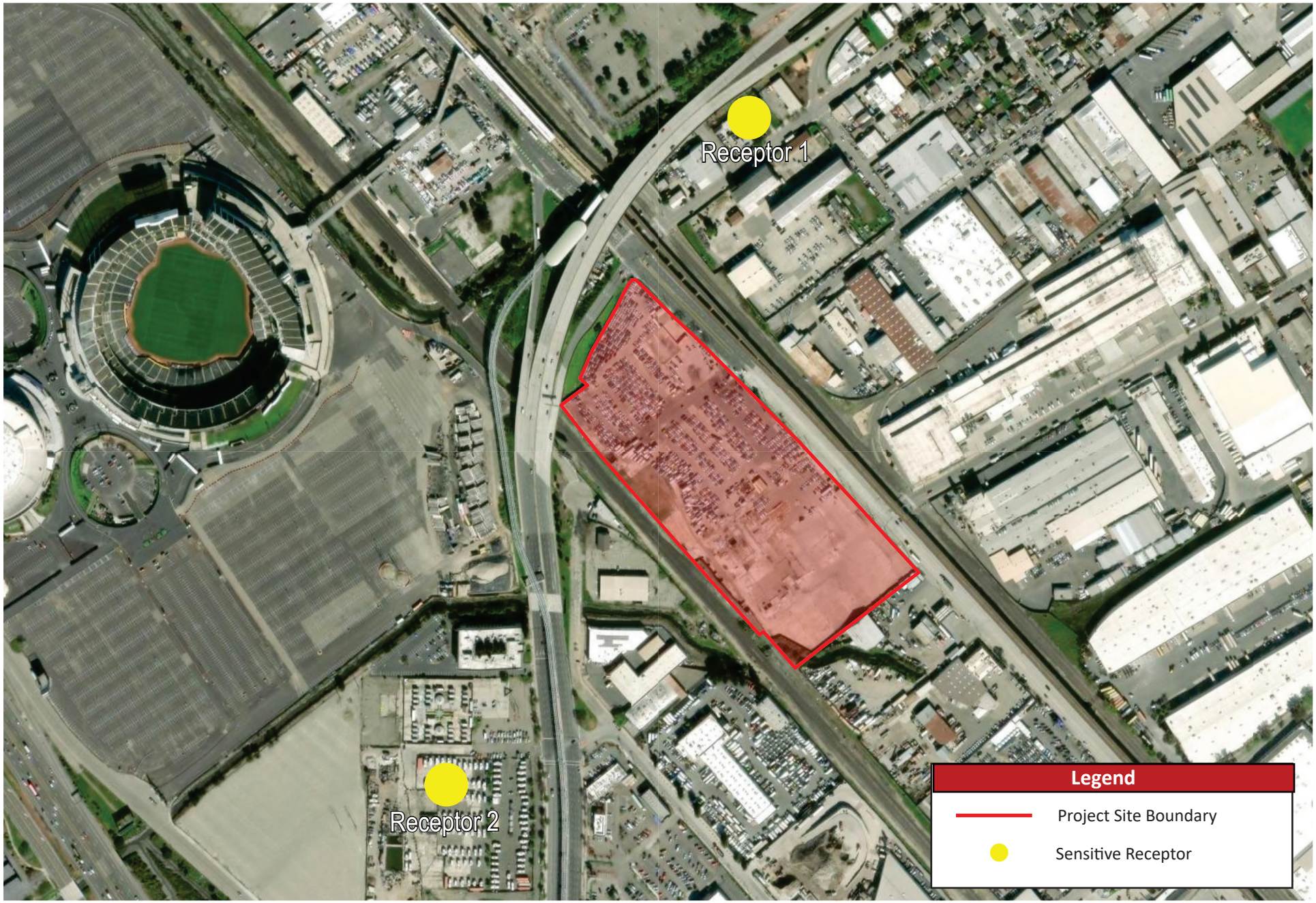
Noise Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise sensitive uses typically include residences, hospitals, schools, childcare facilities, and places of assembly. Vibration sensitive receivers are generally similar to noise sensitive receivers but may also include businesses, such as research facilities and laboratories that use vibration-sensitive equipment. The Project site is primarily surrounded by industrial land uses. Sensitive land uses nearest to the Project are listed in **Table 4-28: Noise Sensitive Receptors** and sensitive receptor locations are shown in **Figure 4-4: Sensitive Receptors**.

Table 4-28: Noise Sensitive Receptors

Receptor Description	Distance and Direction from the Project Site[1]
1. Single Family Residence	625 feet to the northeast
2. Temporary Shelter for the Unhoused[2]	730 feet to the west
1. Distances are measured from the project site boundary to the property line. 2. The City of Oakland Environmental Justice Element (2023) identified the temporary shelter for unhoused persons as a sensitive land use	
Source: Google Earth, 2025	

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Source: Kimley-Horn, 2025

Figure 4-4: Sensitive Receptors

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Kimley»Horn

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4.7.4 REGULATORY SETTING

FEDERAL

No federal laws, regulations, or policies for construction-related noise and vibration directly apply to the proposed project. However, the Federal Transit Administration (FTA) has developed general assessment criteria for analyzing construction noise. Although FTA standards are intended for federally funded mass transit projects, the impact assessment procedures and criteria included in the FTA's *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018) routinely are used to evaluate a variety of projects proposed by local jurisdictions (i.e., not exclusively used for transit projects). The FTA construction guidelines state that each A-weighted sound level increase of 10 dB corresponds to an approximate doubling of subjective loudness. As a result, a 10-dB increase in the ambient noise level is often used as the threshold to determine if an increase in ambient noise levels because of construction would be considered substantial.

STATE

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of "normally acceptable", "conditionally acceptable", "normally unacceptable", and "clearly unacceptable" noise levels for various land use types. Single-family homes are "normally acceptable" in exterior noise environments up to 60 CNEL and "conditionally acceptable" up to 70 CNEL. Multiple-family residential uses are "normally acceptable" up to 65 CNEL and "conditionally acceptable" up to 70 CNEL. Schools, libraries, and churches are "normally acceptable" up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Title 24 – Building Code

The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, hotel rooms, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings and habitable rooms (including hotels), the acceptable interior noise limit for new construction is 45 dBA CNEL.

LOCAL

City of Oakland General Plan

The *City of Oakland General Plan* (General Plan) is a long-range planning document that provides a framework for action and the direction in which to focus that action. The Noise Element recognizes that some land uses are more sensitive to ambient noise levels than others, due to the amount of noise

exposure (i.e., the exposure duration and insulation from noise) and the types of typical activities. The City of Oakland Noise Element also includes the following relevant Noise Element policies and actions applicable to the Project:

Policy 1: Ensure the compatibility of existing and, especially, of proposed development projects not only with neighboring land uses but also with their surrounding noise environment.

> ***Action 1.1:*** Use the noise-land use compatibility matrix in conjunction with the noise contour maps (especially for roadway traffic) to evaluate the acceptability of residential and other proposed land uses and also the need for any mitigation or abatement measures to achieve the desired degree of acceptability.
>
> ***Action 1.2:*** Continue using the City's zoning regulations and permit processes to limit the hours of operation of noise-producing activities which create conflicts with residential uses and to attach noise-abatement requirements to such activities.

Policy 2: Protect the noise environment by controlling the generation of noise by both stationary and mobile noise sources.

> ***Action 2.1*:** Review the various noise prohibitions and restrictions under the City's nuisance noise ordinance and revise the ordinance if necessary.
>
> ***Action 2.2:*** As resources permit, increase enforcement of noise-related complaints and also of vehicle speed limits and of operational noise from cars, trucks, and motorcycles.

Policy 3: Reduce the community's exposure to noise by minimizing the noise levels that are received by Oakland residents and others in the city.

> ***Action 3.1:*** Continue to use the building-permit application process to enforce the California Noise Insulation Standards regulating the maximum allowable interior noise level in new multi-unit buildings.
>
> ***Action 3.2:*** Review the City's noise performance standards and revise them as appropriate to be consistent with City Council policy.

Land Use Compatibility

The noise criteria identified in the City of Oakland General Plan Noise Element are guidelines to evaluate land-use compatibility. The compatibility criteria, shown in **Table 4-29: Land Use Compatibility for Community Noise Exposure**, provides the City with a planning tool to gauge the compatibility of land uses relative to existing and future exterior noise levels. The Land Use Compatibility for Community Noise Exposure matrix describes categories of compatibility and not specific noise standards.

Table 4-29: Land Use Compatibility for Community Noise Exposure

Land Use Category	Community Noise Exposure Range (Ldn or CNEL, dB) [1]			
	Normally Acceptable[2]	Conditionally Acceptable[3]	Normally Unacceptable[4]	Clearly Unacceptable[5]
Residential	**50 - 60**	**60 - 70**	**70 - 75**	**75 - 85**
Transient Lodging – Motels, Hotels	50 - 65	65 – 75	75 - 80	80 - 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 - 60	60 - 70	70 - 80	80 - 85
Auditoriums, Concert Halls, Amphitheaters	-	50 - 70	-	70-85
Sports Arena, Outdoor Spectator Sports	-	50 - 75	70 - 85	-
Playgrounds, Neighborhood Parks	50 - 65	-	65 - 75	75 - 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 - 75	-	70 - 80	80 - 85
Office Buildings, Businesses, Commercial, and Professional	50 - 65	65 - 75	75-85	-
Industrial, Manufacturing, Utilities, Agriculture	50 - 70	70 - 80	80-85	-

1. Noise exposure values are only provided for the range of 50 to 85 L_{dn} or CNEL, dB.
2. Normally Acceptable: Development may occur without an analysis of potential noise impacts *to the propose development* (though it might still be necessary to analyze noise impacts that the project might have *on its surroundings).*
3. Conditionally Acceptable: Development should be undertaken only after an analysis of noise-reduction requirements is conducted, and if necessary, noise-mitigation feature are included in the design, Conventional construction will usually suffice as long as it incorporates air conditioning or forced fresh-air supply systems, though it will likely require that project occupants maintain their windows closed.
4. Normally Unacceptable: Development should generally be discouraged; it may be undertaken only if a detailed analysis of the noise-reduction requirements is conducted, and if highly effective noise insulation, mitigation or abatement features are included in the design.
5. Clearly Unacceptable: Development should not be undertaken.

Source: City of Oakland, General Plan, Noise Element, Figure 6: Land Use Compatibility for Community Noise Exposure, June 2005.

Oakland Municipal Code

The Oakland Municipal Code (OMC) includes various directives to regulate noise in Oakland. Per the City of Oakland Municipal Code, Title 12 Streets, Sidewalks, and Public Places, Chapter 12.56 Sound Amplification Equipment. The City of Oakland also regulates noise through Section 17.120 (Performance Standards) of the Planning Code and Section 8.18.020 (Persistent Noises and Nuisances) of the Health and Safety Code.

Health and Safety Code Section 8.18.020 (Persistent Noises and Nuisances)

Within the Health and Safety Code, the noise ordinance qualitatively addresses persistent nuisance noise – persistent maintenance or emissions of any noise or sound produced by human, animal, or mechanical means, between the hours of 9:00 p.m. and 7:00 a.m. – next ensuing, which, by reason of its raucous or nerve-racking nature, shall disturb the peace or comfort, or be injurious to the health of any person. Further, the Health and Safety Code states that failure to comply with the following requirements constitutes a nuisance:

a) All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
b) Unnecessary idling of internal combustion engines is prohibited.
c) All stationery noise-generating construction equipment such as tree grinders and air compressors are to be located as far as is practical from existing residences.
d) Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
e) Use of pile drivers and jack hammers shall be prohibited on Sundays and holidays, except for emergencies and as approved in advance by the Building Official.

Planning Code Section 17.120 (Performance Standards)

Within the Planning Code, the noise ordinance (Municipal Code Section 17.120.050) regulates construction noise and only operational noise from stationary sources, as cities and counties do not have regulatory authority to establish noise level limits over noise from mobile on-road sources (i.e. transportation noise), which does not include on-site construction. The maximum allowable receiving noise standards applicable to long-term exposure for residential and civic land uses, for stationary noise sources (not transportation noise) are outlined in **Table 4-30: Stationary Source Land Use Noise Standards**. In addition, the noise ordinance states that if the measured ambient noise level exceeds the applicable standard in any category, then the stated applicable noise level shall be adjusted to equal the ambient noise level (see Oakland Planning Code Section 17.120.050[D]).

Table 4-30: Stationary Source Land Use Noise Standards

Maximum Allowable Noise Level Standards (dBA)			
Land Use	**Cumulative Number of Minutes in 1-hour Time Period[2]**	**Daytime 7:00 a.m. to 10:00 p.m.**	**Nighttime 10:00 p.m. to 7:00 a.m.**
Residential, School, Child Care, Health Care, or Nursing Home, and Public Open Space	20 (L_{33})	60	45
	10 ($L_{16.7}$)	65	50
	5 ($L_{8.3}$)	70	55
	1 ($L_{1.7}$)	75	60
	0 (L_{max})	80	65
Anytime			
Commercial	20 (L_{33})	65	
	10 ($L_{16.7}$)	70	
	5 ($L_{8.3}$)	75	
	1 ($L_{1.7}$)	80	
	0 (L_{max})	85	
Anytime			
Manufacturing, Mining, and Quarrying	20 (L_{33})	70	
	10 ($L_{16.7}$)	75	
	5 ($L_{8.3}$)	80	
	1 ($L_{1.7}$)	85	

Maximum Allowable Noise Level Standards (dBA)			
Land Use	**Cumulative Number of Minutes in 1-hour Time Period[2]**	**Daytime 7:00 a.m. to 10:00 p.m.**	**Nighttime 10:00 p.m. to 7:00 a.m.**
	0 (L_{max})	90	
1. Standards above are to be further reduced by 5 dBA for simple tone noise – noise consisting primarily of speech or music, or recurring impact noise. If ambient noise level exceeds standards above, the standard shall be adjusted to equal the ambient noise level. 2. L_x represents the noise level that is exceeded X percent of a given period. L_{max} is the maximum instantaneous noise level.			
Source: City of Oakland, Municipal Code Section 17.120.050 (Noise Ordinance No. 11895), 2025.			

Noise level standards from the noise ordinance also apply to temporary exposure of short-and long-term construction noise. These noise level standards are shown in **Table 4-31: Construction or Demolition Noise Standards**.

Table 4-31: Construction or Demolition Noise Standards

Land Use	**Daily (Weekday) 7:00 a.m. to 10:00 p.m.**	**Weekends 9:00 a.m. to 8:00 p.m.**
Short Term Operation (less than 10 days)		
Residential	80	65
Commercial, Industrial	85	70
Long Term Operation (more than 10 days)		
Residential	65	55
Commercial, Industrial	70	60
1. If ambient noise level exceeds standards above, the standard shall be adjusted to equal the ambient noise level.		
Source: City of Oakland, Municipal Code Section 17.120.050(G), Table 17.120.04 (Noise Ordinance No. 11895), 2025.		

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The Oakland Standard Conditions of Approval (SCAs) were designed to achieve consistency between project approvals and enforce environmental protection measures. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project. The following SCA's relevant to noise and vibration are listed below.

SCA NOI-1: Construction Days/Hours. (*Standard Condition of Approval 71*)

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.

b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are

allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise-generating activities greater than 90 dBA are allowed on Saturday.

c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

SCA NOI-2: Construction Noise. (*Standard Condition of Approval 72*)

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.

b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

c. Applicant shall use temporary power poles instead of generators where feasible.

d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation

barriers, or use other measures as determined by the City to provide equivalent noise reduction.

e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

SCA NOI-3: Construction Noise Complaints. (*Standard Condition of Approval 75*)

Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:

a. Designation of an on-site construction complaint and enforcement manager for the project;

b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;

c. Protocols for receiving, responding to, and tracking received complaints; and

d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

SCA NOI-4: Operational Noise. (*Standard Condition of Approval 78*)

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the OMC. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

SCA NOI-5: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities. (*Standard Condition of Approval 80*)

Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located adjacent to San Leandro Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

4.7.5 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts. During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard;
2. Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise;
3. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise;
4. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3 dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);
5. Expose persons to interior L_{dn} 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);
6. Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval;
7. Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]);
8. During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA);
9. Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels; or
10. Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels.

Approach to Analysis

Construction

Construction noise levels were based on typical noise levels generated by construction equipment published by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA). Construction noise is assessed in dBA Leq. This unit is appropriate because Leq can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period.

Construction noise modeling was conducting using the FHWA Roadway Construction Noise Model (RCNM). Reference noise levels are used to estimate construction noise levels at nearby noise-sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise. The City of Oakland does establish quantitative construction noise standards. Project construction would occur for more than 10 days which would be considered long-term. For long-term construction, the City limits construction noise to 65 dBA at residential uses and 70 dBA at commercial and industrial uses unless ambient noise levels already exceed the standards. If the ambient noise level exceeds these standards, the standard shall be adjusted to equal the ambient noise level.

Operations

Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. Operational noise is evaluated based on the standards within the City of Oakland Planning Code and General Plan.

An analysis was conducted of the Project's effect on traffic noise conditions at offsite land uses. Without Project traffic noise levels were compared to With Project traffic noise levels. The environmental baseline is the Without Project condition. The Without Project and With Project traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108). The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures (walls and buildings), barriers, and topography. The noise attenuating effects of changes in elevation, topography, and intervening structures were not included in the model. Therefore, the modeling effort is considered a worst-case representation of the roadway noise. Traffic noise level significance is determined by comparing the increase in noise levels (traffic contribution only) to increments recognized by the City of Oakland Significance Criterion 4, above, which is a permanent increase in noise levels of 5 dBA or more or, for a cumulative increase that exceeds 5 dBA, a Project contribution to the cumulative scenario of 3 dBA or more.

Vibration

Groundborne vibration levels associated with construction activities for the Project were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential groundborne vibration impacts related to building/structure damage and interference with sensitive existing operations were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

Project Impacts and Discussion

Impact NOI-1 Generate noise in violation of the City of Oakland Noise Ordinance (Oakland

Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts; during the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard;

Impact NOI-2 Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise;

Impact NOI-3 Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise;

Impact NOI-4 Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3 dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);

Impact NOI-5 Expose persons to interior L_{dn} 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);

Impact NOI-6 Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval;

Impact NOI-7 Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]);

Less than Significant with SCAs.

Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g. land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. The nearest sensitive receptor to the Project site boundary is a single-family residence located approximately 625 feet to the northeast. As construction would occur up to the Project boundary line, construction activities may

occur as close as 625 feet from the nearest sensitive receptor. However, construction activities would occur throughout the Project site and would not be concentrated at the point closest to the sensitive receptors. Over the course of a construction workday, equipment would traverse the Project site and not be at a fixed location.

Construction activities associated with development of the Project would include some demolition, site preparation, grading, paving, building construction, and architectural coating. Typical heavy construction equipment for each phase include:

- Demolition: dozers, excavators, and concrete saws
- Site Preparation: dozers and tractors
- Grading: graders, excavators, dozers, scrapers, and tractors
- Infrastructure: graders, excavators, dozers, scrapers, tractors
- Building Construction: cranes, forklifts, generators, tractors, and welders
- Paving: pavers, rollers, and paving equipment
- Architectural Coating: air compressors

It is noted that only a limited amount of equipment can operate near a given location at a particular time due to factors like visibility, maneuverability, and potential interference with each other's operations.

Grading and excavation phases of Project construction tend to be the shortest in duration and often create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. Equipment typically used during grading includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of noise would be shorter-duration incidents, such as dropping large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute. According to the applicant, no pile-driving would be required during construction.

Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Typical noise levels associated with individual construction equipment are listed in **Table 4-32: Typical Construction Noise Levels**.

Table 4-32: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA L_{max}) at 50 feet from Source
Air Compressor	80
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83

Equipment	Typical Noise Level (dBA L_{max}) at 50 feet from Source
Dozer	85
Generator	82
Grader	85
Impact Wrench	85
Jack Hammer	88
Loader	80
Paver	85
Pneumatic Tool	85
Pump	77
Roller	85
Saw	76
Scraper	85
Shovel	82
Truck	84
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual,* September 2018.	

Noise impacts for mobile construction equipment are typically assessed as emanating from the main construction activity area of the Project site.[11] For the Project, the main construction activity area would be located approximately 1,100 feet from nearest residential receptor, 420 feet from the nearest commercial receptor, and 450 from the nearest industrial receptor. These receptors may be exposed to elevated noise levels during Project construction. The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) was used to calculate noise levels during construction activities; refer to Appendix G. RCNM is a computer program used to assess construction noise impacts and allows for user-defined construction equipment and user-defined noise limit criteria. Noise levels were calculated for each construction phase and are based on the equipment used, distance to the nearest property/receptor, and acoustical use factor for equipment.

The noise levels calculated in **Table 4-33: Construction Noise Levels at Nearest Receptor** show estimated exterior noise levels at the nearest noise receptors for the worst-case construction noise scenario without accounting for attenuation from intervening barriers, structures, or topography. Noise levels at other receptors in the Project vicinity would be located further away and would experience lower construction noise levels than the closest receptors modeled. All construction equipment for each individual phase was assumed to operate simultaneously to represent a worst-case noise scenario as construction activities would routinely be spread throughout the construction site and would operate at different intervals.

[11] For the purposes of this analysis, the construction area is defined as the main construction area of the Project site per the methodology in the FTA Transit Noise and Vibration Impact Assessment Manual (September 2018). Although some construction activities may occur at distances closer than 420 feet from the nearest property lines, other equipment would be further than this distance as construction equipment would be dispersed throughout the Project site during various construction activities. Therefore, the main construction area the Project site represents the most appropriate distance based on the mobile and sporadic nature of on-site construction activities.

Table 4-33: Construction Noise Levels at Nearest Receptor

Construction Phase	Receptor Location			Modeled Construction Noise Level (dBA L_{eq})[2]	Construction Noise Threshold (dBA L_{eq})[3]	Exceed Threshold?
	Land Use	Direction	Distance (feet)[1]			
Demolition	Residential	North	1,100	59.6	68[4]	No
	Commercial	West	420	68	70	No
	Industrial	East	450	67.4	70	No
Site Preparation	Residential	North	1,100	61.1	68[4]	No
	Commercial	West	420	69.5	70	No
	Industrial	East	450	68.9	70	No
Grading	Residential	North	1,100	61.4	68[4]	No
	Commercial	West	420	69.7	70	No
	Industrial	East	450	69.1	70	No
Infrastructure	Residential	North	1,100	61.4	68[4]	No
	Commercial	West	420	69.7	70	No
	Industrial	East	450	69.1	70	No
Building Construction	Residential	North	1,100	59.9	68[4]	No
	Commercial	West	420	68.3	70	No
	Industrial	East	450	67.7	70	No
Paving	Residential	North	1,100	60.8	68[4]	No
	Commercial	West	420	69.1	70	No
	Industrial	East	450	68.5	70	No
Architectural Coating	Residential	North	1,100	46.9	68[4]	No
	Commercial	West	420	55.2	70	No
	Industrial	East	450	54.6	70	No

1. Following FTA methodology, all equipment is assumed to operate at the center of the Project site because equipment would operate throughout the Project site and not at a fixed location for extended periods of time (i.e., some equipment would operate closer, and some would operate further away). Thus, the worst-case distance used in the RCNM model was 420 feet to the property line west of the construction zone.
2. Modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment.
3. Per Oakland Planning Code Section 17.120.050(D) and (G), for long-term construction, the City limits construction noise to 65 dBA at residential uses and 70 dBA at commercial and industrial uses unless ambient noise levels already exceed the standards. If the ambient noise level exceeds these standards, the standard shall be adjusted to equal the ambient noise level.
4. As shown during the ST-4 Noise Measurement, existing ambient noise levels at the nearest sensitive receptor north are 68.1 dBA and exceed the City's construction standards. Thus, the ambient noise level recorded becomes the construction noise standard.

Source: Federal Highway Administration, *Roadway Construction Noise Model,* 2006. Refer to Appendix B of Appendix G for noise modeling results.

As shown in **Table 4-33: Construction Noise Levels at Nearest Receptor**, the worst-case scenario construction noise levels would not exceed the applicable City of Oakland construction thresholds for all nearby land uses. The highest exterior noise level at the nearest sensitive (residential) receptors would occur during the grading phase and would be 61.4 dBA which is below the City's 65 dBA construction noise threshold and 68 dBA ambient level. Additionally, the highest noise level at the closest commercial/industrial uses would be 69.7 dBA during grading and infrastructure and would not exceed the City's 70 dBA threshold. Although this level would exceed the lowest 64.8 dBA ambient level by 4.9 dBA, it does not represent a substantial noise increase as the temporary noise increase would still be

below the City's 70 dBA commercial/industrial construction threshold. Construction equipment would operate throughout the Project site and the associated noise levels would not occur at a fixed location for extended periods of time. Although sensitive uses may be exposed to elevated noise levels during Project construction, these noise levels would be acoustically dispersed throughout the Project site and not concentrated in one area near surrounding sensitive uses.

The City has set restrictions on construction hours to control noise impacts from construction activities. Specifically, SCA NOI-1 states that construction activities may only take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m., on Saturdays. Further, SCA NOI-1 notes that any construction activity outside the proposed hours and days is subject to City approval. The Project applicant must submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice. Once approved, the Project applicant would be required to notify property owners and occupants within 300 feet at least 14 days prior to the construction activity proposed outside the allotted hours and days.

Although construction noise could cause temporary impacts to nearby residents, adherence to the City's SCAs would reduce this impact to a less than significant level. Required implementation of applicable City of Oakland SCAs would minimize construction noise by limiting hours of construction activities as stated above, requiring best available noise control technology and notification of any local residents of construction activities, and tracking and responding to noise complaints. Specifically, Project construction would comply with SCA NOI-2, Construction Noise, which requires projects to implement construction noise reduction measures and SCA NOI-3, Construction Noise Complaints, which sets a protocol for receiving and addressing construction noise complaints from the public.

Nighttime Construction

The Project proposes nighttime construction during which would include approximately 10 to 12 nighttime concrete pours. As discussed in Section 4.7.2: Sound and Environmental Noise, noise levels above 45 dBA would affect sleep. Standard construction, which assumes windows to be shut, would result in an exterior-to-interior reduction of approximately 25 dBA. With this reduction, exterior noise level of 70 dBA would not affect sleep.

Nighttime construction activities would require concrete trucks accessing and pouring within the Project site. Based on the nature of concrete pouring and the type of equipment to be used, it is assumed that all noise-generating activities from the equipment would occur on the ground level during the nighttime construction work. The FHWA RCNM modeling software was used to calculate the hourly average noise levels for nighttime concrete pouring. Assuming five pouring trucks and five idling trucks would represent the worst-case noise condition, an hourly average noise level of 82 dBA L_{eq} at 50 feet would be generated during nighttime work.

Concrete trucks actively pouring during nighttime construction could be positioned as close as 890 feet from the nearest residences to the north during construction of Project building.[12] As such, concrete trucks were modeled at 890 feet from the nearest residences to the north. At these distances and assuming five pouring trucks and five idling trucks would operate simultaneously at the same location,

[12] It is noted that this distance is specific to where concrete trucks would be located.

hourly average noise levels would be approximately 56 dBA L_{eq} at the residences to the north without considering any noise attenuation from the intervening structures and buildings. When accounting for intervening structures and the exterior-to-interior reduction of approximately 25 dBA, nighttime concrete pours would attenuate to 31 dBA and would not exceed the nighttime noise limit of 45 dBA indoors and 70 dBA outdoors.

Additionally, as mentioned previously, the Project would be required to comply with SCA NOI-1 which requires the Project applicant to provide detailed nighttime construction information and a draft public notice to the City for review and approval prior to the commencement of construction. Once approved by the City, the Project applicant would be required to notify property owners within 300 feet, at least 14 calendar days prior, of the nighttime construction activity.

Construction Traffic Noise

Construction noise may be generated by large trucks moving materials to and from the Project site. Large trucks would be necessary to deliver building materials as well as remove dump materials. Excavation and cut and fill would be required. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this Project, as analyzed in 7825 San Leandro Street Project Air Quality Assessment (Kimley-Horn, 2025), the Project would generate the highest number of daily trips during the building construction. The model estimates that the Project would generate up to 131 worker trips and 51 vendor trips per day for building construction. Therefore, a total of 182 daily trips would occur during the building construction phase. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and vehicle mix do not also change) would result in a noise level increase of 3 dBA. San Leandro Street between Hegenberger Road to the westbound onramp to 75th Avenue has an average daily trip volume of 17,390 vehicles. Therefore, 182 Project construction trips would not double the existing daily traffic volume. Construction related traffic noise would not be noticeable and would not create a significant noise impact.

Summary

Project construction would be required to comply with Oakland Health and Safety Code Section 8.18.020, which requires equipment to be properly maintained and muffled, prohibits unnecessary idling, requires stationary equipment to be located as far as practical from existing residences, requires quiet equipment whenever possible, and prohibits pile drivers and jack hammers on Sundays and holidays (except for emergencies). Additionally, the proposed Project would be required to adhere to all applicable SCAs which would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. The SCAs are required to ensure that construction noise levels do not exceed the City's Noise Ordinance and nuisance standards, and that construction adheres to the noticing requirements from the City. As shown in **Table 4-33: Construction Noise Levels at Nearest Receptor**, and with adherence to the SCAs and compliance with Health and Safety Code Section 8.18.020, construction noise impacts to nearby receptors would be less than significant.

Operations

Implementation of the proposed Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project would include the following:

- Mechanical equipment;
- Slow moving trucks on the Project site, approaching and leaving the loading areas;
- Activities at the loading areas (i.e., maneuvering and idling trucks, equipment noise);
- Parking area (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Off-site traffic.

Mechanical Equipment

Mechanical equipment (e.g., heating, ventilation, and air conditioning [HVAC] equipment) typically generates noise levels of approximately 52 dBA L_{eq} at 50 feet.[13] Assuming continuous 24-hour operation of HVAC units, the 24-hour weighted noise level would be approximately 58 dBA L_{dn} at 50 feet. HVAC units would be installed on the roof of the proposed warehouse building. Sound levels decrease by 6 dBA for each doubling of distance from the source.

Residential Receptors. The nearest residential receptor (residential use to the northeast) would be located no closer than 720 feet from HVAC equipment at the Project site. At this distance, mechanical equipment noise levels would attenuate to approximately 29 dBA L_{eq} and 35 dBA L_{dn}. Project mechanical noise would not exceed the City's 60 dBA daytime and 45 dBA nighttime residential standards (Oakland Planning Code Section 17.120.050) and would not exceed the existing 68 dBA ambient level (refer to ST-2 in **Table 4-27: Existing Noise Measurements**).

Commercial Receptors. The nearest commercial and industrial uses (to the west) would be located no closer than 50 feet from HVAC equipment at the Project site. At this distance, mechanical equipment noise levels would attenuate to approximately 52 dBA L_{eq} and 58 dBA L_{dn}. Project mechanical equipment noise would not exceed the City's 65 dBA commercial noise standard (daytime and nighttime). Additionally, mechanical equipment noise levels would not exceed the existing 65 dBA ambient level (refer to ST-2 in **Table 4-27: Existing Noise Measurements**).

Industrial Receptors. The nearest industrial uses (to the southeast) would be located no closer than 50 feet from HVAC equipment at the Project site. At this distance, mechanical equipment noise levels would attenuate to approximately 52 dBA L_{eq} and 58 dBA L_{dn}. Project mechanical equipment noise would not exceed the City's 70 dBA industrial noise standard (daytime and nighttime) per Oakland Planning Code Section 17.120.050. Additionally, mechanical equipment noise levels would not exceed the existing 68 dBA ambient level (refer to ST-1 in **Table 4-27: Existing Noise Measurements**).

It should be noted that these noise levels do not assume any reductions for intervening terrain or barriers such as parapets. As described above, Project mechanical equipment noise would not exceed the City of Oakland's noise standards and impacts would be less than significant.

Truck and Loading Dock Noise

During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting/braking activities; noise levels from trucks backing up toward

[13] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.

the docks, including backup alarm beeping; dropping down the dock ramps; and maneuvering away from the docks. Loading/unloading activities would occur at the dock doors along the east face proposed Project building; refer to **Figure 3-5: Overall Site Plan**.

Typically, heavy truck and loading dock operations generate a noise level of 64.4 dBA L_{eq} at 50 feet.[14] Assuming 24-hour operation of the warehouse loading areas, the weighted 24-hour noise level would be approximately 69 dBA L_{dn}.

Residential Receptors. The nearest residential receptor would be located no closer than 820 feet north from the Projects truck loading area. At this distance, truck loading noise levels would attenuate to approximately 40 dBA L_{eq} and 44.5 dBA L_{dn}. Project truck and loading dock noise would not exceed the City's 60 dBA daytime and 45 dBA nighttime residential standards (Oakland Planning Code Section 17.120.050) and would not exceed the existing 68 dBA ambient level (refer to ST-4 in **Table 4-27: Existing Noise Measurements**).

Commercial Receptors. The nearest commercial use (to the west) would be located no closer than 330 feet from Project's truck loading area. At this distance, truck loading noise levels would attenuate to approximately 48 dBA L_{eq} and 54 dBA L_{dn}. Project truck and loading dock noise would not exceed the City's 65 dBA commercial standard (daytime and nighttime) per Oakland Planning Code Section 17.120.050. Additionally, truck and loading noise levels would not exceed the existing 65 dBA ambient level (refer to ST-2 in **Table 4-27: Existing Noise Measurements**).

Industrial Receptors. The nearest industrial use (to the southeast) would be located no closer than 300 feet from Project's truck loading area. At this distance, truck loading noise levels would attenuate to approximately 49 dBA L_{eq} and 55 dBA L_{dn}. Project truck and loading dock noise would not exceed the City's or 70 dBA industrial (daytime and nighttime) noise standard (Oakland Planning Code Section 17.120.050). Additionally, truck and loading noise levels would not exceed the existing ambient levels of 68 dBA (refer to ST-1 in **Table 4-27: Existing Noise Measurements**).

It should be noted that these noise levels do not assume any reductions for intervening terrain or structures. Further, loading dock doors would be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day and night. As shown above, truck and loading dock noise would not exceed the City's noise standards and impacts would be less than significant.

Parking Noise

Traffic associated with parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Parking lot noise can also be considered a "stationary" noise source. The instantaneous maximum sound levels generated by a car door slamming, engine starting

[14] Loading dock reference noise level measurements conducted by Kimley-Horn on December 18, 2018.

up, and car pass-bys range from 53 to 61 dBA at 50 feet[15] and may be an annoyance to noise-sensitive receptors. Conversations in parking areas may also be an annoyance to sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech.[16] It should be noted that parking lot noise are instantaneous noise levels compared to noise standards in the L_{dn} scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower.

Residential Receptors. The closest sensitive receptors would be the single-family residence located approximately 625 feet northeast of the nearest parking area. At this distance, exterior noise levels from parking lot activities would attenuate to approximately 38 dBA L_{eq} and 32 dBA L_{dn}. Project parking noise would not exceed the City's 60 dBA daytime and 45 dBA nighttime residential standards (Oakland Planning Code Section 17.120.050) and would not exceed the existing 68 dBA ambient level (refer to ST-4 in **Table 4-27: Existing Noise Measurements**).

Commercial Receptors. The nearest commercial use (to the west) would be located no closer than 300 feet from parking area. At this distance, exterior noise levels from parking lot activities would attenuate to approximately 45 dBA L_{eq} and 40 dBA L_{dn}. Project parking noise would not exceed the City's 65 dBA commercial standard (daytime and nighttime) per Oakland Planning Code Section 17.120.050. Additionally, parking noise levels would not exceed the existing 65 dBA ambient level (refer to ST-2 in **Table 4-27: Existing Noise Measurements**).

Industrial Receptors. The nearest industrial use (to the southeast) would be located no closer than 250 feet from parking activity at the Project site. At this distance, parking noise levels would attenuate to approximately 47 dBA L_{eq} and 42 dBA L_{dn}. Project parking noise would not exceed the City's or 70 dBA industrial (daytime and nighttime) noise standard (Oakland Planning Code Section 17.120.050). Additionally, parking noise levels would not exceed the existing ambient levels of 68 dBA (refer to ST-1 in **Table 4-27: Existing Noise Measurements**).

It should be noted that these noise levels do not assume any reductions for intervening terrain or structures. As shown above, parking lot noise would not exceed the City's noise standards and impacts would be less than significant.

Off-Site Traffic Noise

Project implementation would generate increased traffic volumes along nearby roadway segments. Based on Traffic Analysis conducted for the Project, approximately 2,128 daily trips were modeled for noise analysis purposes[17]. The "Existing Year Without Project" and "Existing Year With Project" scenarios are compared in **Table 4-34: Existing Year and Existing Year Plus Project Traffic Noise Levels.** As shown in **Table 4-34: Existing Year and Existing Year Plus Project Traffic Noise Levels**, the "Existing Year Without Project" roadway noise levels would range from 66.8 dBA L_{dn} to 67.4 dBA L_{dn} and the "Existing Year With Project" roadway noise levels would range from 67.1 dBA L_{dn} to 67.7 dBA L_{dn}. Project generated traffic

[15] Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.

[16] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden. *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.

[17] Noise modeling was completed prior to refinements in the Traffic Analysis. As noted in Appendix H, the Project is anticipated to generate approximately 1,619 daily trips. As 2,128 trips is more than the 1,619 trips anticipated at time of writing, the noise analysis is conservative.

would result in a maximum increase of 0.5 dBA on existing roads. The City of Oakland considers a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project to be significant. As shown in **Table 4-34: Existing Year and Existing Year Plus Project Traffic Noise Levels**, the "Existing Year With Project" scenario traffic noise levels would not exceed the 5.0 dBA increase significance threshold along any of the surrounding roadways. As a result, the Project would not result in a perceptible increase in traffic noise levels and impacts would be less than significant.

Table 4-34: Existing Year and Existing Year Plus Project Traffic Noise Levels

Roadway Segment		Existing Year Without Project		Existing Year With Project		Change	Significant Impact[2]
		ADT	dBA L_{dn}[1]	ADT	dBA L_{dn}[1]		
San Leandro Street	Hegenberger Road to Westbound Onramp to 75th Avenue	17,390	66.8	18,663	67.1	0.3	No
	75th Avenue to 76th Avenue	19,070	67.2	21,268	67.7	0.5	No
	76th Avenue to 77th Avenue	19,100	67.2	21,298	67.7	0.5	No
	77th Avenue to 81st Avenue	19,730	67.4	19,730	67.4	0	No

ADT = average daily traffic; dBA = A-weighted decibels; L_{dn} = day night noise level

1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.
2. Potential impacts occur when the Project change exceeds 3 dBA.

Source: Based on traffic data within the 7825 San Leandro Street Transportation Study, prepared by Kimley-Horn and Associates, Inc. (2025). Refer to Appendix B of Appendix G for traffic noise modeling assumptions and results.

SCA NOI-1: Construction Days/Hours. See Section 4.7.3, Regulatory Setting.

SCA NOI-2: Construction Noise. See Section 4.7.3, Regulatory Setting.

SCA NOI-3: Construction Noise Complaints. See Section 4.7.3, Regulatory Setting.

Mitigation: None required.

Impact NOI-8 During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA):

Less than Significant.

Construction Vibration

Increases in groundborne vibration levels attributable to the proposed Project would be primarily associated with short-term construction-related activities. Construction on the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved.

The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks)

at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The City does not provide numerical vibration standards for construction activities and exempts vibration caused during temporary construction in Section 17.120.060. As the nearest structure is an industrial structure, this impact discussion uses the FTA and Caltrans structural damage criterion of 0.5 in/sec PPV for industrial buildings and the human annoyance criterion of 0.4 in/sec PPV.

The FTA has published standard vibration velocities for construction equipment operations. **Table 4-35: Typical Construction Equipment Vibration Levels**, lists vibration levels for typical construction equipment. It should be noted that the Project would not require the use of pile drivers. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance.

Table 4-35: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity at 25 Feet (in/sec)
Large Bulldozer	0.089
Caisson Drilling	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozer/Tractors	0.003
1. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$, where: PPV_{equip} = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPV_{ref} = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018; D = the distance from the equipment to the receiver.	
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018.	

Construction activities are anticipated to occur up to the Project boundary line. Therefore, the nearest structure would be located adjacent to the south. However, heavy construction equipment is not anticipated to operate along the property line and would operate approximately at least 25 feet away from the Project site boundary. As indicated in **Table 4-32: Typical Construction Noise Levels**, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity. Therefore, construction groundborne vibration would not exceed the structural damage criterion (0.5 in/sec PPV) or human annoyance criterion (0.4 in/sec PPV).

Operational Vibration

The Project would include truck movement activity at the Project site. These movements would generally be low-speed (i.e., less than 15 miles per hour) and would occur over new, smooth surfaces. For perspective, Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that "heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic." Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study finds that "vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second, with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic

buildings)".[18] Since the Project's truck movements would be at low speed (not at freeway speeds) and would be over smooth surfaces (not under poor roadway conditions), Project-related vibration associated with truck activity would not result in excessive groundborne vibrations; no vehicle-generated vibration impacts would occur. In addition, there are no sources of substantial groundborne vibration associated with the Project, such as rail or subways. The Project would not create or cause any vibration impacts due to operations.

Mitigation: None required.

Impact NOI-9 *Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels; or*

Impact NOI-10 *Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels.*

Less than Significant. The closest airport to the Project site is the Oakland International Airport located approximately 1.5 miles to the southwest. The Project site would be located within two miles of a public airport, however, would be located outside the airport's 65 dBA noise contours. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels and a less than significant impact would occur.

Mitigation: None required.

4.7.6 CUMULATIVE

Impact NOI-1.CU *The Project, combined with cumulative development in the Project vicinity, would not result in significant cumulative impacts relative to noise and vibration.*

Less than Significant with SCAs.

Cumulative Construction Noise

The Project's construction activities would not result in a substantial temporary increase in ambient noise levels. Construction noise would be periodic and temporary noise impacts that would cease upon completion of construction activities. The Project would contribute to other proximate construction project noise impacts if construction activities were conducted concurrently. However, based on the noise analysis above, the Project's construction-related noise impacts would be less than significant following compliance with the City's allowable construction hours and construction noise standards.

Construction activities at other planned and approved projects near the Project site would be required to comply with applicable local rules related to noise and would take place during daytime hours on the days permitted by the applicable municipality, and projects requiring discretionary approvals would be

[18] California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol ("TeNS")*, September 2013.

required to evaluate construction noise impacts, comply with the applicable standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are by nature localized. Based on the fact that noise dissipates as it travels away from its source, noise impacts would be limited to the Project site and vicinity. Therefore, Project construction would not result in a cumulatively considerable contribution to significant cumulative impacts, assuming such a cumulative impact existed, and impacts in this regard are not cumulatively considerable.

Cumulative Operational Noise

Cumulative Off-Site Traffic Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the proposed Project and other foreseeable projects. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the proposed Project and other projects in the vicinity. Cumulative increases in traffic noise levels were estimated by comparing the "Existing" and "Cumulative Year Without Project" scenarios to the "Cumulative Year With Project" scenario. The traffic analysis considers cumulative traffic from future growth assumed in the transportation model, as well as cumulative projects.

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The following criteria is used to evaluate the combined and incremental effects of the cumulative noise increase.

- Combined Effect. The "Cumulative Year With Project" (i.e., cumulative increase) noise level would cause a significant cumulative impact if a 5.0 dB increase over "Existing" conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use.

Although there may be a significant noise increase due to the proposed Project in combination with other related projects (combined effects), it must also be demonstrated that the Project has an incremental effect. In other words, a significant portion of the noise increase must be due to the proposed Project.

- Incremental Effects. The "Cumulative Year With Project" (i.e., Project increase) causes a 3.0 dBA increase in noise over the "Cumulative Year Without Project" noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the proposed Project and growth due to occur in the general area would contribute to cumulative noise impacts. **Table 4-36: Cumulative Off-Site Traffic Noise Levels** identifies the traffic noise effects along roadway segments in the Project vicinity for "Existing," "Cumulative Year Without Project," and "Cumulative Year With Project," conditions, including incremental and net cumulative impacts.

First, it must be determined whether the "Cumulative Year With Project" increase above existing conditions (Combined Effects) is exceeded. As indicated in **Table 4-36: Cumulative Off-Site Traffic Noise Levels**, the Project has no street segments that exceed the combined effects criterion. Under the Incremental Effects criteria, cumulative noise impacts are defined by determining if the forecast ambient ("Cumulative Year Without Project") noise level is increased by 3 dB or more. As indicated above, the Project does not exceed the Incremental Effects criteria for any roadway segment analyzed.

Therefore, the Project's cumulative noise contribution would be less than significant. Based on the significance criteria set forth in this Report, no roadway segments would result in significant impacts because they would not exceed the City's threshold for noise at nearby sensitive receptors. The Project would not result in long-term mobile noise impacts based on Project-generated traffic as well as cumulative and incremental noise levels. Therefore, the Project, in combination with cumulative background traffic noise levels, would result in a less than significant cumulative impact. The Project's contribution to noise levels would not be cumulatively considerable.

Table 4-36: Cumulative Off-Site Traffic Noise Levels

Roadway Segment		Existing $dBAL_{dn}$[1]	Cumulative Without Project dBA L_{dn}[1]	Cumulative With Project dBA L_{dn}[1]	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
					dBA Difference: Existing and Cumulative Year With Project	dBA Difference: Cumulative Year Without and With Project	
San Leandro Street	Hegenberger Road to Westbound Onramp to 75th Avenue	66.8	69.7	69.9	3.1	0.2	No
	75th Avenue to 76th Avenue	67.2	68.9	69.3	2.1	0.4	No
	76th Avenue to 77th Avenue	67.2	69	69.3	2.1	0.3	No
	77th Avenue to 81st Avenue	67.4	69.1	69.1	1.7	0	No

ADT = average daily traffic; dBA = A-weighted decibels; Ldn = day night noise level

1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography

Source: Based on traffic data within the 7825 San Leandro Street Transportation Study, prepared by Kimley-Horn and Associates, Inc. (2025). Refer to Appendix G for traffic noise modeling assumptions and results.

Cumulative Stationary Noise

Stationary noise sources of the proposed Project would result in an incremental increase in non-transportation noise sources in the Project vicinity. However, as discussed above, operational noise caused by the proposed Project would be less than significant. Similar to the proposed Project, other planned and approved projects would be required to mitigate for stationary noise impacts at nearby sensitive receptors, if necessary. As stationary noise sources are generally localized, there is a limited potential for other projects to contribute to cumulative noise impacts.

Based on the City of Oakland's Major Development Projects list, no known past, present, or reasonably foreseeable projects would combine with the operational noise levels generated by the Project to increase noise levels above acceptable standards because each project must comply with applicable City regulations that limit operational noise. Therefore, the Project, together with other projects, would not create a significant cumulative impact, and even if there was such a significant cumulative impact, the

Project would not make a cumulatively considerable contribution to significant cumulative operational noises.

Given that noise dissipates as it travels away from its source, operational noise impacts from on-site activities and other stationary sources would be limited to the Project site and vicinity. Thus, cumulative operational noise impacts from related projects, in conjunction with Project specific noise impacts, would not be cumulatively significant.

SCA NOI-1: Construction Days/Hours. See Section 4.4.3, Regulatory Setting

SCA NOI-2: Construction Noise. See Section 4.4.3, Regulatory Setting

SCA NOI-3: Construction Noise Complaints. See Section 4.4.3, Regulatory Setting

SCA NOI-4: Operational Noise. See Section 4.4.3, Regulatory Setting

SCA NOI-5: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities. See Section 4.4.3, Regulatory Setting

Mitigation: None required.

4.7.7 REFERENCES

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4.8 TRANSPORTATION AND CIRCULATION

4.8.1 INTRODUCTION

This section describes the transportation and circulation conditions in the vicinity of the Project site including transit services, pedestrian and bicycle facilities, and motor vehicle traffic; discusses the State and local regulations and policies pertinent to transportation and circulation; assesses the potentially significant transportation and circulation impacts of the Project; and provides, where appropriate, mitigation measures to address those impacts.

The analysis was conducted in compliance with the City of Oakland *Transportation Impact Review Guidelines* (City of Oakland, 2017a) in effect at the time of the Notice of Preparation (NOP). The information and analysis in this section is based on the Transportation Technical Report prepared for the Project. Refer to Appendix H.

4.8.2 ENVIRONMENTAL SETTING

The existing transportation-related context in which the Project would be implemented is described below, beginning with a description of the Project area and street network serving the Project site. Existing transit, bicycle, and pedestrian facilities are also described. Current conditions for roadways in the Project vicinity are summarized. This section also discusses planned changes to transportation facilities/operating conditions in Oakland near the Project site as well as applicable planning policies.

EXISTING ROADWAY NETWORK

Existing regional freeway access to the Project site is provided via Interstate 880 (I-880). Direct vehicular access to the site is provided via local roadways: San Leandro Street which borders the site on the east, and Hegenberger Road, which borders the site on the north. Generally, the street network in the Project vicinity does not align with a north–south/east–west orientation.

Roadways serving the Project area are described below.

- **I-880** is generally an eight-lane north–south freeway (in the Project vicinity, I-880 has an east-west orientation) connecting I-80 in Oakland in the north to I-280 in San Jose in the south. Access between I-880 and the Project site is provided through interchanges at 29th Avenue, Fruitvale Avenue, and 42nd Avenue/High Street. I-880 has an average daily traffic volumes (AADT) of approximately 227,000 vehicles per day just south of Fruitvale Avenue (Caltrans, 2022).
- **San Leandro Street** is a two-to-four- lane north–south minor arterial adjacent to the east side of the Project. It extends between Fruitvale Avenue to the north, and East 14th Street in San Leandro to the south. San Leandro Street is a designated through route for trucks in the City of Oakland.
- **Hegenberger Road** is a three-lane east–west principal arterial adjacent to the north side of the Project. It extends between Doolittle Drive in the west and the International Boulevard intersection in the east. Hegenberger Road is a designated local truck route in the City of Oakland.
- **75th Avenue** is a one-lane east–west collector street in the Project vicinity that extends between the San Leandro Street intersection to the west and the International Boulevard intersection to the east.

- **76th Avenue** is a one lane local street. It is not a through street and it is used to access the Project site.
- **77th Avenue** is a one lane private street with access gated from San Leandro Street. It is not a through street and it is used to access the Project site.
- **81st Avenue** is a two-lane east–west collector street just west of the Project site. It extends between the San Leandro Street intersection to the west and Bancroft Avenue to the east.

Existing Transit Services

Transit service providers in the Project vicinity include the Alameda–Contra Costa Transit (AC Transit) which provides local and transbay bus service, and the Bay Area Rapid Transit (BART) which provides regional rail service.

Bus Services

AC Transit is the primary bus service provider in 13 cities and adjacent unincorporated areas in Alameda and Contra Costa Counties, with transbay service to destinations in San Francisco, San Mateo, and Santa Clara Counties. AC Transit reports serving about 109,000 riders in Alameda County on a typical weekday in 2023 (AC Transit, 2024). AC Transit operates Lines 45, 46L, 73, 90, 98, 646, 657, and 805 along San Leandro Street. Refer to **Table 4-37: AC Transit Lines Near the Project Site**. The nearest bus stops to the Project site are on San Leandro Street at the intersections of 77th and 81st Street.

Table 4-37: AC Transit Lines Near the Project Site

Line	Description	Weekday		Weekend	
		Hours of Operation	Headways	Hours of Operation	Headways
45	Eastmont Transit Center to Foothill Square, Oakland, via Hillmont Dr., Seminary Ave., Coliseum BART, Edes Ave., Sobrante Park, 105th Ave. and 104th Ave.	6:02 a.m.–10:38 p.m.	20 min	6:00 a.m.–10:38 p.m.	40 min
46L	Coliseum BART to Grass Valley via 81st Ave., 82nd Ave. Fontaine St., Mountain Blvd., and Golf Links Rd. Limited stops between Coliseum BART and Mountain Blvd. & Golf Links Rd.	6:25 a.m.–8:02 p.m.	60 min	--	--
73	Eastmont Transit Center to Oakland Airport via 73rd Ave., Coliseum BART and Hegenberger Rd.	1:46 a.m.–12:15 a.m.	60 min	1:46 a.m.-12:15 a.m.	60 min
90	Coliseum BART to Foothill Square, Oakland, via San Leandro St., 85th Ave., International Blvd., 90th Ave. and MacArthur Blvd.	6:09 a.m.–12:15 a.m.	20 min	6:05 a.m.-10:21 p.m.	30 min
98	Coliseum BART to Eastmont Transit Center via Oakport St., Edgewater Dr., 98th Ave. and MacArthur Blvd.	5:55 a.m.–11:21 p.m.	20 min	6:00 a.m.–10:26 p.m.	30 min

Line	Description	Weekday		Weekend	
		Hours of Operation	Headways	Hours of Operation	Headways
805	All Nighter. Uptown Oakland to Oakland Airport via Grand Ave., MacArthur Blvd., and Coliseum BART.	12:41 a.m.–6:27 a.m.	60 min	12:41a.m.–6:27 a.m.	60 min

Notes:

[1]Service descriptions as of November 2024

Source: AC Transit, 2024

Bay Area Rapid Transit (BART)

BART provides regional rail service between San Francisco, northern San Mateo County, the northern Santa Clara County, and the East Bay. Based on BART Monthly Ridership Reports, the average weekday ridership in 2019 was about 411,000 systemwide. The nearest BART station to the Project is the Coliseum Station, about 1,000 feet walking distance north of the Project site. This station is served by the Dublin/Pleasanton-Daly City, Richmond-Berryessa/North San Jose-, Berryessa/North San Jose-Daly City, and Coliseum-Oakland Airport lines.

Existing Bicycle Network

The City of Oakland 2019 Oakland Bike Plan (Let's Bike Oakland) identifies the following bicycle facility types.

- **Class 1 Paths** are located off-street and can serve both bicyclists and pedestrians. Recreational trails can be considered Class 1 facilities. Class 1 paths are typically 8 to 10 feet wide, excluding shoulders, and are generally paved.
- **Class 2 Bicycle Lanes** provide a dedicated area for bicyclists within the paved street width using striping and appropriate signage. These facilities are typically 5 to 6 feet wide.
- **Class 2B Buffered Bicycle Lanes** provide a dedicated area for bicyclists within the paved street, separated from the motor vehicle travel lanes by a painted buffer.
- **Class 3 Bicycle Routes** are located along streets that do not provide enough width for dedicated bicycle lanes. The street is then designated as a bicycle route using signage, informing drivers to expect bicyclists.
- **Class 3A Arterial Bicycle Routes** are located along some arterial streets where bicycle lanes are not feasible and parallel streets do not provide adequate connectivity. Speed limits as low as 25 miles per hour (mph), and shared-lane bicycle stencils, wide curb lanes, and signage are used to encourage shared use. According to the 2019 Oakland Bike Plan, New Class 3A facilities will no longer be proposed.
- **Class 3B Neighborhood Bike Routes** are located along residential streets with low traffic volumes. Assignment of right-of-way to the route, traffic calming measures, and bicycle traffic signal actuation are used to prioritize through-trips for bicycles.
- **Class 4 Protected Bicycle Lanes**, also known as cycle tracks, provide space that is exclusively for bicyclists and separated from motor vehicle travel lanes, parking lanes, and sidewalks. Parked cars,

curbs, bollards, or planter boxes provide physical separation between bicyclists and moving cars. Where on-street parking is allowed, it is placed between the bikeway and the travel lanes (rather than between the bikeway and the sidewalk, as is typical for Class 2 bicycle lanes).

Key existing bicycle facilities include the East Bay Greenway Class 1 protected bike path along San Leandro Street.

EXISTING PEDESTRIAN NETWORK

Pedestrian facilities generally include sidewalks, paths, and stairs. Other types of pedestrian facilities include marked crosswalks, curb ramps, pedestrian signal heads and buttons, lighting, curb extensions, and wayfinding signs.

Existing streets in the Project vicinity provide sidewalks on at least one side of the street. San Leandro in particular has a sidewalk along the Project site boundary, and a Class I protected bike path on the other side of San Leandro Street. Other sidewalks on the adjacent streets are 5.5 to 6 feet wide. The Project would make street and sidewalk improvements along San Leandro Street located at the intersection with 81st Avenue. Improvements would include an extended left turn lane on San Leandro Street heading northwest bound, add a new curb cut, re-stripe the existing crosswalk, and re-locate an existing traffic signal.

EXISTING RAILROAD CHARACTERISTICS

The Capital Corridor is an intercity passenger rail service that operates between Silicon Valley/San Jose region and the Sacramento Region. The Capital Corridor utilizes the existing railroad train tracks that are directly to the west of the Project site. The nearest Amtrak station to the Project site is the Coliseum Station located approximately 1,000 feet to the north of the Project site.

Union Pacific owns and operates the UP Oakland Subdivision freight rail line beyond the BART tracks to the east of the Project site. Burlington Northern and Santa Fe (BNSF) Railway uses this freight line as well.

4.8.3 REGULATORY SETTING

This section outlines the existing plans, policies, and regulations that relate and apply to the Project at the State, regional, and local levels.

STATE

Senate Bill 743

On September 27, 2013, SB 743 was signed into law, building on legislative changes from SB 375, Assembly Bill (AB) 32, and AB 1358. SB 743 began the process to modify how impacts to the transportation system are assessed for purposes of CEQA compliance. SB 743 created a shift in transportation impact analysis under CEQA from a focus on automobile delay, as measured by LOS and similar metrics, toward a focus on reducing VMT.

SB 743 also includes amendments that revise the definition of “infill opportunity zones” to allow cities and counties to opt out of traditional LOS standards established by CMPs and requires the Governor’s Office of Planning and Research (OPR) to update the State CEQA Guidelines and establish criteria for determining

the significance of transportation impacts. The statute states that upon certification of the new criteria, automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA, except in certain locations specifically identified in the new criteria.

The new criteria, contained in State CEQA Guidelines Section 15064.3, were certified and adopted in December 2018. Section 15064.3 states that VMT is the most appropriate metric to assess transportation impacts and that, with limited exceptions, a project's effect on automobile delay does not constitute a significant environmental impact.

State CEQA Guidelines Section 15064.3 provides that a lead agency may elect to be governed by the new provisions immediately, and that the provisions will apply statewide beginning on July 1, 2020. On September 21, 2016, the City of Oakland Planning Commission updated Oakland's CEQA Thresholds of Significance Guidelines aligning with SB 743.

REGIONAL

Alameda County Transportation Commission Congestion Management Program

The Alameda County Transportation Commission (CTC) is a joint powers authority that plans, funds, and delivers transportation programs and projects that expand access and improve mobility to foster a vibrant and livable Alameda County. Alameda CTC also serves as the County's congestion management agency. The Alameda CTC administers a Land Use Analysis Program, which is one of the legislatively required elements of the Alameda CTC Congestion Management Program (Alameda CTC, 2021). The goals of the Land Use Analysis Program are to:

- Better integrate local land use and regional transportation investment decisions.
- Better assess the impacts of development in one community on another community.
- Promote information sharing between local governments when the decisions made by one jurisdiction will impact another.

Alameda CTC guidelines state that impacts to all modes should be considered:

- **Transit:** Effects of vehicle traffic on mixed-flow transit operations, transit capacity, transit access/egress, need for future transit service, consistency with adopted plans and circulation element needs.
- **Bicycles:** Effects of vehicle traffic on bicyclist conditions, site development and roadway improvements, and consistency with adopted plans.
- **Pedestrians:** Effects of vehicle traffic on pedestrian conditions, site development and roadway improvements, and consistency with adopted plans.
- **Other impacts and opportunities:** Noise impacts for projects near State highway facilities and opportunities to environmentally clear access improvements for transit-oriented development projects.

LOCAL

City of Oakland General Plan

The Oakland General Plan comprises numerous elements, and those containing policies relevant to transportation resources are contained primarily in the Land Use and Transportation Element (LUTE). The goals and policies contained in the various General Plan Elements are often competing. In reviewing a project for conformity with the General Plan, the City is required to balance the competing goals and policies. This Project is reviewed for compliance with the following local plans and policies:

- General Plan LUTE
- City of Oakland 2017 Pedestrian Master Plan, *Oakland Walks!* (incorporated into the City's General Plan)
- City of Oakland 2019 Bicycle Master Plan, *Let's Bike Oakland!* (incorporated into the City's General Plan)
- City of Oakland Public Transit and Alternative Modes Policy
- City of Oakland Complete Streets Policy
- City of Oakland 2020 Equitable Climate Action Plan
- City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards

The General Plan is a comprehensive plan for the growth and development of the City. The General Plan includes policies related to land use and circulation; housing; recreation; conservation and open space; noise; environmental hazards; and historic resources. These topics are addressed within individual elements of the General Plan: Land Use and Transportation; Pedestrian Master Plan; Bicycle Master Plan; Housing; Historic Preservation; Open Space; Conservation; Recreation; Noise; and Safety. Each is addressed separately below.

Regarding a project's consistency with the General Plan in the context of CEQA, the General Plan states the following:

> "*The General Plan contains many policies which may in some cases address different goals, policies, and objectives and thus some policies may compete. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of CEQA."*[1]

Land Use and Transportation Element (LUTE)

The City of Oakland, through various policy documents, states a strong preference for encouraging use of pedestrian, bicycle, and transit travel modes. The following policies are included in the LUTE (City of Oakland, 1998):

[1] City Council Resolution No. 79312 C.M.S.; adopted June 2005

LUTE Policy Framework: Encouraging Alternative Means of Transportation. "A key challenge for Oakland is to encourage commuters to carpool or use alternative modes of transportation, including bicycling or walking. The Policy Framework proposes that congestion be lessened by promoting alternative means of transportation, such as transit, biking, and walking, providing facilities that support alternative modes, and implementing street improvements. The City will continue to work closely with local and regional transit providers to increase accessibility to transit and improve intermodal transportation connections and facilities. Additionally, policies support the introduction of light rail and trolley buses along appropriate arterials in heavily traveled corridors, and expanded use of ferries in the bay and estuary."

Objective T-3: Transportation Networks. Provide a hierarchical network of roads that reflects desired land use patterns and strives for acceptable levels of service at intersections.

Policy T3.5: Including Bikeways and Pedestrian Walks. The City should include bikeways and pedestrian walks in the planning of new, reconstructed, or realized streets, wherever possible.

Policy T3.6: Encouraging Transit. The City should encourage and promote use of public transit in Oakland by expediting the movement of and access to transit vehicles on designated "transit streets" as shown on the Transportation Plan. (Policies T3.6 and T3.7 are based on the City Council's passage of a "Transit First" policy in October 1996.)

Policy T3.7: Resolving Transportation Conflicts. The City, in constructing and maintaining its transportation infrastructure, should resolve any conflicts between public transit and single occupant vehicles in favor of the transportation mode that has the potential to provide the greatest mobility and access for people, rather than vehicles, giving due consideration to the environmental, public safety, economic development, health and social equity impacts.

Objective T-4: Alternative Modes of Transportation. Increase use of alternative modes of transportation.

Policy T4.1: Incorporating Design Features for Alternative Travel. The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling, and walking.

The City of Oakland is currently in the process of updating the General Plan and LUTE. However, the approved 1998 LUTE continues to be applicable to the Project.

2017 Pedestrian Master Plan

Oakland's Pedestrian Master Plan, Oakland Walks! was adopted June 27, 2017 and identifies policies and implementation measures that promote a walkable city. The plan's vision is built around four pillars - Safety, Equity, Responsiveness, and Vitality (City of Oakland, 2017):

- **Holistic Community Safety** – Make Oakland's pedestrian environment safe and welcoming.
- **Equity** – Recognizing a historical pattern of disinvestment, focus investment and resources to create equitable, accessible walking conditions to meet the needs of Oakland's diverse communities.

- **Responsiveness** – Develop and provide tools to ensure that Oakland creates and maintains a vibrant pedestrian environment.
- **Vitality** – Ensure that Oakland's pedestrian environment is welcoming, well connected, supports the local economy, and sustains healthy communities.

Within these four pillars *Oakland Walks!* strives for five outcomes and within each are several actions.

Outcome 1: Increase Pedestrian Safety – There are ten actions within this outcome. The City will install pedestrian safety improvements in high injury corridors, develop new policies, adopt Vision Zero, upgrade signals and other infrastructure, work to reduce vehicle speeds, improve lighting, and explore ways to equitably enforce traffic laws.

Outcome 2: Create Streets and Places that Promote Walking – There are nine actions within this outcome. The City will integrate safety into the design of new streets, incorporate art into pedestrian infrastructure, plant more street trees, repair sidewalks, install accessible curb ramps and other features to improve the pedestrian environment for vulnerable populations, and provide public open space in underutilized roadways. The City will also pursue citywide programs and partnerships with nonprofits and community groups to promote walking.

Outcome 3: Improve Walkability to Key Destinations – There are six actions within this outcome. The City will develop a prioritization strategy to best focus the benefits of the Safe Routes to School program, establish a similar program focused on first and last mile access to transit, support wayfinding efforts that can be used by vulnerable populations, and identify strategies for improving the walking environment in and near Caltrans-owned rights-of-way, such as underneath freeway overpasses, on and off ramps, and streets where the surface grade is un-even due to railroad tracks. Additionally, the City will use Walk Score® to improve walkability to key destinations and to enhance areas where car-ownership and usage is lower than the citywide average.

Outcome 4: Engage the Oakland Community in Creating Vibrant Pedestrian Environments – There are five actions within this outcome. The City will reinvigorate existing communication methods and establish new protocols for engaging about pedestrian projects and enabling community-determined pedestrian projects. The City will also partner with groups that specialize in addressing specific vulnerable populations, for example, the Mayor's Commission on Persons with Disabilities, to understand to the experiences of persons with disabilities.

Outcome 5: Improve Metrics, Evaluations, Funding, and Tools for Creating Pedestrian Environments – There are nine actions within this outcome. The City will develop and implement a host of data collection, data analysis, and data reporting efforts, as well as ensure adequate staff training in pedestrian design standards to ensure that the Plan implementation is efficient, accountable, effective, and equitably distributed.

2019 Bicycle Master Plan

The Oakland City Council adopted the Let's Bike Oakland Plan on July 9, 2019 and adoption incorporated the plan into the adopted General Plan. The adopted plan includes four main goals regarding access,

health and safety, affordability, and collaboration. Each goal outlines specific objectives and actions related to the goal. The following actions are applicable to the Project (City of Oakland, 2019b):

Access Goal, Objective A: Increase access to jobs, education, retail, park and libraries, schools, recreational centers, transit, and other neighborhood destinations

Action A1: Build low-stress facilities that provide access to local destinations in every neighborhood in Oakland

Action A2: Increase the supply of bicycle parking at neighborhood destinations like schools, medical centers, grocery stores, and government offices

Action A3: Evaluate the potential to combine transportation-impact fees for new developments within the same neighborhood to provide continuous, high-quality bicycle facilities

Access Goal, Objective C: Support public transit service

Action C1: Design bikeways that provide first and last mile connections to transit

Action C3: Install more secure, long-term bicycle parking at Oakland's BART stations, Amtrak stations, transit center and ferry terminal

Access Goal, Objective F: Serve people with disabilities

Action F1: Ensure that bikeway designs do not create additional barriers for people with disabilities

Health & Safety Goal, Objective C: Reduce air pollution, asthma rates and greenhouse gas emissions

Action C1: Build a bicycle network that encourages Oaklanders to choose modes of transportation other than driving by providing low-stress facilities and integrating bikes with transit

Action C2: Achieve a 20 percent reduction in vehicle miles traveled annually as residents, workers and visitors meet daily needs by walking, bicycling, and using transit, consistent with the City's Energy and Climate Action Plan (2018)

Affordability Goal, Objective A: Reduce the overall household costs for all Oaklanders

Action A1: Build a bicycle network that provides low-stress bicycle facilities for people in low-income neighborhoods, encouraging the use of bicycling as low-cost transportation

Action A2: Build bikeways that provide first and last mile connections to public transit stations and major bus stops

Affordability Goal, Objective B: Reduce long-term transportation costs by reducing the need for vehicle ownership or for parking in new developments

Action B1: Update the Oakland Planning Code to eliminate parking minimums

Action B2: Revise the menu of Transportation Demand Management options to include bike share passes, fix-it stations and hydration stations

Action B3: Update Oakland's Bicycle Parking Ordinance to determine whether it reflects the type and quantity of parking needed in new developments and major renovations

Action B4: Update the Oakland Planning Code to require end-of-trip facilities such as showers and changing rooms in major non-residential developments

City of Oakland Public Transit and Alternative Modes Policy

The City of Oakland adopted the Public Transit and Alternative Modes Policy, also known as the "Transit-First Policy," in October 2006 (City Council Resolution 73036 C.M.S.). This resolution supports public transit and other alternatives to single occupant vehicles and directs the LUTE to incorporate "various methods of expediting transit services on designated streets and encouraging greater transit use." The resolution also directs the City, in constructing and maintaining its transportation infrastructure, to resolve any conflicts between public transit and single occupant vehicles on City streets in favor of the transportation mode that provides the greatest mobility for people rather than vehicles giving due consideration to the environment, public safety, economic development, health, and social equity impacts.

City of Oakland Complete Streets Policy

The City of Oakland adopted the Complete Streets Policy to Further Ensure that Oakland Streets Provide Safe and Convenient Travel Options for all Users in January 2013 (City Council Resolution 84204 C.M.S.). This resolution, consistent with the California Complete Streets Act of 2008, directs the City of Oakland to plan, design, construct, operate, and maintain the street network in the City to accommodate safe, convenient, comfortable travel for all modes, including pedestrians, bicyclists, transit users, motorists, trucks, and emergency vehicles (City of Oakland, 2013).

City of Oakland Equitable Climate Action Plan (ECAP)

The City of Oakland adopted the Oakland 2030 Equitable Climate Action Plan (ECAP) in July 2020 (City Council Resolution 87397 C.M.S.), a comprehensive equity-focused plan to achieve the 2030 GHG reduction target and increase Oakland's resilience to the impacts of the climate crisis. Since cars and trucks account for two-thirds of local emissions in Oakland, the ECAP has a focus on transportation and land use policies. The following actions are applicable to the Project:

Action TLU-1: Align All Planning Policies & Regulations with ECAP Goals and Priorities.

Remove parking minimums and establish parking maximums where feasible, ensuring public safety and accessibility.

Require transit passes bundled with all new major developments.

Action TLU-2: Align Permit and Project Approvals with ECAP Priorities. Amend Standard Conditions of Approval (SCAs), as well as mitigation measures and other permit conditions, to align with the City's GHG

reduction priorities stated in this ECAP. Explore, through the Planning Commission, adoption of a threshold of significance for GHG impacts to align with this ECAP. In applying conditions on permits and project approvals, ensure that all cost- effective strategies to reduce GHG emissions from buildings and transportation are required or otherwise included in project designs, including infrastructure improvements like bicycle corridor enhancements, wider sidewalks, crossing improvements, public transit improvements, street trees and urban greening, and green stormwater infrastructure. Where onsite project GHG reductions are not cost-effective, prioritize local projects benefiting frontline communities.

Action TLU-4: Abundant, Affordable, and Accessible Public Transit. The City will work with public transit agencies to replace autos with public transit as a primary transportation mode for trips beyond walking distance, ensuring convenient, safe, and affordable public transit access within Oakland and to neighboring cities for all Oaklanders.

Action TLU-5: Create a Zero Emission Vehicle (ZEV) Action Plan. By 2021, develop a ZEV Action Plan to increase adoption of electric vehicles and e-mobility while addressing equity concerns and prioritizing investment in frontline communities. The plan must set ambitious targets for ZEV infrastructure and must be coordinated with other land use and mobility options so that ZEV ownership is not necessary for access to ZEV trips, and ZEVs increase as a percentage of all vehicles while overall vehicle miles traveled decreases. The plan must address the following sectors: medium and heavy-duty vehicle electrification, including trucks and delivery vehicles; personal vehicle charging infrastructure in multifamily buildings, including affordable buildings; curbside charging; school and transit buses; and coordination with private and public fleet operators.

Action TLU-8: Expand and Strengthen Transportation Demand Management (TDM) Requirements. Increase TDM performance requirements for new developments where feasible to support the mode shifts necessary to achieve a low carbon transportation system. Expand the TDM program to include requirements for existing employers. Fund ongoing monitoring and enforcement of TDM requirements.

Vehicle Miles Traveled

Vehicle miles traveled, or VMT, refers to the amount and distance of automobile travel attributable to a project. In 2013, Governor Jerry Brown signed Senate Bill (SB) 743, which added Public Resources Code Section 21099 to CEQA, to change the way that transportation impacts are analyzed under CEQA to better align local environmental review with statewide objectives to reduce greenhouse gas (GHG) emissions, encourage infill mixed-use development in designated priority development areas, reduce regional sprawl development, and reduce VMT in California. Oakland adopted VMT thresholds in September 2016 to implement the directive from SB 743 (discussed in more detail in the State discussion in Section 4.8.3, Regulatory Setting).

Increased VMT leads to several direct and indirect impacts on the environment and human health. Among other effects, increasing VMT on the roadway network leads to increased emissions of air pollutants, including GHGs, as well as increased consumption of energy. Transportation is associated with more GHG emissions than any other sector in California. As documented in the City of Oakland Equitable Climate Action Plan (updated July 2020), 67 percent of Oakland's local GHG emissions are produced by transportation (City of Oakland, 2020). Making transportation more efficient by reducing VMT per capita is the most effective means to reduce GHG emissions per capita.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on transportation that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to geology and soils. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

SCA TRANS-1: Construction Activity in the Public Right of Way. *(Standard Condition of Approval 85)*

a) Obstruction Permit Required

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b) Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c) Repair of City Streets

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

SCA TRANS-2: Bicycle Parking. (*Standard Condition of Approval 83*)

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

SCA TRANS-3: Transportation Improvements. (*Standard Condition of Approval 84*)

Requirement: The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:

a. 2070L Type Controller with cabinet accessory
b. GPS communication (clock)
c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)
d. Countdown pedestrian head module switch out
e. City Standard ADA wheelchair ramps
f. Video detection on existing (or new, if required)
g. Mast arm poles, full activation (where applicable)
h. Polara Push buttons (full activation)
i. Bicycle detection (full activation)

j. Pull boxes
k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum
l. Conduit replacement contingency
m. Fiber switch
n. PTZ camera (where applicable)
o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor
p. Signal timing plans for the signals in the coordination group
q. Bi-directional curb ramps (where feasible, and if project is on a street corner)
r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)

When Required: Prior to building permit final or as otherwise specified

Initial Approval: Bureau of Building, Department of Transportation

Monitoring/Inspection: Bureau of Building

SCA TRANS-4: Transportation and Parking Demand Management. (*Standard Condition of Approval 88*)

1. Transportation and Parking Demand management (TDM) Plan Required

Requirement: The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.

i. The goals of the TDM Plan shall be the following:
   - Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.
   - Achieve the following project vehicle trip reductions (VTR):
     - Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR
     - Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR
   - Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
   - Enhance the City's transportation system, consistent with City policies and programs.

ii. The TDM Plan should include the following:
   - Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.
   - Proposed TDM strategies to achieve VTR goals (see below).

iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of OMC Chapter 10.68 Employer-Based Trip Reduction Program.

iv. The following TDM strategies **must** be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.

Improvement	Required by code or when…
Bus boarding bulbs or islands	• A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or • A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb
Bus shelter	• A stop with no shelter is located within the project frontage, or • The project is located within 0.10 miles of a flag stop with 25 or more boardings per day
Concrete bus pad	• A bus stop is located along the project frontage and a concrete bus pad does not already exist
Curb extensions or bulb-outs	• Identified as an improvement within site analysis
Implementation of a corridor- level bikeway improvement	• A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and • The project would generate 500 or more daily bicycle trips
Implementation of a corridor- level transit capital improvement	• A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and • The project would generate 400 or more peak period transit trips
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	• Always required

Improvement	Required by code or when…
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	• When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection
In-street bicycle corral	• A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.
Intersection improvements[1]	• Identified as an improvement within site analysis
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	• Always required
No monthly permits and establish minimum price floor for public parking[2]	• If proposed parking ratio exceeds 1:1000 sf. (commercial)
Parking garage is designed with retrofit capability	• Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)
Parking space reserved for car share	• If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	• Typically required
Pedestrian crossing improvements	• Identified as an improvement within site analysis
Pedestrian-supportive signal changes[3]	• Identified as an improvement within operations analysis
Real-time transit information system	• A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better

Improvement	Required by code or when…
Relocating bus stops to far side	• A project is located within 0.10 mile of any active bus stop that is currently near-side
Signal upgrades[4]	• Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage abuts an intersection with
Transit queue jumps	• Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Trenching and placement of conduit for providing traffic signal interconnect	• Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and • A major transit improvement is identified within operations analysis requiring traffic signal interconnect
Unbundled parking	• As required by Section 17.116.310 of the Planning Code

Notes:
[1] Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.
[2] May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
[3] Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.
[4] Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

v. Other TDM strategies to consider include, but are not limited to, the following:
   - Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
   - Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
   - Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
   - Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting

Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively) and any applicable streetscape plan.

- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
- Guaranteed ride home program for employees, either through 511.org or through separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.

When Required: Prior to approval of planning application

Initial Approval: Bureau of Planning

b) **Monitoring/Inspection:** N/A***TDM Implementation – Physical Improvements***

Requirement: For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

a) TDM Implementation – Operational Strategies

Requirement: For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.

When Required: Ongoing

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

SCA TRANS-5: Transportation Impact Fee. (*Standard Condition of Approval 86*)

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the OMC).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

SCA TRANS-6: Plug-in Electric Vehicle (PEV) Charging Infrastructure. (*Standard Condition of Approval 91*)

a) PEV-Ready Parking Spaces

Requirement: The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready) per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.

When Required: Prior to issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b) PEV-Capable Parking Spaces

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c) ADA-Accessible Spaces

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

Transportation Impact Review Guidelines (TIRG)

On September 21, 2016, the City of Oakland's Planning Commission directed staff to update the City of Oakland's CEQA Thresholds of Significance Guidelines related to transportation impacts in order to implement the directive from SB 743 to modify local environmental review processes by removing

automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligns with the December 2018 guidance from the Governor's Office of Planning and Research and the City's approach to transportation impact analysis with adopted plans and policies related to transportation, which promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Consistent with Planning Commission direction and SB 743 requirements, the City of Oakland published its revised TIRG in 2017 to guide the evaluation of the transportation impacts associated with land use development projects.

The City of Oakland's TIRG provides direction on the scope of the study that the City of Oakland requires in evaluating the potential transportation impact of proposed land use development projects. The TIRG ensures that potentially significant impacts are studied according to the City's thresholds of significance under CEQA. The Guidelines also provide direction on appropriate mitigations for significant impacts in the context of the overall policies and objectives of the City.

4.8.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

PROJECT TRANSPORTATION CHARACTERISTICS

Proposed Project

The Project would construct a new warehouse building on the property. Surface parking and vehicular circulation would be provided along the north, east, west, and south sides of the Project site. Truck parking would be located within the Project boundaries along the east side of the Project site. Loading docks would be located along the east side of the proposed warehouse building.

The Project site would be accessible by three driveways, all of which currently exist as driveways to the existing industrial land uses at 76th Avenue, 77th Avenue, and 81st Avenue. The driveway entrances at 76th Avenue and 77th Avenue are currently unsignalized and would remain so, while that at 81st Avenue is signalized and would remain so.

Trucks would have access to the Project site using the driveway entrances at 77th Avenue and 81st Avenue. Employee automobiles would have access to the Project site using all three driveways. All three driveway entrances would be secured.

The existing driveway entrances at 76th Avenue and 81st Avenue are only 20 feet and 26 feet wide, respectively, and are functionally obsolete for the proposed use, therefore the Project would widen both entrances to 30 feet and 40 feet, respectively.

Proposed Roadway Network Changes

To accommodate the widened driveway entrance at 81st Avenue, the Project would reconfigure the existing intersection including - relocating the existing traffic signal pole to allow for a new curb ramp, removing and restriping the existing marked crosswalk across San Leandro Street to better align with the reconfigured intersection, and extending the northbound left turn lane to accommodate traffic entering the Project site.

Project Automobile Trip Generation

A trip generation evaluation was conducted to determine the number of trips the Project would generate. Data from the Institute of Transportation Engineer's (ITE) publication, *Trip Generation Manual, 11th Edition*, which is a standard reference used by jurisdictions throughout the country, was used to estimate the trip generation potential of proposed developments. A trip is defined in the *Trip Generation Manual* as a single or one-directional vehicle movement with either the origin or destination at a project site. In other words, a trip can be either "to" or "from" the site and therefore, a single visitor to a site is counted as two trips.

Trips are typically calculated from trip rates in the *Trip Generation Manual* for times of the day and week during which a proposed development's worst-case traffic impacts on the surrounding roadway network would be expected to occur. These time periods are typically the AM peak hour (generally between the hours of 7:00 AM to 9:00 AM) and the PM peak hour (generally between the hours of 4:00 PM to 6:00 PM) on a typical weekday.

The Project applicant has yet to identify a specific tenant for the future redeveloped building. Therefore, the transportation analysis assumed the highest-intensity industrial land uses for the Project to develop conservative findings. For the purposes of this analysis, ITE Land Use Code (LUC) 156 ("High-Cube Parcel Hub Warehouse") was used to estimate the trip generation potential of the Project.

Note the Project trip generation outputs separate numbers of trips generated by passenger cars and truck vehicles. As truck trips are not directly comparable, they were converted to passenger car equivalent (PCE) trips using the following equation:

$PCE_{Trucks} = 2 \times Trucks$

In terms of PCE trips, the Project would generate approximately 1,619 daily trips, 246 trips (123 in, 123 out) during the AM peak hour, and 218 trips (148 in, 70 out) during the PM peak hour. See **Table 4-38: Project Trip Generation** below

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Table 4-38: Project Trip Generation

Land Use	ITE Code	Size (KSF)	Daily		AM Peak Hour					PM Peak Hour				
			Rate / Eqn	Total	Rate / Eqn	In:Out	In	Out	Total	Rate / Eqn	In:Out	In	Out	Total
High-Cube Parcel Hub Warehouse (All Vehicles)	156	310.7	4.63	1,439	0.70	50:50	109	109	218	0.64	68:32	135	64	199
High-Cube Parcel Hub Warehouse (Trucks[1])	156	310.7	0.58	180	0.09	50:50	14	14	28	0.06	68:32	13	6	19
PC[3] = All Vehicles - Trucks				1,259			95	95	190			122	58	180
PCE_{Trucks}[2] = Trucks * 2				360			28	28	56			26	12	38
Total Vehicular Trips				**+1,439**			**+109**	**+109**	**+218**			**+135**	**+64**	**+199**
Total PCE Trips				**+1,619**			**+123**	**+123**	**+246**			**+148**	**+70**	**+218**
Total PCE Trips				**+1,619**			**+123**	**+123**	**+246**			**+148**	**+70**	**+218**

Notes:

1. Peak hour directional distributions (% In:% Out) for ITE LUC 156 truck trip generation are not available. Peak hour directional distributions for trucks were approximated by setting them equal to the respective peak hour directional distributions for all vehicles.
2. Trucks were assumed to have a passenger-car equivalent (PCE) value of approximately two (2) per one (1) truck.
3. The number of passenger car (PC) trips was approximated by taking the difference of the total vehicular trips and the number of truck trips.
4. Vehicular and truck trip generation sheets for LUC 156 from ITE Trip General Manual, 11th Edition, are available in Appendix H

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Refer to **Table 4-39: VMT Analysis Summary** below. Per Section 3.1.5 of the *Transportation Impact Review Guidelines,* analysis is required for developments that are expected to generate more than 800 peak hour vehicular trips. Since the Project is expected to generate less than 800 peak hour vehicular trips, no intersection operational analysis was conducted.

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities (except for automobile level of service or other measures of vehicle delay); or
2. Cause substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure); or
3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network.

APPROACH TO ANALYSIS

VMT Estimate Approach

Estimating VMT requires the use of travel demand models to fully capture the length of trips on the transportation network as well as the changes in VMT behavior that may occur with the introduction of the Project. The VMT screening analysis for the Project uses the Alameda CTC Countywide Travel Demand Model. The following describes how the model estimates VMT.

Alameda CTC Travel Model

The travel behavior forecasted by the Alameda CTC Model is based on; socioeconomic data developed by the Association of Bay Area Governments, population data created using 2000 U.S. Census and modified using the open source PopSyn software, zonal accessibility measurements for destinations of interest, travel characteristics and automobile ownership rates derived from the 2000 Bay Area Travel Survey, and observed vehicle counts and transit boardings. The Alameda CTC Model provides increased granularity within Alameda County compared to other models. The Alameda CTC Model can better account for the Project setting and proximity to transit and provide a more refined estimate of travel behavior, including VMT, for the Project. The Alameda CTC Model outputs the home-work (i.e., commute) VMT per worker, which measures all of the worker commute VMT by a motor vehicle on a typical weekday between homes and workplaces.[1]

TOPICS CONSIDERED AND NO IMPACT DETERMINED

The Project would have no impact to the following topic based on the Project characteristics, its geographical location, and underlying site conditions. Therefore, this topic is not addressed further in this document for the following reasons:

[1] This measure of VMT does not include truck trips associated with the operation of the Project.

- ***Induced Automobile Traffic*** (Criterion 3). The Project would not increase physical roadway capacity and thus would not induce automobile traffic. Therefore, there would be no impact related to this criterion.

PROJECT IMPACTS AND DISCUSSION

Impact TRANS-1 *Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle and pedestrian facilities (except for automobile level of service or other measures of vehicle delay); or*

Less than Significant with SCAs. Based on the Project Description and the site plan, the Project, including the associated SCAs, would not conflict with transportation-related regulations, plans, and standards. The Project would not create traffic, bicycle, or pedestrian hazards or conflict with vehicular traffic movements. Off-site parking is not expected to occur due to the Project as the Project includes three parking areas: two for light vehicles (for employees and visitors) and one for heavy vehicles (delivery trucks). The parking areas would be accessible by bi-directional driveways and do not create conflicts to on-site circulation or circulation on the local roadway network of bicycles, pedestrians, and vehicles.

The 1998 LUTE, as well as the City's Public Transit and Alternative Mode and Complete Streets policies, state a strong preference for encouraging the use of non-automobile transportation modes, such as transit, bicycling, and walking. The Project would encourage the use of non- automobile transportation modes by providing employment near the Coliseum BART Station, which is additionally served by AC Transit bus routes. Through TDM measures required by SCA TRANS-4, the Project Applicant would encourage site employees and visitors to use nearby transit services and support the City's multimodal goals and policies.

The Project is consistent with both the City's 2017 Pedestrian Master Plan and 2019 Bike Plan as it would not make major modifications to the existing pedestrian or bicycle facilities in the surrounding areas and would not adversely affect installation of future facilities. Th Project would include the establishment of a new pedestrian crosswalk across San Leandro Street at the intersection with 81st Avenue, increasing pedestrian facility connectivity in the Project area.

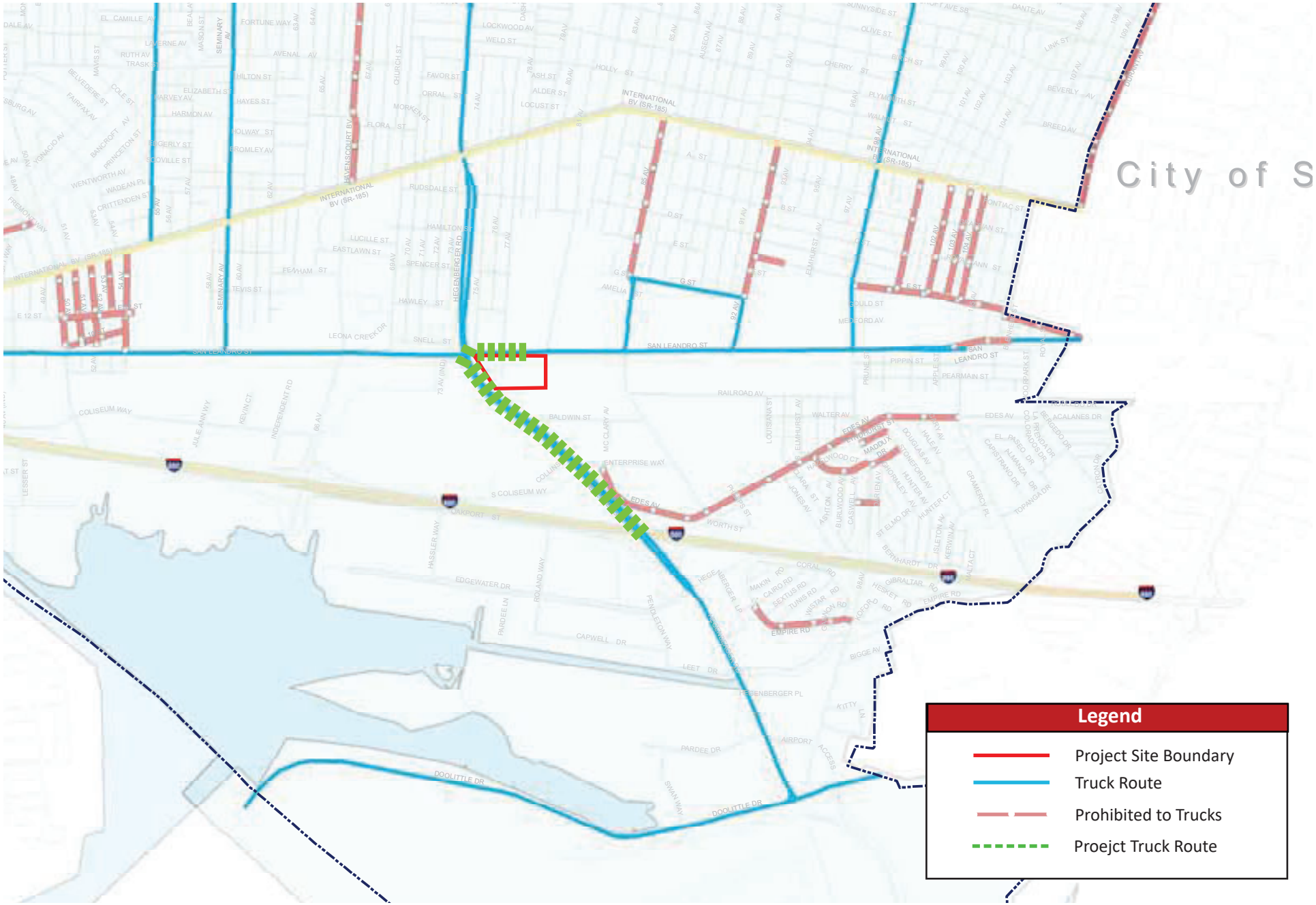
The Project would generate truck trips. Trucks accessing the Project site are anticipated to use San Leandro Street and Hegenberger Road to connect to I-880, which are the designated truck routes in the Project vicinity. The Project is not expected to result in the encroachment of residential neighborhoods by Project-related truck traffic. See **Figure 4-5: Truck Routes** below.

Overall, the Project would not conflict with adopted plans, ordinances, or policies addressing the safety and performance of the circulation system. Therefore, the Project has a less-than-significant impact regarding consistency with adopted policies, plans, or programs.

SCA TRANS-4: Transportation and Parking Demand Management

Mitigation: None required.

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Source: Kimley-Horn, 2026

Figure 4-5: Truck Routes

7825 San Leandro Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn

Impact TRANS-2 Cause substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure); or

Less than Significant. Traffic impacts related to the proposed Project were evaluated for both compliance with applicable regulatory documents and environmental significance as defined in the California Environmental Quality Act (CEQA). In accordance with the California Governor's Office of Planning and Research's (OPR) 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (the "Technical Advisory"), a quantitative VMT assessment is the preferred methodology for determining the environmental significance of transportation impacts of development projects under CEQA. Effective July 1, 2020, vehicular delay on roadway segments and intersections qualitatively measured using the level of service (LOS) metric can no longer be used to determine the environmental significance of transportation impacts of development projects for CEQA purposes.

VMT is a metric that quantifies vehicular travel volumes on transportation facilities. A quantity of ten VMT could equate to one vehicle traveling ten miles or ten vehicles traveling one mile.

VMT Screening

Senate Bill 743 of 2013 ("SB 743") directs OPR to establish specific criteria for determining the significance of transportation impacts of development projects for CEQA purposes. Screening criteria are used to identify proposed developments with particular characteristics that would presumably not exceed VMT thresholds of significance and would thus not be required to undergo a full quantitative VMT evaluation. The OPR Technical Advisory provides such specific criteria but additionally allows local jurisdictions and agencies the discretion to set or apply their own thresholds of significance. The City of Oakland provides guidance for CEQA compliance in its Transportation Impact Review Guidelines, which includes the following:

- Small Projects
- Residential, Retail, and/or Office Projects in Low-VMT Areas
- Residential, Retail, and/or Office Projects Near a Major Transit Stop or a High-Quality Transit Corridor
- Screening and Threshold for Other Land Uses
- The Project would not be subject to a full quantitative VMT analysis if it meets at least one of the above screening criteria.

Small Projects

The City of Oakland considers proposed developments that would generate fewer than 100 vehicle trips per day to be "small projects" that would cause a less-than-significant transportation impact.

The OPR Technical Guidance considers VMT to refer "to the amount and distance of automobile travel attributable to a project," where the term "automobile' refers to on-road passenger vehicles, specifically cars and light trucks." Therefore, heavy duty truck traffic is not considered in VMT screening analyses.

The Project is expected to generate approximately 1,259 daily passenger car trips according to Table 2 and therefore exceeds the 100-daily vehicle trip threshold. The Project does not meet the definition of a "small project" and would not be screened out by this screening criterion.

Residential, Retail, and/or Office Projects in Low-VMT Areas

The City of Oakland considers residential, retail, and/or office developments that are proposed in areas with relatively low VMT and that incorporate similar features (i.e., density, mix of uses, low parking ratios, and transit accessibility) of existing surrounding developments to likely exhibit similarly low VMT.

VMT methodologies typically lump proposed developments into the three land use categories of residential, office, and retail (even if those proposed developments do not fit the exact definitions of the three categories) as the OPR Technical Advisory provides VMT significance thresholds for those three land use categories. Proposed developments are lumped by matching their demographic data and employment-based trip behavior as closely as possible with those of the three land use categories. Thus, while the Project does not meet the exact definition of a residential, retail, or office land use, for the purposes of this analysis it would be categorized as an office development as most trips related to industrial land uses tend to be employment-based similarly to those of office land uses. The Project would thus be subject to evaluation of the low VMT screening criteria.

The City of Oakland considers proposed office developments to cause substantial additional VMT if it exceeds the existing regional VMT per employee minus 15 percent. Since the City does not provide a specific numerical definition of "existing regional VMT per employee minus 15 percent," and since the City's Transportation Impact Review Guidelines allows the use of "maps or tables illustrating areas that exhibit below-threshold VMT to screen out residential, office, and retail projects which may not require a detailed VMT analysis," this analysis utilized VMT mapping resources from the Alameda County Transportation Commission (ACTC). According to the ACTC North Planning Area maps (see Attachment E),2 the Project is located in a travel analysis zone (TAZ) with approximately 14.41 VMT per employee. Additionally, the ACTC North Planning Area maps note the Alameda County average VMT per employee (which this study considers as the existing regional VMT per employee) to be 15.9. The existing regional VMT per employee minus 15 percent threshold is therefore 13.5.

The Project is therefore located in an area that exceeds the threshold and thus is not considered to be in a low-VMT area. The Project would not be screened out according to this criterion.

Residential, Retail, and/or Office Projects Near a Major Transit Stop or a High-Quality Transit Corridor

The City of Oakland considers proposed residential, retail, and office (which the Project is categorized as based on employment-based trip behavior for the purposes of this analysis) developments, or developments with a mix of these uses, to have a less-than-significant impact on VMT if they are within one-half of a mile of an existing major transit stop or an existing stop along a high-quality transit corridor and do not satisfy the following characteristics:

- Have an overall floor-area ratio (FAR) of less than 0.75,
- Include more parking for use by residents, customers, or employees of the project than required (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site),
- Are inconsistent with Plan Bay Area, the applicable Sustainable Communities Strategy (as determined by the lead agency) with input from the Metropolitan Transportation Commission), or

- Have a retail component that is greater than 80,000 square feet,

Although the Project is within one-half of a mile of a major transit stop (i.e., the BART Coliseum Station), the Project's building area of 311,000 square feet and parcel size of 649,044 square feet (14.9 acres) leads to a FAR of 0.48, which is less than the threshold of 0.75. Therefore, the Project would not be screened out according to this criterion.

The Project is required by the City of Oakland Standard Conditions of Approval to prepare a TDM plan and to submit annual compliance reports for the first five years after its completion because it is expected to generate more than 100 net new AM or PM peak hour vehicle trips. Therefore, the Project Applicant would be contractually required to implement a regular TDM performance monitoring and reporting program.

As part of the TDM performance program, a Commute Trip Reduction (CTR) program would result in a maximum reduction of 26 percent in VMT per employee when all employees are subject to the CTR. The Project VMT per employee would decrease by approximately 3.75 to 10.66, which is below the maximum regional VMT per employee minus 15 percent threshold of 13.52. Reduction strategies in the CTR would include pedestrian streetscaping, Americans with Disabilities Act improvements, paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street, and signal upgrades. The Project would therefore have a less-than-significant transportation impact. The computations are summarized in Table 7, VMT Analysis Summary in Appendix H.

Screening and Thresholds for Other Land Uses

The City allows proposed developments that do not fall within the categories of residential, retail, or office land uses to be considered for map-based or proximity-to-transit-station VMT screening if they are one of the following:

- Tourist hotels, student housing, single-room occupancy hotels, and group housing land uses to be considered as residential land uses,
- Childcare, K-12 schools, post-secondary institutional (non-student housing), medical, and production, distribution, and repair (PDR) land uses to be considered as office land uses,
- Grocery stores, local-serving entertainment venues, religious institutions, parks, and athletic clubs land uses to be considered as retail
- Public services.

The Project would not be considered as any of the above land uses and thus would not be screened out according to this criterion.

VMT Screening Summary

The Project would not be screened out by any of the City's screening criteria and is thus subject to a full quantitative VMT analysis.

VMT Analysis

According to the ACTC North Planning Area maps, the Project is located in a travel analysis zone (TAZ) with approximately 14.41 VMT per employee. Additionally, the ACTC North Planning Area maps note the Alameda County average VMT per employee (which this study considers as the existing regional VMT per employee) to be 15.90. The existing regional VMT per employee minus 15 percent threshold is therefore 13.52. The Project is therefore located in an area that exceeds the threshold and thus is not considered to be in a low-VMT area. The Project would be required to reduce its expected VMT per employee by a minimum of approximately 0.90 VMT per employee or 6.21 percent.

The VMT Reduction Calculator Tool developed by ACTC was used to compute VMT reductions based on proposed TDM measures by the Project. As was noted in the Trip Generation section, the Project is required by the City of Oakland Standard Conditions of Approval to prepare a TDM plan and to submit annual compliance reports for the first five years after its completion because it is expected to generate more than 100 net new AM or PM peak hour vehicle trips. Therefore, the Project Applicant would be contractually required to implement a regular TDM performance monitoring and reporting program. A mandatory CTR program was thus selected from the ACTC VMT Reduction Calculator Tool as the appropriate VMT per employee and VTR reduction strategy. The CTR would reduce VMT. The CTR program would result in a maximum reduction of 26 percent in VMT per employee when all employees are subject to the CTR. The Project VMT per employee would decrease by approximately 3.75 to 10.66, which is below the maximum regional VMT per employee minus 15 percent threshold of 13.52. The Project would therefore have a less-than-significant transportation impact. The computations are summarized from Table 9 in Appendix H in **Table 4-39: VMT Analysis Summary** below.

Table 4-39: VMT Analysis Summary

Existing Project TAZ VMT per Employee	Regional Average VMT per Employee	15% Reduction of Regional Average VMT per Employee	Minimum Required Project VMT per Employee Reduction	Mandatory CTR Program Maximum VMT per Employee Reduction	Project VMT per Employee after CTR Program Reduction
14.41	15.90	13.52	-0.90 (-6.21%)	-3.75 (-26.00%)	10.66

Mitigation: None required.

4.8.5 CUMULATIVE

Less than Significant. The Project VMT per employee would be 10.66, which is below the maximum regional VMT per employee minus 15 percent reduction threshold of 13.52, a less than significant impact. Thus, the Project would also be a less-than-significant impact under cumulative conditions. In addition, as analyzed in the previous section, the Project would not result in a significant transportation impact by conflicting with a plan, ordinance, or policy addressing the safety or performance of the circulation

system, or substantially inducing additional automobile travel by increasing capacity. Thus, the Project would not contribute to significant adverse cumulative transportation impacts when considered together with past, present, and reasonably foreseeable development.

Mitigation: None required.

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4.9 TRIBAL CULTURAL RESOURCES

4.9.1 INTRODUCTION

This section assesses the potential for the Project to result in significant adverse impacts related to tribal cultural resources. The section first includes a description of the existing environmental setting as it relates to cultural and prehistoric resources in the Project vicinity and provides a regulatory framework that discusses applicable state and local regulations. The section then includes an evaluation of potential impacts of the Project related to tribal cultural resources.

The tribal cultural resources analysis is based on Cultural Resources Evaluation (CRE) prepared by Archaeological Resource Management (April 2022). The study includes analysis for the Project regarding both archaeological and built environment cultural resources. Additionally, a California Historic Research Information System (CHRIS) records search was conducted in February 2024 to review cultural resources data on file at the Northwest Information Center (NWIC). Ground penetrating radar testing was conducted on-site in August of 2025. The CRE report from January 2026, CHRIS search, and testing results are included as Appendices C1,C2, and C3 of this Draft EIR. Note that confidential information related to cultural resources has been redacted from the reports.

4.9.2 CULTURAL AND HISTORIC RESOURCES

See Section 4.3, Cultural and Historic Resources, of this chapter for an analysis of potential Project impacts to cultural resources including historic architectural resources as well as historic and prehistoric archaeological resources including human remains.

4.9.3 ENVIRONMENTAL SETTING

To inform the CRE report (Appendix C2), a study of the maps and records at the NWIC of the California Archaeological Site Inventory was conducted and given the file number NWIC #21-1494. This research into the records at the NWIC, along with in-house material at Archaeological Resource Management, was done to determine if any known archaeological resources were reported in or around the subject area. Archival research revealed that no previously recorded archaeological sites are located within the proposed Project site. However, a total of seventeen previously recorded resources are located within a one-quarter mile radius of the Project site. According to the CRE, two of the previously recorded resources documents separate shell mound features that consist primarily of accumulations of marine shell and other dietary remnants indicative of native American habituation. The CRE determined that while the prehistoric archaeological sites are either listed as destroyed or now currently developed land, there is a possibility that subsurface remnants of the prehistoric archaeological sites remain present. Ground penetrating radar was used to survey the Project site in August 2025 (Appendix C3). The survey indicated higher potential for archeological resources to be present in the southern end of the Project site south of 81st Avenue. Further testing south of 81st Avenue is recommended prior to the start of construction.

TRIBAL CULTURAL RESOURCES

Pursuant to CEQA requirement in SB18/AB52, on October 25, 2024, the City sent letters to nine Native American tribes (23 total representatives) provided by the Native American Heritage Commission (NAHC)

as potentially interested in projects in the City of Oakland. The letters provided a description of the Project, a map showing the Project location, and an invitation to respond to a request for consultation within 30 days (as required by PRC Section 21080.3.1.d). One response was received from the Confederated Villages of Lisjan Nation, on October 25, 2024. The tribe thanked the City for their notice and requested consultation on the Project. A consultation meeting was held on January 8, 2025. The tribe requested that ground penetrating radar surveys be conducted for the Project site. The tribe requested to review and approve the testing plan before work commences. The testing plan was sent to the tribe on March 24, 2025, with the tribe responding the same day with no further comments. Testing was completed and the summary report sent to the tribe on June 3, 2026. The tribe requested a meeting to review the report and a call was held on June 24, 2026. The tribe requested additional information related to the summary report and to review any future testing plans. The additional mapping was provided on July 17, 2026. The Confederated Villages of Lisjan Nation recommended, at least in the area the ground penetrating radar identified an anomaly, that additional testing options (such as borehole and or hand digging) be considered for future investigations. The tribe requested to review the proposed testing plan. The requested testing plan was provided to the Confederated Villages of Lisjan Nation on September 22, 2026. A response from the tribe is pending at the time of writing. A second response to the City's October 25, 2024 letter was received from the Muwkwema Ohlone Tribe of the SF Bay Area on November 17, 2024. No consultation meeting was requested or scheduled and a meeting is not anticipated. Additionally, a third response to the City's October 25, 2024 letter was received from the Amah Mutsun Tribal Band of Mission San Juan Bautista on November 19, 2024, also requesting consultation. A consultation meeting was held on January 8, 2024. The ground penetrating radar testing plan was provided for review and comment from the tribe on March 24, 2025, with additional follow-ups from the City on April 10, 2025, and July 2, 2025. No input from the tribe on the plan was received. No other responses were received.

4.9.4 REGULATORY SETTING

STATE

Native American Heritage Commission

The NAHC was created by statute in 1976, is a nine- member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The NAHC is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Public Resources Code Sections 5097.98 and 5097.99

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

California Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery.

California Public Resources Code and Tribal Cultural Resources

In 2014, the California Legislature enacted Assembly Bill (AB) 52, which added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and requirements to consult with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources separately from archaeological resources (PRC Sections 21074 and 21083.09). AB 52 defines "tribal cultural resources" in PRC Section 21074 and requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, and 21082.3).

A *tribal cultural resource* is defined in PRC Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

LOCAL

General Plan Historic Preservation Element

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the Oakland General Plan (amended July 21, 1998). The following goal and policies address cultural resources and are relevant to the Project (City of Oakland, 1998):

Goal 2: To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value.

Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

> ***Policy 4.1: Archaeological resources.*** To protect significant archaeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The SCAs relevant to reducing impacts on tribal cultural resources and that apply to the Project are SCA CUL-1, Archaeological and Paleontological Resources – Discovery During Construction, SCA CUL-2,

Archaeologically Sensitive Areas – Pre-Construction Measures, and SCA CUL-3, Human Remains – Discovery During Construction). See Section 4.3, Cultural and Historic Resources, for the full SCA text. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to cultural resources. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

4.9.5 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The Project would have a significant impact on the environment if it would:

1. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

    a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

    b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

APPROACH TO ANALYSIS

The impact analysis is based on the resources, references, and data collection methods identified in Sections 4.9.2, Cultural and Historic Resources, and 4.9.3, Environmental Setting. This includes the CRE prepared by Archaeological Resource Management in Aprill 2022, and a CHRIS record search conducted in February 2024. Impact analysis related to tribal cultural resources also relies on applicable state and local rules and regulations set forth above.

PROJECT IMPACT AND DISCUSSION

Impact TRI-1 *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than Significant with SCAs. As part of the Project, a CHRIS record search was conducted in February 2024 (Appendix C1). The CHRIS record search determined that the Project site does not contain recorded archaeological resources when analyzing the OHP BERD. This includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places. The OHP BERD lists no recorded buildings or structures within or adjacent to the project site. However, the CRE (Appendix C2) and CHRIS search both determined that the Project is within the vicinity of two recorded Native American archaeological resources, former habitation sites and shell mounds. Furthermore, the CHRIS search determined that while there are no recorded archaeological resources on the Project site, there is a high potential for unrecorded historic-period archaeological resources to be within the Project site and site vicinity. Ground penetrating radar was used to survey the Project site in August 2025 (Appendix C3). The survey indicated higher potential for archeological resources to be present in the southern end of the Project site south of 81st Avenue. Testing south of 81st Avenue is recommended prior to the start of construction and will be required by SCA CUL-2.

While there are no previously recorded archaeological resources, the inadvertent discovery of prehistoric archaeological resources that could be considered tribal cultural resources would be a potentially significant impact. However, the Project would implement SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction, SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures, SCA-CUL-3: Human Remains – Discovery During Construction, and SCA CUL-4: Tribal Consultation Results. SCA CUL-1 would reduce impacts by requiring all work to halt within 50 feet of an inadvertent discovery of any historic or prehistoric subsurface cultural resources during ground disturbing activities. The Project Applicant would be required to notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. SCA CUL-2 would require the Project Applicant to implement an Intensive Pre-Construction Study where a qualified archaeologist shall conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the Project site. As recommended by the ground penetrating radar testing report, the study would include minimally invasive testing options (such as borehole and or hand digging) in the area the ground penetrating radar identified an anomaly and/or excavating 12-16 trenches to a depth of 4-6 feet within the balance of the Project site, south of 81st Avenue, to characterize Project site soils and investigate a specific area within this portion of the Project site to assess whether it represents a precontact feature associated with Native American occupation. The Project has conducted Tribal Consultation and the Confederated Villages of Lisjan Nation have requested to review and approve any testing plans on site with particular interest in the area identified as anomalous by the ground penetrating radar testing. In addition, a qualified archaeologist would be required to produce a construction ”ALERT” sheet, which would contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the Project’s prime contractor, any project subcontractor firms

(including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the Project site. SCA CUL-3 would reduce impacts by requiring all work to halt within 50 feet of an inadvertent discovery of any human remains and the Project Applicant to notify the City and the Alameda County Coroner, who would determine whether an investigation of the cause of death is required or if the remains are Native American in origin.

Additionally, Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a Project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

- On October 25, 2024, a representative of the Confederated Villages of Lisjan Nation requested consultation and additionally requested the APE Map, SLF request from NAHC, any CHRIS data, and any other archaeological reports or cultural resources studies. The representative also requests any specific information about ground disturbance of the Project.
    - A consultation meeting was held on January 8, 2025.
    - The ground penetrating radar testing plan was sent to the tribe on March 24, 2025.
    - The ground penetrating radar report was sent to the tribe on June 3, 2026.
    - A meeting was held on June 24, 2026. The tribe requested additional information related to the summary report and to review any future testing plans and mapping of the ground penetrating radar results relative to the ground disturbance areas. The additional mapping was provided on July 17, 2026.
    - The Confederated Villages of Lisjan Nation recommended, at least in the area the ground penetrating radar identified an anomaly, that additional testing options (such as borehole and or hand digging) be considered for future investigations. The tribe requested to review the proposed testing plan.
    - The Confederated Villages of Lisjan Nation recommended, at least in the area the ground penetrating radar identified an anomaly, that additional testing options (such as borehole and or hand digging) be considered for future investigations. The tribe requested to review the proposed testing plan and confirmed their request that hand digging be conducted in the area of the anomaly. The City and Applicant agreed to conduct hand digging in this area.

- The requested testing plan was provided to the Confederated Villages of Lisjan Nation on September 22, 2026. A response from the tribe is pending at the time of writing.

- On November 17, 2024, a representative of the Muwekma Ohlone Tribe of the SF Bay Area offered monitoring services to the City of Oakland. After some more clarification, the representative of the tribe confirmed that they are not requesting a consultation meeting, but only offering their services to the City of Oakland if it is needed.
- On November 19, 2024, a representative of the Amah Mutsun Tribal Band of Mission San Juan Batista requested that a Project Area Map be sent and confirmation of whether a NAHC search or CHRIS search was conducted.
    - A meeting was held on for January 8, 2025.
    - The ground penetration radar testing plan was sent to the tribe on March 24, 2025.
    - The ground penetrating radar report was sent to the tribe on June 3, 2026.

With implementation of applicable SCAs as noted below and further tribal consultation adherent to AB 52, the Project would not have a significant impact on tribal cultural resources.

SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction. See Section 4.3.5 Regulatory Setting.

SCA CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures. See Section 4.3.5 Regulatory Setting.

SCA CUL-3: Human Remains – Discovery During Construction. See Section 4.3.5 Regulatory Setting.

SCA CUL-4: Tribal Consultation Results. As a result of conducting a scoping consultation with a California Native American tribe, the following conditions apply to the project:

a. Enforceable Agreement

The City, the applicant, and the California Native American tribe have reached an enforceable agreement on the methods, measures, and conditions for tribal cultural resource identification, treatment, and protection, including consideration of enforcement, and that enforceable agreement and the requirements therein are incorporated as part of the conditions of approval for the proposed project. The terms of the agreement are enforceable against the applicant by the City and the California Native American tribe.

b. Tribal Monitoring

The California Native American tribe has requested, and therefore the project is required to include, tribal monitoring during all ground-disturbing activities of the project. The California Native American tribe shall designate the monitor. The tribal monitor shall comply with applicant's site access and workplace safety requirements. The applicant shall compensate the tribal monitor at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as scope and duration of the project.

c. Avoidance of Tribal Cultural Resources

Tribal cultural resources shall be avoided where feasible, in accordance with Public Resources Code Section 21084.3(a). In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes.

d. Treatment of Tribal Cultural Resources

All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Public Resources Code Section 21083.9.

e. Records Searches

A California Historic Resources Information Systems archaeological records search and a tribal cultural records search shall be completed for the project site.

A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission.

f. Application of Tribal Ecological Knowledge

Any habitat restoration efforts undertaken by the project, as applicable to the specific environmental context and conditions of the project, shall apply tribal ecological knowledge.

When Required: Prior to approval of construction related permit.

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

Mitigation: None required.

4.9.6 CUMULATIVE

Impact TRI-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative adverse impacts on archaeological resources, human remains, and tribal cultural resources. (Less than Significant with SCAs)

Less than Significant with SCAs. The geographic scope for cumulative effects on tribal cultural resources includes the immediate vicinity of locations where the Project could cause disturbance to these resources. Similar to the Project, cumulative projects in the vicinity of the Project could have a significant impact on previously undiscovered archaeological resources, including human remains interred outside of formal cemeteries, during ground-disturbing activities. These resources could also be considered tribal cultural resources. The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on tribal cultural resources. However, implementation of SCA CUL-1 and SCA CUL-2 would require that work halt in the vicinity of a find until it is evaluated by a qualified archaeologist, and in the case of human remains the Alameda County Coroner. In addition, cumulative projects undergoing CEQA review would also include

these SCAs. In addition, cumulative projects would be required to comply with Public Resources Code Section 21080.3(b) (Assembly Bill 52) and send notification letters to culturally-affiliated Native American tribes. Therefore, with implementation of SCA CUL-1 and SCA CUL-2, the Project's contribution to cumulative impacts would not be considerable, and the impact would be less than significant.

SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction. See Section 4.3.5 Regulatory Setting.

SCA CUL-2: Human Remains – Discovery During Construction. See Section 4.3.5 Regulatory Setting.

Mitigation: None required.

4.9.7 REFERENCES

City of Oakland. 1998. Historic Preservation Element of the Oakland General Plan. March 8, 1994, amended July 21, 1998.

4.10 EFFECTS NOT FOUND TO BE SIGNIFICANT

California Environmental Quality Act (CEQA) Guidelines Section 15128, *Effects Not Found to Be Significant*, allows environmental issues for which there is no likelihood of significant impact to be "scoped out," and not analyzed further in an EIR. This chapter presents the analysis of all topics in the CEQA Environmental Checklist (Appendix G of the CEQA Guidelines) with the following exceptions: Air Quality, Biological Resources, Cultural and Historic Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise and Vibration, Transportation and Circulation, and Tribal Cultural Resources. These potentially significant impacts were analyzed in detail and included in Chapter 0 of this Draft EIR.

As detailed in the sections that follow, all other impacts were found to be less than significant or less than significant with implementation of SCAs. The environmental setting and baseline, Oakland thresholds of significance, environmental impacts and impact classifications described in Section 4.0, Introduction to the Environmental Analysis, are the same for the topic areas analyzed in this chapter. Also as described in Section 4.0, if the City determines to grant discretionary planning-related approval of the Project, all SCAs identified in this chapter would be incorporated into the Project. Therefore, all SCAs identified in this chapter are included in the Executive Summary and proposed as part of the Project to reduce potential impacts to a less than significant level.

4.10.1 AESTHETICS

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The Project would have significant impact on the environment if it would:				
1) Have a substantial adverse effect on a scenic vista[1];			X	
2) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;			X	
3) Substantially degrade the existing visual character or quality of the site and its surroundings;			X	
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area;			X	
5) Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986);			X	
6) 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.				X

ENVIRONMENTAL SETTING

Visual Resources

The Project site is predominantly flat and is currently vacant though heavily disturbed and partially paved. There is existing ruderal vegetation along the train tracks running adjacent to the west of Project site and

[1] **NOTE**: Only impacts to scenic views enjoyed by members of the public generally (but not private views) are potentially significant.

along Hegenberger Road to the north of the Project site. There are several street trees along the eastern edge of the Project site adjacent to San Leandro Street and three on-site trees.

The area surrounding the Project site is heavily developed with industrial, commercial and transportation uses. Warehouse buildings and transportation infrastructure (i.e., freeways, elevated BART tracks, and roadways) dominate the aesthetic character. The Oakland Coliseum is located approximately 950 feet west of the Project site. The Project site has intermittent views of the Oakland Coliseum. Given the urban nature of the Project setting, views from publicly accessible vantage points around the Project site are primarily limited to the immediate developments adjacent to the site because existing buildings and infrastructure generally obscure longer-range views.

Light and Glare

The Project site is in a built-out urban environment that has existing sources of light and glare typical for an urban setting. Light and glare are also associated with streetlights. Sources of nighttime lighting in the Project area include indoor lighting visible through windows and outdoor lighting of roads, signs, buildings, parking lots, commercial buildings, and parking structures.

Shadow

Solar panels, also known as photovoltaic solar panels, absorb sunlight as a source of energy to generate electricity. Likewise, solar thermal collectors, commonly known as solar hot water panels, turn the sun's radiation into heat and then transfer that heat into air or water. Satellite imagery from Google Earth Pro indicates that the nearest solar collectors to the Project site are approximately 291 feet southwest, at 680 Hegenberger Road.

Public Open Spaces

There are public parks or open spaces in the vicinity of the Project site that are owned and managed by the Oakland Department of Parks, Recreation, and Youth Development. The Coliseum Gardens Park is at 966 66th Avenue, located approximately 0.3 miles north of the Project site. In addition, Tassafaronga Park is located approximately 0.4 miles east of the Project site and William "Bill" Patterson Park is located approximately 0.7 miles south of the Project site.

Historic Resources

As described in Section 4.3, Cultural and Historic Resources , there are no buildings or structures within or adjacent to the Project site that meet the conditions for consideration as historical resources for the purposes of CEQA. The nearest historic building to the Project site is the Oakland Coliseum.

REGULATORY SETTING

California Scenic Highway Program

The California Scenic Highway Program protects scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to identified scenic highways. "Officially Designated State Scenic Highways" must have a scenic corridor protection program, or its equivalent adopted by the local jurisdiction, to preserve the scenic quality of the corridor and address land use, development density, earthmoving, landscaping, building design, and outdoor advertising, including billboards, within the

corridor. The closest designated or eligible State Scenic Highway is I-580, approximately 2.2 miles east of the Project site (Caltrans, 2018).

California Building Standards Code Title 24

Parts 1 and 6 – Outdoor Lighting Zones

In 2001, the California Legislature passed a bill requiring the California Energy Commission (CEC) to adopt energy-efficient standards for outdoor lighting for both the public and private sector. In November 2003, the CEC adopted changes to the Building Energy Efficiency Standards within Title 24. The standards specify outdoor lighting requirements for residential and non- residential development, and are on a three-year update and renewal cycle, along with the other parts of Title 24. The intent of these standards is to improve the quality of outdoor lighting and reduce the impacts of light pollution, light trespass and glare. The standards regulate lighting characteristics, such as maximum power and brightness, shielding, and use of sensor controls to turn lighting on and off. Different lighting standards have been established for four lighting zone classifications. Based on population figures in the 2000 Census, areas can be designated by this State specification system as LZ1 (dark), LZ2 (low), LZ3 (medium), or LZ4 (high). Lighting standards for dark and rural areas are stricter for example, to provide appropriate protection from new sources of light pollution and light trespass. According to the U.S. Census Bureau, the entire Project area is defined as an urban area and is therefore designated as LZ3 per the CEC classification standards (CEC, 2022).

City of Oakland General Plan

Scenic resources in the City of Oakland are defined as physical and built features that act as visual landmarks and contribute to the City of Oakland's character. Significant built features include the Claremont Hotel, the Mormon Temple, the Bay Bridge, the County Courthouse, container cranes at the Port, the Coliseum, factory towers at Con Agra, the former Safeway headquarters, Highland Hospital, the Kaiser and Ordway Buildings, the Federal Building, City Hall, the Tribune tower, and the former APL tower. Scenic vistas include:

- Views of Santa Cruz Mountains, Napa Valley, and the Farallon Islands from open hillsides and roadside clearings;
- Views of the Oakland Hills from the flatlands and Skyline Ridge;
- Views of Mount Tamalpais and San Francisco from the flatlands;
- Views of downtown and Lake Merritt;
- Views of the shoreline; and
- Panoramic views from Skyline Boulevard, Grizzly Peak Boulevard, and other hillside locations.

Additionally, the General Plan's Open Space, Conservation and Recreation (OSCAR) Element strives to protect long-range views of San Francisco, Mount Tamalpais, and Lake Merritt (City of Oakland, 1996).

Land Use and Transportation Element (LUTE)

The following City of Oakland General Plan Land Use and Transportation Element policies are relevant to the aesthetics and lighting impacts of the Project (City of Oakland, 2007):

Objective I/C4: Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.

Objective T6: Make streets safe, pedestrian accessible, and attractive.

> ***Policy T6.2: Improving Streetscapes*.** The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented and include lighting, directional signs, trees, benches, and other support facilities.
>
> ***Policy T6.5: Protecting Scenic Routes*.** The City should protect and encourage enhancement of the distinctive character of scenic routes within the City, through prohibition of billboards, design review, and other means.

Objective N1: Provide for healthy, vital, and accessible commercial areas that help meet local consumer needs in neighborhoods.

> ***Policy N1.5: Designing Commercial Development*.** Commercial development should be designed in a manner that is sensitive to surrounding residential uses.

Objective N9: Promote a strong sense of community within the City of Oakland, and supporting and enhance the district character of different areas of the City, while promoting linkages between them.

> ***Policy N9.5: Marking Significant Sites*.** Identify locations of interest and historic significance by markers, signs, public art, landscape, installations, or by other means

Open Space, Conservation and Recreation Element (OSCAR)

The Open Space, Conservation and Recreation Element (OSCAR) promotes the preservation and good design of open space, and the protection of natural resources to improve aesthetic quality in Oakland. The following OSCAR objectives and policies are relevant to the aesthetics impacts of the Project (City of Oakland, 1996):

Objective CO-9: Landform. To retain Oakland's natural features and topography wherever possible and recognize their important role in defining the character and image of the City and its neighborhoods.

> ***Policy OS-9.3: Gateway Improvements*.** Enhance neighborhood and City identity by maintaining or creating gateways. Maintain view corridors and enhance the sense of arrival at the major entrances to the City, including freeways, BART lines, and the airport entry. Use public art, landscaping, and signage to create stronger City and neighborhood gateways.

Objective OS-10: Scenic Resources. Protect scenic views and improve visual quality.

> ***Policy OS-10.1: View Protection*.** Protect the character of existing scenic views in Oakland, paying particular attention to: (a) views of the Oakland Hills from the flatlands; (b) views of downtown

and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations.

***Policy OS-10.2: Minimizing Adverse Visual Impacts*.** Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement.

***Policy OS-10.3: Underutilized Visual Resources*.** Enhance Oakland's underutilized visual resources, including the waterfront, creeks, San Leandro Bay, architecturally significant buildings or landmarks, and major thoroughfares.

Objective OS-11: Civic Open Spaces. To maintain and develop plazas, pocket parks, pedestrian walkways, and rooftop gardens in Oakland's major activity centers, and enhance the appearance of these and other public spaces with landscaping and art.

***Policy OS-11.2: New Civic Open Space*.** Create new civic open spaces at BART Stations, in neighborhood commercial areas, on parking garages, and in other areas where high- intensity redevelopment is proposed.

***Policy OS-11.3: Public Art Requirements*.** Continue to require public art as a part of new public buildings or facilities. Consider expanding the requirement or creating voluntary incentives to private buildings with substantial public spaces.

***Policy OS-11.4: Siting Public Art*.** Site public art with sensitivity to its surroundings. Locate public art in a manner which does not reduce useable open space in City parks or impede recreational activities.

Objective OS-12: Street Trees. "Green" Oakland's residential neighborhoods and commercial areas with street trees.

***Policy OS-12.1: Street Tree Selection*.** Incorporate a broad and varied range of tree species which is reflected on a city-maintained list of approved trees. Street tree selection should respond to the general environmental conditions at the planting site, including climate and micro-climate, soil types, topography, existing tree planting, maintenance of adequate distance between street trees and other features, the character of existing development, and the size and context of the tree planting area.

Historic Preservation Element

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the Oakland General Plan (amended July 21, 1998). The following Historic Preservation Element goal addresses historic resources and visual resources (City of Oakland, 1998):[2]

Goal 2: To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building

[2] See also Section 4.3, Cultural and Historic Resources, for a more detailed discussion of the Historic Preservation Element

components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

Scenic Highways Element

The Scenic Highways Element of the Oakland General Plan seeks to protect and enhance the distinctive character of scenic routes within the City. I-580 is identified as a designated scenic route in the Scenic Highways Element.

Oakland Municipal Code

The following provisions of the OMC relevant to aesthetics:

Title 8: Health and Safety

Chapter 8.10: Graffiti. This chapter is to protect public and private property from acts of defacement by graffiti.

Chapter 8.24: Property Blight. This chapter requires a level of maintenance of residential, commercial, and industrial property that will protect and preserve the livability, appearance, and social and economic stability of the City.

Title 12: Streets, Sidewalks and Public Places

Chapter 12.36: Protected Trees. It is the interest of the City of Oakland and the community to protect and preserve trees by regulating their removal; to prevent unnecessary tree loss and minimize environmental damage from improper tree removal; to encourage appropriate tree replacement plantings; to effectively enforce tree preservation regulations; and to promote the appreciation and understanding of trees.

Title 17: Planning

The Oakland Planning Code, Title 17 of the OMC, includes design review procedures and also outlines sign limitations, height restrictions, usable open space requirements, and minimum yards for developments located in each zone. The following would apply to the Project:

Chapter 17.124: Landscaping and Screening Standards. This chapter prescribes standards for development and maintenance of planting, fences, and walls; for the conservation and protection of property; and through improvements of the appearance of individual properties, neighborhoods, and the City.

Chapter 17.136: Design Review Procedure. In accordance with Chapter 17.136 of the Oakland Planning Code, future individual cumulative development projects would be subject to Design review. Design review considers the visible features of a project and the project's relationship to its physical surroundings. Although independent of CEQA and the EIR process, design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects. Projects are evaluated based on site, landscaping, height, bulk, arrangement, texture, materials, colors, appurtenances, potential shadowing effects on adjacent properties, and other characteristics.

Oakland Outdoor Lighting Standards

The City of Oakland Outdoor Lighting Standards is applicable to private development projects on public rights-of-way. As such, the requirements in the standard are assumed to apply to all new streetscape improvements. Requirements include general glare, light trespass, and light pollution mitigation measures, such as using full-cutoff luminaires wherever available, and avoiding bare light sources (bulbs). In addition, the standard provides specific lighting equipment guides relevant to street and pedestrian light pole heights.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on aesthetics and that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to aesthetics. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

In addition to the City SCAs below that are in relation to aesthetics, SCA UTIL-2: Underground Utilities is related to and applicable for environmental analysis regarding impacts to aesthetics. Refer to Section 4.10.9, Utilities and Service Systems, for the full SCA text.

SCA AES-1: Trash and Blight Removal. *(Standard Condition of Approval 18)*

> **Requirement:** The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.
>
> **When Required:** Ongoing
>
> **Initial Approval:** N/A
>
> **Monitoring/Inspection:** Bureau of Building

SCA AES-2: Graffiti Control. *(Standard Condition of Approval 19)*

Requirement:

a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
   i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
   ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
   iii. Use of paint with anti-graffiti coating.
   iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
   v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
   i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
   ii. Covering with new paint to match the color of the surrounding surface.
   iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA AES-3: Landscape Plan. *(Standard Condition of Approval 20)*

a) Landscape Plan Required

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List (which can be viewed at https://www.oaklandca.gov/files/assets/city/v/1/public-works/documents/trees/oakland_streettreelist_2023_common.pdf and https://www.oaklandca.gov/files/assets/city/v/1/public-works/documents/trees/oakland_streettreelist_2023_botanical.pdf, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b) Landscape Installation

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c) Landscape Maintenance

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA AES-4: Lighting. *(Standard Condition of Approval 21)*

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

PROJECT IMPACTS AND DISCUSSION

Impact AES-1 Have a substantial adverse effect on a scenic vista;

Impact AES-2 Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;

Less than Significant. The OSCAR Element includes objectives to enhance underutilized visual resources, including the waterfront, creeks, San Leandro Bay, and architecturally significant buildings or landmarks, and major thoroughfares (City of Oakland, 1996). The Project site is relatively flat and located within a

heavily developed urban area. The nearest scenic resource is the Oakland Coliseum, approximately 950 feet west of the Project site. While the Project site contains intermittent views of the Oakland Coliseum, existing long range views across and surrounding the Project site from public viewpoints are mostly blocked by intervening development along San Leandro Street. Given the urban nature of the Project site, views from publicly accessible vantage points around the Project site are limited to immediate developments adjacent to the Project site. As accessible vantage points are limited around the Project site, construction of the Project would not substantially impact or cause adverse effects compared to current conditions.

Additionally, the closest designated State Scenic Highway to the Project site is I-580, located approximately 2.2 miles east of the Project site (Caltrans, 2018). Due to this distance and because of intervening development, vegetation, and topography, the Project would not substantially interfere with views of any possible scenic resources for motorists on I-580. Therefore, the Project would not adversely affect designated or eligible State Scenic Highways.

Overall, the Project would not have an adverse impact on scenic resources and scenic vistas and would not result in a significant impact. Additionally, as part of the development process, the Project would be required to undergo design review (Chapter 17.136 of the Oakland Planning Code). Design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects. Therefore, the Project would have a less than significant impact.

Mitigation: None required.

Impact AES-3 Substantially degrade the existing visual character or quality of the site and its surroundings;

Less than Significant with SCAs. The existing above-ground structures previously occupying the Project site were demolished, however the existing hardscape from the previous AB&I Foundry remains. There is limited existing vegetation on the Project site with three trees on-site and street trees along the eastern side of the Project site along San Leandro Street. Existing surrounding uses are primarily industrial, commercial (e.g., warehouses, automobile services, and restaurants), and transportation (e.g., the Coliseum BART station and parking lot), with the nearest residential uses located approximately 625 feet to the northeast of the Project site.

The Project would construct an approximately 311,000 square foot, 51-foot-tall warehouse building. Additionally, the Project would plant approximately 130 trees and would install approximately 1.8 acres (12% of the Project site) of landscaping, consisting of low and medium water use trees and plants. After Project implementation, the southern portion of the Project site bound by Elmhurst Creek would have a landscaped area consisting of low and medium water use shade trees along with understory plant palettes that consist of low water use shrubs, ground cover, and ornamental grasses. The Project would make off-site improvements along San Leandro Street consisting of street and sidewalk improvements. Thus, the Project would enhance the existing visual character or quality of the Project site.

In addition, the Project would be required to comply with the City of Oakland SCA AES-1, Trash and Blight Removal; SCA AES-2, Graffiti Control; and SCA AES-3, Landscape Plan, and SCA UTIL-2, Underground Utilities related to landscaping, street frontages, landscape maintenance, public right-of-way

improvements, graffiti control, and undergrounding all associated utilities to enhance overall aesthetics. Therefore, the Project would be consistent with the Oakland General Plan policies OS-9.3, OS-11, OS-11.2, and T6.2, which reflect the City's desire to improve the visual quality of streetscapes, improve major entrances to City neighborhoods, and to create, maintain, and enhance civic open spaces. The Project would be subject to design review and would be required to conform with applicable design review criteria. For these reasons, the overall effect of Project related to visual character would not be adverse and the impact would be less than significant.

SCA AES-1: Trash and Blight Removal.

SCA AES-2: Graffiti Control.

SCA AES-3: Landscape Plan.

SCA UTIL-1: Underground Utilities. See Section 4.10.9, Regulatory Setting.

Mitigation: None required.

Impact AES-4 Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area;

Less than Significant with SCAs. The Project includes parking lot lighting and both interior and exterior building lighting. All proposed lighting would be reviewed against applicable state and local regulations (e.g., Title 24). Project lighting would result in similar levels of light and glare typical for industrial commercial warehouse developments of this scale. Implementation of SCA AES-4, Lighting, would require new exterior lighting fixtures shall be adequately shielded to prevent unnecessary glare onto adjacent properties. The Project would be consistent with City outdoor lighting standards and applicable SCAs, therefore impacts would be less than significant.

SCA AES-4: Lighting. See Section 4.10.1, Regulatory Setting.

Mitigation: None required.

Impact AES-5 Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986);

Less than Significant. The Project would result in new vertical development on a currently vacant lot. To the north of the Project site is Hegenberger Road, to the east of the Project site is San Leandro Street, and to the south is the railroad tracks and Elmhurst Creek. The Project proposes to plant approximately 130 new trees would be planted throughout the Project site along site boundaries and within the proposed parking areas. After Project implementation, the southern portion of the Project site bound by Elmhurst Creek will have a landscaped area consisting of low and medium water use shade trees along with understory plant palettes that consist of low water use shrubs, ground cover, and ornamental grasses. The height of the proposed trees and understory plant palettes to be planted as part of the Project would not reach a height that would cast a shadow on adjacent properties. Additionally, solar collectors would not be installed within areas to the north, east, and south of the Project site. To the south of the Project site are commercial businesses where there are no existing or proposed solar collectors on or adjacent to

the Project site to the south. Thus, the Project would not conflict with California Public Resource Code sections 25980-25986. Therefore, there would be a less than significant impact.

Mitigation: None required.

Impact AES-6 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.

No Impact. As discussed in Section 4.10.4, Land Use and Planning, the Project would construct a warehouse building that would be developed within the allowable FAR requirements of the General Plan land use and zoning designation for CIX-2 and IG requirements. The Project does not include an exception or variance to any General Plan, Planning Code, or Uniform Building Code requirements for lighting. The Project would comply with all zoning and Planning Code requirements, and provide adequate light and ventilation as required per Code requirements. Therefore, there would be no impact.

CUMULATIVE IMPACTS

Impact AES-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative aesthetic impacts.

Less than Significant with SCAs. The geographic scope for cumulative effects on aesthetics includes the areas surrounding the Project site. Cumulative development projects near or adjacent to the Project site could result in cumulative aesthetics impacts. However, implementation of applicable SCAs (i.e., SCAs AES-1, AES-2, AES-3, and AES-4 discussed above) would reduce the Project's less-than-significant aesthetics impacts. Cumulative development would also be subject to these SCAs and no cumulative impact would result.

SCA AES-1: Trash and Blight Removal.

SCA AES-2: Graffiti Control.

SCA AES-3: Landscape Plan.

SCA AES-4: Lighting.

Mitigation: None required.

REFERENCES

California Energy Commission (CEC). 2022. Building Energy Efficiency Standards for Residential and Nonresidential Buildings for the 2022 Building Energy Efficiency Standards Title 24, Part 6, and Associated Administrative Regulations in Part 1. January 2023. Accessed November 7, 2024. Available at: https://www.energy.ca.gov/sites/default/files/2021-06/CEC- 400-2018-020-CMF_0.pdf.

Caltrans. 2018. California State Scenic Highway System map. Available at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed on November 7, 2024.

City of Oakland. 1996. Open Space, Conservation, and Recreation Element (OSCAR) Element of the General Plan. Adopted June 11, 1996.

City of Oakland. 1998. Historic Preservation Element of the Oakland General Plan. March 8, 1994; amended July 21, 1998.

City of Oakland. 2007. Land Use and Transportation Element of the Oakland General Plan. March 24, 1998; amended June 21, 2007.

4.10.2 AGRICULTURE AND FORESTRY RESOURCES

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The Project would have a significant impact on the environment if it would:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;				X
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract;				X
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));				X
4) Result in the loss of forest land or conversion of forest land to non-forest use; or				X
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.				X

ENVIRONMENTAL SETTING

The Project site is identified as urban and built-up land on the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program's (FMMP) California Important Farmland Map (DOC, 2022). Urban and built-up land is defined as land occupied by structures with a building density of at least one unit to a 1.5-acre parcel (or approximately six structures to a 10-acre parcel). There is no designated farmland on or adjacent to the Project site. There are also no Williamson Act contracts on the Project site or land adjacent to the Project site (DOC, 2023). The Project site is not zoned as forestland or as agricultural land. The City does not designate land uses for agriculture or forestry in its General Plan or Zoning Map (City of Oakland, 2024a; 2024b).

Topics Considered and No Impact Determined

Agriculture and Forestry Resources (Criterion 1, 2, 3, 4, and 5). Since the Project site is located on land designated as urban and built-up land, and is not subject to a Williamson Act contract, the Project would not convert Farmland designated by the FMMP or cause a conflict with an existing Williamson Act contract.

The Project site currently has General Plan land use designations of General Industry and Transportation and Business Mix. The Project site is within the General Industrial (IG) and Commercial Industrial Mix-2 (CIX-2) zoning districts. The Project site does not contain agricultural production or forest land and does not propose agricultural or forestry-related land uses as part of the Project. Thus, the Project would not conflict with existing zoning for agricultural use, forest land, or timberland, nor would it result in the loss or conversion of forest land.

Cumulative Impacts

Because the Project would have no impact related to the loss or conversion of agricultural or forestry resources, it would not cause or contribute to any cumulative impact to these resources.

References

California Department of Conservation (DOC). 2023. California Williamson Act Enrollment Finder. Accessed October 3, 2024. Available at: https://gis.conservation.ca.gov/portal/home/webmap/viewer.html?webmap=18f7488c0a9d4d299f5e9c33b312f312.

DOC. 2022. California Important Farmland Finder. Accessed October 3, 2024. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/.

City of Oakland. 2024a. Oakland General Plan – Land Use Designations Map. Accessed October 3, 2024. Available at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-General-Plan-11x17-Map-Series-20240829.pdf.

City of Oakland. 2024b. Oakland Zoning Map. Accessed October 3, 2024. Available at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-Zoning-Map-Series-11x17-20240829.pdf.

4.10.3 GEOLOGY AND SOILS

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The project would have a significant impact on the environment if it would expose people or structures to geologic hazards, soils, and/or seismic conditions so unfavorable that they could not be overcome by special design using reasonable construction and maintenance practices. Specifically:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
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;[1]			X	
ii) Strong seismic ground shaking;			X	
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or			X	
iv) Landslides;			X	
2) Result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways;			X	
3) Be located on expansive soil, as defined in section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property;			X	
4) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property;			X	
5) Be located above landfills for which there is no approved closure and post-closure plan,				X

[1] Refer to California Geological Survey 42 and 117 and Public Resources Code section 2690 et. seq.

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
or unknown fill soils, creating substantial risks to life or property ; or				
6) 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.				X

ENVIRONMENTAL SETTING

The Project site is located in the San Francisco Bay Area, which is a seismically active region of California with several active faults. No active faults run through the Project site. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone. Nearby faults include the San Andreas, Hayward, and Calaveras faults. The Project site is located approximately 1.9 miles west of the Hayward fault. The likelihood of one or more earthquakes of Richter magnitude 6.7 or higher occurring in the San Francisco Bay Area for the 30-year period from 2024 to 2054 is 72 percent (USGS, 2024a). Strong seismic ground shaking and earthquake induced liquefaction and/or landslides are the primary geologic hazards of concern in Oakland in the event of an earthquake. The Probabilistic Seismic Hazard Assessment reveals that most of Oakland is at risk for violent shaking, while part of the Port, including Oakland International Airport, is at risk for severe shaking (Field et al., 2015).

Geologic and Seismic Hazards

Seismicity

The San Francisco Bay Area is a seismically active region in California. While there are several active faults in the Bay Area, there are none that cross the Project site, and the Project site is not within an Earthquake Fault Zone (EFZ), as delineated by the California Geological Survey (CGS, 2021) in accordance with the Alquist-Priolo Earthquake Fault Zone Act of 1972.

While there is little risk of fault rupture at the site, moderate to major seismic ground shaking is a potential risk due to the proximity of active faults. Of the various active faults in the region, the nearest zoned active fault is the Hayward- fault located 1.9 miles east of the Project site. Although not considered to be active by the USGS, the Chabot, Miller Creek, and Moraga faults are also near the Project site at approximately 3.2, 6, and 6.1 miles east of the Project site respectively (USGS, 2024b).

Liquefaction

Liquefaction is the rapid loss of shear strength experienced in saturated, predominantly loose granular soils below the groundwater level during strong earthquake ground shaking. Earthquake- induced liquefaction is defined as a significant loss of soil strength and stiffness caused by an increase in pore water

pressure resulting from continuous application of a load during shaking. Liquefaction is most prevalent in loose to medium dense, sandy, and gravelly soils below the groundwater level. However, this process can also occur in non-plastic to low-plasticity, finer grained soils. The occurrence of this phenomenon is dependent on many complex factors, including the intensity and duration of ground shaking, particle size distribution, and density of the soil.

The potential damaging effects of liquefaction to engineered structures include the loss of bearing capacity, buoyancy forces on underground structures, ground oscillations or "cyclic mobility", increased lateral earth pressures on retaining walls, liquefaction settlement, and lateral spreading or "flow failures" in slopes. Dynamic settlement (i.e., pronounced consolidation and settlement from seismic shaking) may also occur in loose, dry sands above the water table, resulting in settlement of and possible damage to overlying structures. In general, a relatively high potential for liquefaction exists in loose, sandy soils that are within 40-feet of the ground surface and are saturated (below the groundwater table). Lateral spreading can move blocks of soil, placing strain on buried pipelines that can lead to leaks or pipe failure. The Project site is located within a State of California Seismic Hazard Zones map (CGS, 2021) for liquefaction.

Expansive and Corrosive Soils

Expansive soils are soils that possess a "shrink-swell" characteristic, also referred to as linear extensibility. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying; the volume change is reported as a percent change for the whole soil. Changes in soil moisture can result from rainfall, landscape irrigation, utility leakage, roof drainage, or perched groundwater.[2] Expansive soils are typically very fine-grained and have a high to very high percentage of clay. Structures on expansive soils could incur damage incrementally over a long period of time, usually because of inadequate soil and foundation engineering or the placement of structures directly on expansive soils. Chemical corrosion by certain corrosive soils is a geologic hazard that affects buried metals and concrete in direct contact with soil or bedrock. Metal and concrete elements in contact with soil deemed to be corrosive, whether part of a foundation, the supported structure, or underground utilities, might be subject to degradation due to corrosion or chemical attack. Therefore, buried metal and concrete elements should be designed to resist corrosion and degradation based on accepted practices. The Project site is composed of soil designated as "Urban Land" (USDA, 2024). Urban soils are extensively influenced by human activities. Urban soils are subjected to surface traffic and other forces over a range of moisture conditions that can lead to overall soil compaction (Craul, 1985). Given that compaction would decrease the overall volume and pore space within the soil, the soil is not expected to be expansive. Given the past activities from the former AB&I Foundry and multiple hazard sites listen pursuant to Government Code section 65962.5, active environmental remediation has taken place to ensure potential contaminants of concern that could lead to corrosive soils are managed properly.

[2] Perched groundwater is a local saturated zone above the water table that typically exists above an impervious layer (such as clay) of limited extent.

REGULATORY SETTING

City of Oakland General Plan

Section 2.1, Geologic and Seismic Hazards, of the recently adopted Safety Element of the City of Oakland General Plan describes the following policies regarding geological resources, adopted for the purpose of avoiding or mitigating an environmental effect, and that apply to the Project.

Goal SAF-1: Minimize the risk of life and property caused by seismic and geologic hazards

> ***Policy SAF-1.1: Seismic Hazards.*** Develop and continue to enforce and carry out regulations and programs to reduce seismic hazards and hazards from seismically triggered phenomena. Prioritize programs in areas of highest seismic risk and seismic vulnerability.
>
> ***Policy SAF-1.2: Structural Hazards.*** Continue, enhance, or develop regulations and programs designed to minimize seismically related structural hazards from new and existing buildings.
>
> ***Policy SAF-1.3: Limit Development in Hazardous Areas and Minimize Erosion.*** Minimize threat to structures and humans by limiting development in areas subject to landslides or other geologic threat and undertake efforts to limit erosion from new development.
>
> ***Policy SAF-1.4: Seismic Hazard Coordination.*** Work with other public agencies to reduce potential damage from earthquakes to "lifeline" utility, economic, and transportation systems, including Caltrans; BART; PG&E, EBMUD, and other utilities providers; the Port of Oakland; and others.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on geology and soils that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to geology and soils. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

In addition to the City SCAs below that are in relation to geology and soils, SCA HYD-1: State Construction Permit, SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects, and SCA HYD-4: Creek Protection Plan related to hydrology and water quality and SCA HAZ-2: Hazardous Building Materials and Site Contamination related to hazardous materials are applicable for environmental analysis regarding geology and soils. Refer to Section 4.5, Hazards and Hazardous Materials and Section 4.6, Hydrology and Water Quality for the full SCA text.

SCA GEO-1: Construction-Related Permit(s). *(Standard Condition of Approval 42)*

> **Requirement:** The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.
>
> **When Required:** Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

SCA GEO-2: Soils Report. *(Standard Condition of Approval 43)*

Requirement: The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction). *(Standard Condition of Approval 45)*

Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Report due prior to project approval; confirmation report recommendations in report are incorporated into the building permit plans prior to approval a of construction-related permit.

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

TOPICS CONSIDERED AND NO IMPACT DETERMINED

The Project would have no impact to the following topics based on the Project characteristics, its geographical location, and underlying site conditions. Therefore, these topics are not addressed further in this document for the following reasons:

- **Fault Rupture** (Impact GEO-1(i)). There are no active faults that cross the Project site, and the nearest active fault to the Project site is the Hayward Fault, located approximately 1.9 miles east of the Project site. Therefore, the potential for fault rupture to affect the Project is very low and not discussed further.

- **Landfills** (Impact GEO-5) The Project site is not located above any landfill. Therefore, no impact is associated with this hazard.
- **Wastewater Disposal** (Impact GEO-6) The Project would be served by connection to the existing wastewater sewer infrastructure, no septic tank or other or alternative wastewater disposal system is proposed. Therefore, the Project would not require the use of septic or other alternative disposal wastewater systems. Therefore, no impact is associated with this hazard.

PROJECT IMPACTS AND DISCUSSION

Impact GEO-1 Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

ii. Strong seismic ground shaking;

Less than significant with SCAs. The Project site is located in a seismically active region of California that has a number of active faults. None of these faults cross the Project site. The nearest active fault to the Project site is the Hayward Fault, located approximately 1.9 miles east of the Project site. As there are no faults on or adjacent to the Project site, there would be no impact related to surface fault rupture. However, the Project site is in proximity to active faults and is susceptible to strong seismic ground shaking, as well as the secondary seismic-related ground failures that are triggered by seismically induced ground shaking. However, implementation of SCA GEO-1: Construction-Related Permits, SCA GEO-3: Seismic Hazards Zone, would reduce the impacts of seismic hazards during construction. SCA GEO-1 would require the Project Applicant to obtain any and all applicable construction-related permits/approvals from the City, and would be required to comply with all standards, requirements, and conditions contained in construction related codes (e.g., the Oakland Building Code [which incorporates by reference the California Building Code] and the Oakland Grading Regulations), which would ensure structural integrity and safe construction. SCA GEO-3 requires preparation and submittal of a site-specific geotechnical report that is to be consistent with the standards described in CGS Special Publication 177. The report would contain, at minimum, a description of the geologic and geotechnical conditions, and evaluation of site-specific seismic hazards, and recommended measures to reduce potential impacts. With implementation of applicable SCAs, the Project would have a less than significant impact related to strong seismic ground shaking.

SCA GEO-1: Construction-Related Permit(s).

SCA GEO-2: Soils Report.

SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction).

Mitigation: None required.

iii. Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or

Less than Significant with SCAs. The Project is not located within a fault zone and is relatively flat. According to the California Department of Conservation, the Project site is located within a designated

Liquefaction Zone. However, the Project would implement SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction) which would require the project Applicant to submit a site-specific geotechnical report prepared by a registered geotechnical engineer for City review and approval. The report would include recommended measures to reduce potential impacts related to liquefaction hazards. The site-specific geotechnical report would be required prior to the approval of a construction-related permit. With the implementation of SCA GEO-3, the Project would have a less than significant impact related to seismic ground failure.

SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction).

Mitigation: None required.

iv. Landslides;

Impact GEO-2 Result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways;

Less than Significant with SCAs. The Project proposes ground disturbance which increases the potential for soil erosion from the Project site. Due to proposed ground disturbance and proximity to Elmhurst Creek, SCAs GEO-2: Soils Report, HYD-1: State Construction Permit, HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects, HYD-4: Creek Protection Plan, and UTIL-6: Storm Drain System, will be implemented as part of the Project. SCA GEO-2 requires the Project Applicant to submit a soils report prepared by a registered geotechnical engineer for City review. The report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design.

The overall footprint of construction activities would exceed one acre. Therefore, the Project would be required to implement SCA HYD-1, State Construction General Permit, and comply with the Construction General Permit, which was developed to ensure that stormwater is managed and erosion is controlled on construction sites. The Construction General Permit requires Project Applicants to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), which requires applications of Best Management Practice (BMPs) to control run-on and runoff from construction work sites. The BMPs could include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. As the Project would require a category III or IV creek protection permit, SCA HYD-4 requires the Project to submit a Creek Protection Plan for review and approval by the City. The plan shall incorporate contents required under section 13.15.150 of the OMC. The plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect Elmhurst Creek during construction activities. Post-construction BMPs would include site design measures to reduce the amount of impervious surface to the maximum extent practicable.

During operation, the Project would be required to comply with SCA HYD-2, relating to water quality and stormwater runoff during operation. The Project would also be subject to SCA UTIL-6, which requires, to the maximum extent practicable, a peak stormwater runoff reduction from the project. With

implementation of the applicable SCAs referenced above, substantial erosion or loss of topsoil and impact on life, property, or creeks and waterways would be less than significant.

SCA GEO-2: Soils Report.

SCA HYD-1: State Construction Permit. See Section 4.6.3, Regulatory Setting

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. See Section 4.6.3, Regulatory Setting.

SCA HYD-4: Creek Protection Plan. See Section 4.6.3, Regulatory Setting.

SCA UTIL-6: Storm Drain System. See Section 4.10.9, Utilities and Service Systems.

Mitigation: None required.

Impact GEO-3 Be located on expansive soil, as defined in section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property;

Less than Significant with SCAs. The Project site is located within the area considered by the City General Plan and the United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) as urban land. The Project would implement SCA GEO-1: Construction Related Permit(s), SCA GEO-2: Soils Report, and SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction). SCA GEO-1 would require the Project applicant to obtain all necessary construction-related permits prior to construction. Adherence to all applicable standards and requirements of the Oakland Building Code and Oakland Grading Regulations, as required by SCA GEO-1, and implementation of the recommendations and design requirements provided in a City-approved geotechnical report required as part of SCA GEO-3. Additionally, SCA GEO-2 would require a registered geotechnical engineer to submit a soils report to the City, which would contain, at minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and Project design. With compliance of the applicable SCAs referenced, implementation of the Project would have a less than significant effect related to location on expansive soil. Therefore, impacts would be less than significant.

SCA GEO-1: Construction-Related Permit(s).

SCA GEO-2: Soils Report.

SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction).

Mitigation: None required.

Impact GEO-4 Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property;

Less than Significant with SCAs. As reported in a Data Gap Investigation Report (Appendix F3) prepared for the Project site, seven underground fuel storage tanks (USTs) were located on the site and were removed between 1982 and the early 1990s (Roux, 2024). Fuel releases associated with these underground fuel storage tanks were investigated and remediated under the jurisdiction of the ACEHD

(State Water Resources Control Board, 2024a). After the facility was closed in 2022, a facility wide remediation (i.e., cleanup) program was initiated and the environmental site assessment is currently ongoing (State Water Resources Control Board, 2024b).

There is a water supply well on the Project site that would be destroyed by the Project. Alameda County Public Works Agency oversees the destruction of water supply wells. The Applicant would comply with one of the three following closures options – drill to original depth, Tremie pipe to total depth, or submit an alternate plan to the Alameda County Public Works Agency for review. Project compliance with Alameda County Public Works Agency requirements would ensure the Project would prevent development of the Project from resulting in a substantial risk to life or property.

Additionally, the Project applicant would be required to submit a site-specific geotechnical report prior to construction (SCA GEO-3), which would include design requirements and recommendations, including proper handling of the subsurface materials beneath the Project site. See Impact HAZ-1 in Section 4.5, Hazards and Hazardous Materials, for a detailed description of proposed site cleanup plans and associated regulatory oversight including SCA HAZ-2. Adherence to SCAs GEO-1, GEO-3, and HAZ-2, would reduce these impacts to less than significant. Upon completion of the construction, there would be no operational impacts related to the Project site being located on a well, pit, swamp, mound, tank vault, or unmarked sewer line, therefore impacts would be less than significant.

SCA GEO-1: Construction-Related Permit(s).

SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction).

SCA HAZ-2: Hazardous Building Materials and Site Contamination. See Section 4.5.3, Regulatory Setting.

Mitigation: None required.

CUMULATIVE IMPACTS

As analyzed above, the Project would not result in a significant impact related to fault rupture, landfills, or wastewater disposal. Because no impact would result, the Project could not cause or contribute to any cumulative effect in this regard. Therefore, this cumulative analysis focuses on whether the Project's less-than-significant impacts relating to seismic ground shaking, seismic-related ground failure, landslides, soil erosion and expansive soils, and subsurface hazards resources, and if this would contribute to a cumulative effect.

Impact GEO-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts to geology, soils, and seismicity.

Less than Significant with SCAs. Cumulative development projects near or adjacent to the Project site that could be constructed at the same time, could result in cumulative erosion effects. However, implementation of applicable erosion-related SCAs (i.e., SCAs HYD-1, HYD-2, and UTIL-6, discussed above) would reduce the Project's impact related to soil erosion. Cumulative development would also be subject to erosion-related SCAs and no cumulative impact would result. Specifically, the Construction General

Permit has been developed to address cumulative conditions arising from construction throughout the state and is intended to maintain cumulative effects of projects subject to this requirement to less than significant levels. Through compliance with this requirement and City SCAs, the Project, combined with impacts of other projects in the area, would not combine to cause a significant cumulative impact related to erosion.

Seismically induced ground shaking, liquefaction, and expansive soils could cause structural damage or ruptures during construction and operation of cumulative projects. However, as discussed for the Project, state and local building regulations and SCAs GEO-1, GEO-2, and GEO-3 have been established to address and reduce the potential for such impacts to occur. The cumulative projects would be required to comply with the same applicable provisions of these laws and regulations. The purpose of the Oakland Building Code and local ordinances is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction; by design, it is intended to reduce the cumulative risks from buildings and structures. Based on compliance with these requirements, the incremental impacts of the Project, combined with impacts of other projects in the area, would not combine to cause a significant cumulative impact related to seismically- induced ground shaking, liquefaction, or expansive soils.

Potential exposure to geological and soils hazards, resulting from construction and operation of the Project, would not have a cumulatively considerable contribution to a cumulative impact. No significant cumulative impact is identified.

SCA GEO-1: Construction-Related Permit(s).

SCA GEO-3: Seismic Hazards Zone (Landslide/Liquefaction).

SCA HAZ-2: Hazardous Building Materials and Site Contamination. See Section 4.5.3, Regulatory Setting.

SCA HYD-1: State Construction General Permit. See Section 4.6.3, Regulatory Setting.

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. See Section 4.6.3, Regulatory Setting.

SCA HYD-4: Creek Protection Plan. See Section 4.6.3, Regulatory Setting.

SCA UTIL-6: Storm Drain System. See Section 4.10.9, Utilities and Service Systems.

Mitigation: None required.

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4.10.4 LAND USE AND PLANNING

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The Project would have a significant impact on the environment if it would:				
1) Physically divide an established community;			X	
2) Result in a fundamental conflict between adjacent or nearby land uses;			X	
3) Fundamentally conflict with any 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; or			X	
4) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.				X

ENVIRONMENTAL SETTING

Surrounding Land Uses

The Project vicinity is dominated by roadway and transit, commercial, and industrial uses. The nearest individual residential use is located approximately 625 feet east of the Project site.[1] Additionally, there are transitional housing uses located at 633C Hegenberger Road, approximately 730 feet west of the Project site. The area north of the Project site includes warehouses, commercial businesses, surface parking lots, and the Coliseum BART station. A U-Haul Moving and Storage center and similar warehouses occupy the area to the east of the Project site. Existing uses to the south of the Project site include a gas station truck stop, concrete recycling facility, and other commercial uses. The Oakland Coliseum and associated surface parking comprise uses to the west of the Project site.

Existing General Plan Designations and Zoning Districts

The portion of the Project site north of 77th Avenue is designated as Business Mix and the portion of the Project site south of 77th Avenue is designated as General Industry and Transportation by the City of Oakland General Plan (City of Oakland, 2024c). The Business Mix designation is intended to create, preserve and enhance industrial areas that are appropriate for a wide variety of commercial and industrial

[11] There is a single residential use located on 75th Avenue, approximately 625 feet northeast of the Project site.

establishments. Maximum intensity allowed in the Business Mix designated area is FAR of 4.0 per parcel. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas. The General Industry and Transportation designation is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. Maximum intensity allowed in the General Industry and Transportation designated area is FAR of 2.0 per parcel.

The Project site is zoned as Commercial Industrial Mix – 2 Industrial Zone (CIX-2) (parcels 041 417500302, 041 417501800, 041 417501600, 041 417501000, 041 417500600, 041 417500500, 041 417501700, and 041 417501900) and General Industrial (IG) (parcels 041 420900102, 041 420900700, 041 420900101, 041 420900302, 041 420900801, and 041 420800100) (City of Oakland, 2024d). The CIX-2 zoning has the same maximum intensity, intent, and desired character as the Business Mix land use designation. Similarly, IG zoning has the same maximum intensity, intent, and desired character as the General Industry and Transportation land use designation. CIX-2 and IG zoning also require that any general warehousing, storage, and distribution use developed with the zoning and either located within 600 feet of a Residential Zone boundary or one-half mile of a BART Station obtain a conditional use permit (CUP). As the Project site is located approximately 1,000 feet south of the Coliseum BART station, A CUP is required for Project approval. Additionally, the Project site is not within an applicable habitat conservation plan or natural community conservation plan (CDFW, 2023).

Regulatory Setting

The Oakland General Plan establishes comprehensive, long-term land use policies for the City and provides the primary policy direction for development throughout the City and therefore the Project site. The General Plan consists of a series of "elements," each of which deals with a particular topic, and includes policies, many of which guide development citywide.

The Oakland General Plan Land Use and Transportation Element (LUTE) contains the following land use policies that address issues related to land use and planning, and/or are particularly relevant to the Project (City of Oakland, 2007).

Objective I/C1: Expand and retain Oakland's job base and economic strength

> ***Policy I/C1.8: Providing Support Amenities Near Employment Centers.*** Adequate cultural, social, and support amenities designed to serve the needs of workers in Oakland should be provided within close proximity of employment centers.
>
> ***Policy I/C1.9: Locating Industrial and Commercial Area Infrastructure.*** Adequate public infrastructure should be ensured within existing and proposed industrial and commercial areas to retain viable existing uses, improve the marketability of existing vacant or underutilized sites, and encourage future use and development of these areas with activities consistent with the goals of this Plan.

Objective I/C2: Maximize the usefulness of existing abandoned or underutilized industrial buildings and land.

> ***Policy I/C2.1 Pursuing Environmental Clean-Up.*** The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial areas.
>
> ***Policy I/C2.3 Providing Vacant or Buildable Sites.*** Development in older industrial areas should be encouraged through the provision of an adequate number of older or vacant buildable sites designated for future development.

Objective I/C4: Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.

> ***Policy I/C.4.1: Protecting Existing Activities.*** Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.
>
> ***Policy I/C4.2: Minimizing Nuisances.*** The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls.

Objective T-2: Integrating Transportation and Land Use Planning. Provide a mixed-use, transit-oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes.

> ***Policy T2.1: Encouraging Transit-Oriented Development.*** Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.
>
> ***Policy T2.2: Guiding Transit-Oriented Development.*** Transit-oriented developments should be pedestrian oriented, encourage night and day times use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

Objective T-4: Alternative Modes of Transportation. Increase use of alternative modes of transportation.

> ***Policy T4.1: Incorporating Design Features for Alternative Travel.*** The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage the use of alternative modes of transportation such as transit, bicycling, and walking.

Objective T-6: Make streets safe, pedestrian accessible, and attractive.

> ***Policy T6.2: Improving Streetscapes.*** The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial

centers, should be pedestrian oriented, include lighting, directional signs, trees, benches, and other support facilities.

Objective W-2: Encourage and accommodate facilities and Public linkages which attract the public to the waterfront without endangering public safety or compromising airport and seaport operations and security.

Policy W2.2: Buffering of Heavy Industrial Uses. Appropriate buffering measures for heavy industrial uses and transportation uses on adjacent neighborhoods should be developed and implemented.

Objective W-7: Capitalize on the seaport and airport for increased economic activity and jobs in Oakland.

Policy W7.2: Encouraging Commercial and Industrial Uses. Other commercial and industrial uses should be encouraged at appropriate locations (Port-owned or not) where they can provide economic opportunity to the community at large.

Oakland Planning Code and Zoning Ordinance

The Planning Code serves to implement General Plan policies and is found in OMC, Title 17. The Planning Code governs land uses and development standards, such as building height, bulk and setback, for specific zoning districts within Oakland.

TOPICS CONSIDERED AND NO IMPACT DETERMINED

The following topic is considered to have no impact caused by the Project based on the Project characteristics, its geographical location, and underlying site conditions. Therefore, this topic is not addressed further in this document for the following reasons:

- ***Conflict With Natural Community Conservation Plans*** **(Criterion 4)**. The Project site is not located within or in proximity to an area guided by a Habitat Conservation Plan or Natural Community Conservation Plan. The City of Oakland has multiple Neighborhood and Specific Area Plans, and Citywide Plans which discuss natural habitats within the City of Oakland. Specifically, the Central Estuary Area Plan (CEAP) and the Estuary Policy Plan. The CEAP aims to guide future development in the Central Estuary Area, which encompasses 19th Avenue to 54th Avenue and I-880 to the Estuary (City of Oakland, 2024a). The Estuary Policy Plan is part of the General Plan. The Estuary Policy Plan specifically incudes policies to enhance the Oakland waterfront as a resource for the City. This includes areas of potentially diverse water habitat species and encompasses waterfront spanning from 19th Avenue to 54th Avenue, and I-880 to the estuary. The Project is not located within the CEAP or Estuary Policy Plan planning areas. The Project site is approximately 0.4 miles east of the CEAP and Estuary Policy Plan area boundaries. Additionally, the City of Oakland adopted an Urban Forest Plan in December 2024. The Project would comply with the City of Oakland's Protected Tree Ordinance and applicable goals and policies within the Urban Forest Plan. Therefore, development of the Project would not conflict with such plans and no impact would occur.

PROJECT IMPACTS AND DISCUSSION

Impact LUP-1 Physically divide an established community;

Less than Significant. Physically dividing an established community means the creation of barriers that prevent or hinder the existing flow of people or goods through an established community, or the placement of a development in such a manner that it physically separates one portion of an established community from the remainder of that community. The construction of a new major highway through an existing residential neighborhood would constitute a typical example of a physical division of an established community.

The Project vicinity is somewhat enclosed by Hegenberger Road to the north and the Amtrak to the west. Existing uses within this area are primarily commercial and industrial, with the nearest single-family residence approximately 625 feet northeast of the Project site. The Project would replace the recently demolished AB&I Foundry with a new distribution warehouse. Therefore, the Project would not introduce a substantially different land use to the Project site nor change the existing land use pattern such that an existing established community would be divided. Various components of the Project would improve connectivity between surrounding land uses. Specifically, the Project would include street and sidewalk improvements along San Leandro Street at the intersection with 81st Avenue. Considering the Project would not introduce a different land use and would improve connections surrounding the Project site, the Project would not physically divide an established community, and the impact would be less than significant.

Mitigation: None required.

Impact LUP-2 Result in a fundamental conflict between adjacent or nearby land uses;

Less than Significant. A fundamental conflict with adjacent or nearby land uses means that the character of activities associated with one land use is in fundamental conflict with the uses of adjacent land, or the characteristics of one land use disrupts or degrades adjacent land uses to such a degree that the functional use of the adjacent land for its existing or planned purpose is jeopardized.

As stated above, the Project would not introduce a substantially different land use to the Project site nor change the existing land use pattern. The Project would comply with the General Plan designation and zoning for the Project site. The Project would be consistent with existing land uses and compatible with nearby roadway, transit, and commercial uses. Therefore, the Project would not result in a fundamental conflict between adjacent or nearby land uses and the impact would be less than significant.

Mitigation: None required.

Impact LUP-3 Fundamentally conflict with any 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; or

Less than Significant.

Plan Bay Area 2050

The Association of Bay Area Governments (ABAG) and Metropolitan Planning Commission's (MTC) Plan Bay Area 2050 integrates transportation, land use, and housing to meet greenhouse gas reduction targets for the San Francisco Bay Area region. Regarding land use, Plan Bay Area 2050 focuses growth and development in Priority Development Areas (PDAs), which are served by public transit and have been identified as appropriate for additional, compact development (ABAG and MTC, 2021).

The Project is located within the Coliseum Bay Area Rapid Transit Station Area PDA (MTC, 2024). The Coliseum Bay Area Rapid Transit Station Area PDA is categorized as a "transit-rich PDA" which consists of high-quality transportation infrastructure already in place to support additional growth in the PDA community (MTC, 2024).

General Plan and Zoning

The General Plan land use designations for the Project site are General Industry and Transportation and Business Mix. The intent of the General Industry and Transportation designation is to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. Maximum intensity allowed in the General Industry and Transportation designated area is FAR of 2.0 per parcel.

The intent of the Business Mix designation is to create, preserve, and enhance industrial areas that are appropriate for a wide variety of commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas. Maximum intensity allowed in the Business Mix designated area is FAR of 4.0 per parcel. The Project proposes development of a warehouse with an anticipated FAR of 0.48, in compliance with the General Plan designations for the Project site. Additionally, the Project complies with the overall intent of Business Mix and General Industry and Transportation designations, which intend to create, preserve, and enhance industrial and general areas of Oakland that are appropriate for a wide variety of commercial, industrial, and business establishments. This includes establishments that may have the potential to generate off site impacts such as noise, light/glare, odor, and traffic.

The Project site's zoning (Commercial Industrial Mix – 2 Industrial Zone [CIX-2] and General Industrial [IG]) permits general warehousing, storage, and distribution uses. Zoning based property development standards applicable to the Project site are compared to the development proposed by the Project in **Table 4-40: Development Standard Comparison** below. The Project complies with all zoning requirements.

Table 4-40: Development Standard Comparison

Development Standard	Zoning Requirement	Project
Minimum Lot Frontage	25 feet	1,360 feet
Minimum Lot Width Mean	25 feet	>1,000 feet
Minimum Lot Area	10,000 square feet	658,331 square feet
FAR	2.0	0.48
Maximum Height	65 feet; None	50'-8"
Minimum Front Yard Setback	0 feet	Varies
Minimum Rear Yard Setback	0 feet	0 feet
Minimum Interior Side Yard setback	0 feet	0 feet
Minimum Street Side Yard Setback of a Corner Lot	10 feet	Varies
Site Landscaping	5 percent of the site	11 percent of the site
Parking Lot Landscaping	10 percent of the parking area	35 percent of the parking area
Street Tree Planting	Replacement plantings required for street tree removal	N/A: No street trees removed
Site and Driveway Access	50 feet from the nearest residential or open space zoning designation	Nearest residential or open space zoning designation is approximately 1,000 feet east.
Driveway Width Maximum[1]	35 feet	40 feet
Pedestrian Walkway	Required	Proposed
Vehicle Parking[2]	90 parking stalls	220 parking stalls
Bicycle Parking[3]	8 long term bicycle parking stalls	8 interior racks for 16 bikes 8 exterior racks for 16 bikes
1.Driveway shall not exceed thirty-five (35) feet in width without obtaining approval from the Engineering Department of Building 2.One space for each three-thousand five-hundred (3,500) square feet of floor area. 3.1 long-term space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.		
Source: City of Oakland Municipal Code, 17.73.030 and Project Plans		

Overall, the Project would be consistent with General Plan Policies including those related to pursuing environmental clean-up, locating industrial uses and protecting existing industrial activities, improving streetscapes, and buffering heavy industrial uses. The Project would not conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. Therefore, impacts would be less than significant.

Mitigation: None required.

CUMULATIVE IMPACTS

Impact LUP-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact to land use and planning.

Less than Significant. The cumulative geographic context for land use, plans and policy considerations for the development of the Project consists of the areas surrounding the Project site and citywide.

As discussed under Impacts LUP-1 through LUP-3, the Project would not result in a significant land use impact by potentially physically dividing an established community; conflicting with adjacent or nearby land uses; or conflicting with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The Project vicinity is comprised of roadway and transit, commercial, and industrial uses. The Project would construct a speculative warehouse that would conform with design and land use standards for Business Mix and General Industry and Transportation land use designations. Additionally, the Project would align with current and future goals and policies for CIX-2 and IG zoning, which set to create, preserve, and enhance commercial and industrial areas that are appropriate for a variety of commercial and industrial establishments. All other cumulative development has been, or will be, subject to development guidance contained within the General Plan, prescribed by zoning, and other applicable land use plans and specific plans to ensure consistency. Therefore, the Project contribution to any potential cumulative impacts related to land use and planning would be less than significant.

Mitigation: None required.

REFERENCES

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4.10.5 MINERAL RESOURCES

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The project would have a significant impact on the environment if it would:				
1) 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; or				X
2) 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.				X

ENVIRONMENTAL SETTING

The Project site has no known mineral resources and has not been designated as an area containing mineral deposits which are of regional significance as a source of construction aggregate materials by State Mining and Geology Board (California Department of Conservation, 2022). The Project site is not zoned for, or immediately adjacent to, lands designated as a mineral resource zone by the City's General Plan (City of Oakland, 2015; 2018).

TOPICS CONSIDERED AND NO IMPACT DETERMINED

The Project site is located entirely within the City of Oakland and is located on land with little likelihood for significant mineral deposits and is not zoned for, or immediately adjacent to, lands designated as a mineral resource zone by the City's General Plan. Implementation of the Project would have no impact on mineral resources. As such, the Project would not result in the loss of availability of a known mineral resource and would not result in the loss of a locally important mineral resource recovery site. Therefore, no impact to mineral resources would occur.

CUMULATIVE IMPACTS

Because the Project would have no impact to mineral resources, it would not cause or contribute to any potential cumulative impact to such resources.

REFERENCES

California Department of Conservation. 2022. CGS Information Warehouse: Mineral Land Classification. Accessed October 4, 2024. Available at: https://maps.conservation.ca.gov/cgs/informationwarehouse/ index.html?map=mlc.

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4.10.6 POPULATION AND HOUSING

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The project would have a significant impact on the environment if it would:				
1) 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 extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed;			X	
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element; or				X
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.				X

ENVIRONMENTAL SETTING

The Project site is located in a commercial and industrial area with no on-site or adjacent residential facilities. The Project would construct a new warehouse building on a vacant lot.

Employment

In September 2024, the City of Oakland had approximately 198,100 jobs (EDD, 2024). According to the Association of Bay Area Governments (ABAG) and Metropolitan Planning Commission's (MTC) *Plan Bay Area 2050*, the Project site is located within the Central Alameda Superdistrict. The Central Alameda Superdistrict employment is projected to grow by 128,000 jobs in the 35-year period from 157,000 jobs in 2015 to 285,000 jobs in 2050 (ABAG, 2021).

REGULATORY SETTING

Oakland Municipal Code

Chapter 15.68 of the OMC establishes a Jobs/Housing Impact Fee in the City of Oakland to assure that certain commercial development projects compensate and mitigate for the increased demand for affordable housing generated by such development projects within the City of Oakland.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on population and housing and that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to population and housing. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

SCA POP-1: Jobs/Housing Impact Fee. *(Standard Condition of Approval 81)*

> **Requirement:** The project applicant shall comply with the requirements of the City of Oakland Jobs/Housing Impact Fee Ordinance (Chapter 15.68 of the OMC).
>
> **When Required:** Prior to issuance of building permit; subsequent milestones pursuant to ordinance
>
> **Initial Approval:** Bureau of Building
>
> **Monitoring/Inspection:** N/A

TOPICS CONSIDERED AND NO IMPACT DETERMINED

The following topic is considered to have no impact caused by the Project based on the proposed Project characteristics, its geographical location, and underlying site conditions. Therefore, this topic is not addressed further in this document for the following reasons:

- ***Displacement*** (Criteria 2 and 3). The Project site is currently vacant and surrounded by commercial and industrial land uses. The nearest residential use is located beyond the Coliseum BART station parking lot approximately 625 feet northeast of the Project site. Therefore, construction of the Project would not displace any existing housing units or substantial numbers of people necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element, and no impact would occur.

PROJECT IMPACTS AND DISCUSSION

Impact POP-1. 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 extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed.

Less than Significant with SCAs. The Project proposes development and operation of a warehouse use that is compliant with the zoning and General Plan land use designation for the Project site. As stated above, Oakland has approximately 198,100 jobs as of September 2024. While the Project would create an estimated 315 jobs, as noted by the Project Applicant, this would represent a marginal fraction of the projected and planned job growth in the City. While not required to reduce any significant effects related to population and housing, SCA POP-1, Jobs/Housing Impact Fee, is applicable to the Project and would require the Project Applicant to comply with the City of Oakland Jobs/Housing Impact Fee Impact Fee

Ordinances. As the Project is consistent with the General Plan designation for the Project site, implementation of the Project would have a less than significant effect related to inducing uncontemplated population growth. Therefore, the Project would not directly or indirectly induce unplanned substantial population growth requiring new infrastructure, and the impact would be less than significant.

SCA POP-1: Jobs/Housing Impact Fee. See Section 4.10.6, Population and Housing.

Mitigation: None required.

CUMULATIVE IMPACTS

Impact POP-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact to population and housing.

Less than Significant with SCAs. The geographic context for cumulative impacts to population and housing is the City of Oakland. The Project in combination with past, present, and reasonably foreseeable future development in the City would lead to an increase in employment growth. However, as described under Impact POP-1 above, the approximately 315 jobs added by the Project would represent a marginal fraction of the City's projected and planned employment growth. Thus, the Project would not contribute to any potential cumulative substantial unplanned employment growth in the City, and the impact would be less than significant.

SCA POP-1: Jobs/Housing Impact Fee.

Mitigation: None required.

REFERENCES

Association of Bay Area Governments and Metropolitan Planning Commission (ABAG and MTC). 2021. Plan Bay Area 2050, Projected Household and Job Growth, by Superdistrict. January 21, 2021. Accessed October 4, 2024. Available at: https://planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf.

California Employment Development Department (EDD), 2024. Labor Force and Unemployment Rate for Cities and Census Designated Places (CDP), Current Month, September 20, 2024. Accessed October 4, 2024. Available at: https://labormarketinfo.edd.ca.gov/file/lfmonth/allsubs.xls.

4.10.7 PUBLIC SERVICES

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The project would have a significant impact on the environment if it would:				
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, 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:				
ii) Fire Protection;			X	
iii) Police Protection;			X	
iv) Schools; or			X	
v) Other Public Facilities			X	

ENVIRONMENTAL SETTING

Fire Protection and Emergency Medical Response

The Oakland Fire Department (OFD) provides fire protection services and emergency medical services for the Project site and throughout the City of Oakland. Fire Station No. 29 (1016 66th Avenue) is the closest station to the Project site, located approximately 0.47 miles to the north. OFD aims to provide emergency service within 7 minutes of notification 90 percent of the time. Generally, this emergency response time can be met throughout the entire city and there are no areas in Oakland where there is a lack of adequate fire service (City of Oakland, 2023).

Police Protection

Police protection services in the City of Oakland are provided by the Oakland Police Department (OPD). Headquarters for the police department are located in downtown Oakland at 455 7th Street. The Project site is located within Police District Area 5, traditionally known as East Oakland (OPD, 2024). Police Area 5 is bordered by Area 4 to the north, the City of Alameda to the south, and Area 6 to the east (City of Oakland, 2024).

Public Schools

The Project site is located within the Oakland Unified Schools District (OUSD). Across Oakland, the OUSD operates 87 schools, including 49 elementary schools, 5 grade K–8 schools, 14 middle schools, 1 alternative middle school, 3 grade 6-through-12 schools, 7 high schools, 7 alternative or continued-education schools, and 1 independent study school. There are also 34 OUSD- authorized charter schools. The closest schools to the Project site are Encompass Academy Elementary and Acorn Woodland Elementary, located on the same campus approximately 0.3 miles east of the Project site.

Other Public Facilities

Other public facilities in the City include public libraries. The Oakland Public Library system consists of a downtown Main Library, 16 neighborhood branches, and 3 special collection libraries – the African American Museum and Library at Oakland, the Oakland History Room, and the Temescal Tool Lending Library. The nearest public library to the Project site is the 81st Avenue branch of the Oakland Public Library, located approximately 0.4 miles east of the Project site.

REGULATORY SETTING

Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities, and restricts the ability of local agencies to deny project approvals on the basis that public school facilities (classrooms, auditoriums, etc.) are inadequate. School impact fees are collected at the time when building permits are issued. Payment of school fees is required by SB 50 for all new development projects and is considered full and complete mitigation of any school impacts. School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from costs of additional school facilities, related furnishings and equipment, and projected capital maintenance requirements. As such, agencies cannot require additional mitigation for any impacts on school facilities or due to the inadequacy of school facilities.

City of Oakland General Plan

The City of Oakland General Plan Land Use and Transportation Element (LUTE) and Safety Element contain objectives, policies, and actions to ensure public facilities and services are adequately available and accessible in a timely fashion to serve new development (City of Oakland, 2007).

The following objectives and policies within the Neighborhoods section of the LUTE, apply Citywide and are relevant to the Project:

Objective N.12: Provide adequate infrastructure to meet the needs of Oakland's growing community.

> ***Policy N.12.1:*** The development of public facilities and staffing of safety-related services, such as fire stations, should be sequenced and timed to provide a balance between land use and population growth, and public services at all times.
>
> ***Policy N.12.2:*** Adequate public school capacity should be available to meet the needs of Oakland's growing community. The City and the Oakland Unified School District (OUSD) should work

together to establish a continuing procedure for coordinating residential and commercial development and exploring the imposition of mutually agreed upon reasonable and feasible strategies to provide for adequate school capacity. The City and OUSD should jointly consider, where feasible and appropriate, funding mechanisms such as assessment districts, redevelopment Agency funding (AB 1290), uses of surplus City-owned land, bond issues, and adjacent or shared use of land or school facilities with recreation, libraries, child care and other public uses.

The following policies and actions within the Public Safety and Fire Hazards sections of the Safety Element of the General Plan apply Citywide and are relevant to the Project (City of Oakland, 2023):

Goal SAF-2: Proactively prevent urban fires and exposure to wildfire and protect community members and property from fire danger.

Policy SAF-2.1: Structural Fires. Continue, enhance, or implement programs that seek to reduce the risk of structural fires. Prioritize programs in frontline communities at highest seismic and fire risk.

Goal SAF-8: Maintain an emergency preparedness and response network that keeps all Oaklanders informed, connected, and safe before, during, and after an emergency.

Policy SAF-8.1: Emergency Response. Maintain and enhance the City's capacity for emergency response, fire prevention, and fire-fighting.

Policy SAF-8.2: Emergency Services Review. Continue to engage the Police and Fire departments in the development review process to ensure that projects are designed and operated in a manner that minimizes the potential for public safety and fire hazards and maximizes the potential for responsive police and fire services.

Policy SAF-8.3: Cohesive Evacuation Routes Network. Ensure the evacuation routes network is interconnected with adequate capacity and reflects ability to evacuate for multiple threats.

- Maintain adequate capacity along evacuation routes through methods such as limiting street parking, where capacity may be needed.
- Maintain a higher level of tree and vegetation maintenance along evacuation routes and remove flammable trees adjacent to these routes.
- Collaborate with other City Officials upon the next update to the LHMP to ensure AB 747 requirements are met.

Policy SAF-8.8: Local Hazard Mitigation Plan. To comply with federal and state law, follow and annually update the Oakland Local Hazard Mitigation Plan. Use the LHMP to guide mitigating actions to protect the whole community and environment from natural and humanmade hazards.

Policy SAF-8.10: Community Training and Awareness. Continue to offer community training on emergency prevention, preparedness and response as part of the CORE program. Partner with community organizations to target harder-to-reach populations, such as the unhoused, or

linguistically isolated populations. Training and educational materials should build capacity among residents to respond to an emergency.

Policy SAF-8.12: Critical Facilities Locations. Locate critical facilities, such as hospitals and health care facilities, emergency shelters, fire stations, police stations, emergency command centers, and other emergency service facilities and utilities so as to minimize exposure to flooding, seismic, geologic, wildfire, and other hazards, except those facilities that provide frontline access, such as fire stations in areas of fire hazard. If critical facilities must be located in hazard zones, require building construction and materials that minimize hazard, safe access for emergency response vehicles, visible street signs, and adequate infrastructure for emergency scenarios, such as flooding, backup power and water supplies.

Policy SAF-8.18: Priority Route Coordination. Partner with Caltrans and neighboring jurisdictions on measures to protect critical evacuation routes and work with local agencies to develop contingency plans that address disconnected routes and explore roadway improvements that can provide better emergency access under emergency evacuation scenarios. Work with emergency response teams and transit providers to identify and support Oakland residents without access to transportation in the event of an emergency. Create evacuation strategies for all residents, with a focus on low-income and unhoused residents.

Oakland Municipal Code

OMC, Chapter 15.74, Transportation and Capital Improvement Fees, establishes Citywide transportation and capital improvements impact fees in the City of Oakland to assure that development projects pay their fair share to compensate for the increased demand for transportation and capital improvements infrastructure generated by development projects within the City. Funds deposited into the Capital Improvements Impact Fee Fund are used to pay for projects that are required for fire, police, library, parks and recreation, or storm drain services.

OMC, Chapter 15.12 contains the Oakland Fire Code. The Oakland Fire Code was updated in 2022 to adopt the most recent California Fire Code and includes amendments to the California Fire Code specific to the City of Oakland in response to local climatic, geological, or topographical conditions. The Fire Prevention Bureau within the OFD assists the Fire Chief in the administration and enforcement of the provisions of the Oakland Fire Code. The Fire Prevention Bureau provides plan checking services that assure the incorporation of proper life safety standards, as well as code compliance, in all new construction in the City and oversees inspection services related to compliance with the state and local fire codes.

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to reducing impacts on public services and that apply to the Project are listed below. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to public services. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

SCA PUB-1: Capital Improvements Fee. *(Standard Condition of Approval 83)*

Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (Chapter 15.74 of the OMC).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

PROJECT IMPACTS AND DISCUSSION

Impact PUB-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, 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;

Less than Significant. The Project would increase the demand for fire protection and emergency medical response services due to the introduction of new site operations and an estimated 315 new employees on the Project site (see 4.10.6, Population and Housing). The associated increase in the demand for fire protection services would not be substantial and the type of service demand would be typical for the surrounding neighborhood comprised of commercial, light industrial, and residential uses. In addition, Project construction would be limited to minor roadway and crosswalk alterations that would not impede emergency access for OFD to enter the Project site. Overall, the Project would improve circulation around the Project site and through the surrounding area, which will benefit existing response access.

Also, the Project would comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the OMC) by incorporating City of Oakland SCA PUB-1, Capital Improvements Impact Fee, requires payment of the applicable Capital Improvements Fee as part of Project development within the City of Oakland. SCA PUB-1 would assist in funding new, expanded, or improved fire facilities needed to provide expanded services in the City. Facilities developed as a result of the City's Capital Improvements Fee, funded in part by the Project, or by other means, would be required to undergo environmental review as they are identified. The Project would not generate an unusual or substantial increased demand for fire services that would require new or physically altered fire facilities to serve the Project's demand and no impacts associated with the construction of such facilities would occur. The impact would be less than significant. Further, compliance with SCA PUB-1 would make impacts related to fire protection less than significant.

SCA PUB-1: Capital Improvements Fee.

Mitigation: None required.

ii. Police Protection;

Less than Significant with SCAs. The Project site is currently vacant. Project development would result in an estimated 315 new employees on the Project site (see 4.10.6, Population and Housing). The Project would re-stripe and install new curb ramps to existing crosswalks and sidewalks as part of Project construction, improving pedestrian safety along sidewalks adjacent to the Project site. Compared with the existing vacant site, the Project would activate the site with employees and appropriate safety lighting. The associated demand for police services for the new development, particularly since the current site has not been operational for several years, would not be substantial and would be typical of the demand for the surrounding neighborhood comprised of commercial, light industrial, and residential uses. Therefore, the Project would not generate an unusual or substantial increased demand for police services or require new or physically altered police facilities to serve the Project's demand and no impacts associated with the construction of such facilities would occur. Therefore, impacts would be less than significant.

As discussed above for fire protection (Impact PUB-1), the Project would also generate a net increase in property taxes and other fees providing additional funds for the City's General Fund, which the City allocates in part to cover costs associated with increase operational costs such as additional police personnel. Also similarly, the Project would comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the OMC) by incorporating City of Oakland SCA PUB-1, Capital Improvements Impact Fee, that would assist in funding new, expanded, or improved police facilities needed to provide expanded services.

SCA PUB-1: Capital Improvements Impact Fee

Mitigation: None required.

iii. Schools; or

Less than Significant. The Project site is located within a heavily developed, urban area. The Project would develop a warehouse use on a vacant lot. No residential units are proposed as part of the Project. The Project would not include construction of school facilities nor generate additional students for school services. The Project's new employment could indirectly generate new students in OUSD's service area from potential new employed residents, assuming those residents may elect to reside in Oakland and/or enroll their students in OUSD schools. Pursuant to SB 50, school impact fees would be collected at the time when building permits are issued for the Project. Payment of school fees is required by SB 50 for all new development projects and is considered full and complete mitigation of any school impacts. School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from costs of additional school facilities, related furnishings and equipment, and projected capital maintenance requirements. Therefore, although the Project could potentially indirectly increase student enrollment in OUSD's service area, payment of fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of such fees is deemed full and complete mitigation of Project impacts on school facilities. Project impacts to public schools would be less than significant.

Mitigation: None required.

iv. Other Public Facilities

Less than Significant with SCAs. The Project would result in an estimated 315 new employees on the Project site (see 4.10.6, Population and Housing). No residential units are proposed as part of the Project as stated above, and no residential population increase would occur. The City of Oakland currently has 22 library locations with the nearest library being the 81st Avenue branch of the Oakland Public Library. Thus, the Project would result in limited demand for other City services such as libraries, and no new or physically altered library or other public facilities would be required to serve the Project's demand.

The Project would comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the OMC) by incorporating City of Oakland SCA PUB-1, Capital Improvements Impact Fee, that would assist in funding new, expanded, or improved library facilities needed to provide expanded services in the City. The Project's impact on libraries and other public facilities would be less than significant.

SCA PUB-1: Capital Improvements Impact Fee

Mitigation: None required.

CUMULATIVE IMPACTS

Impact PUB-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental facilities, construction of which could have significant physical environmental impacts.

Less than Significant with SCAs. The geographic context for cumulative impacts to public services is citywide, including the service areas for OFD, OPD, OUSD, and the Oakland Public Library. Cumulative development in the Project vicinity and citywide would generate a need for additional fire, police, public school, and library facilities. These public services are subject to annual budgeting processes during which service priorities are established and service levels are monitored, allowing for adjustments where needed. Changes in demand for all these services are expected to occur incrementally, allowing for carefully planned expansions of existing facilities. Any expansions would be likely to occur on sites already occupied by existing service providers.

Similar to the Project, cumulative projects would be subject to the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the OMC) and SCA PUB-1, Capital Improvements Impact Fee, that would assist in funding new, expanded, or improved public service facilities needed to provide expanded services in the City.

Regarding public schools, cumulative projects would be required to pay school impact fees, pursuant to Senate Bill 50, which would offset potential impacts of increased student enrollment on school facilities.

Therefore, the Project would not have a considerable contribution to any potential significant cumulative impact regarding public services and impacts. The impact would be less than significant.

SCA PUB-1: Capital Improvements Impact Fee.

Mitigation: None required.

REFERENCES

City of Oakland. 2007. Land Use and Transportation Element of the Oakland General Plan. March 24, 1998, amended to June 21, 2007. Accessed November 18, 2024. Available at: https://www.oaklandca.gov/resources/land-use-and-transportation-element.

City of Oakland. 2023. General Plan, Safety Element. Accessed October 2, 2024. Available at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Safety-Element_Adopted-9.26.23_89907-C.M.S-1.pdf.

City of Oakland. 2024. Police Area 5 (East Knowland, Knowland Park). Accessed October 4, 2024. Available at https://www.oaklandca.gov/resources/police-area-5-east.

Oakland Police Department (OPD). 2024. Police District Locator. Accessed October 4, 2024. Available at http://gisapps1.mapoakland.com/policedistricts/.

4.10.8 RECREATION

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The Project would have a significant impact on the environment if it would:				
1) Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or			X	
2) Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.			X	

ENVIRONMENTAL SETTING

There are public parks in the vicinity of the Project site that are owned and managed by the Oakland Department of Parks, Recreation, and Youth Development. The Coliseum Gardens Park is at 966 6th Avenue, located approximately 0.5 miles north of the Project site. In addition, William "Bill" Patterson Park is located approximately 0.7 miles south of the Project site. The closest operating recreation center is the Tassafaronga Recreation Center and Park located approximately 0.4 miles east of the Project site. The nearest state park is Robert W. Crown Memorial Beach, located approximately 4.4 miles west of the Project site.

REGULATORY SETTING

City of Oakland General Plan

The OSCAR Element of the Oakland General Plan contains the following principles relevant to the Project (City of Oakland, 1996):

Objective OS-2: Urban Parks, Schoolyards, and Gardens. To maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment.

> ***Policy OS-2.1: Protection of Park Open Space.*** Manage Oakland's urban parks to protect and enhance their open space character while accommodating a wide range of outdoor recreational activities.

Objective OS-7: Shoreline Access. To increase physical and visual access to the Oakland shoreline and create new opportunities for shoreline recreation.

Policy OS-7.2: Dedication of Shoreline Public Access. Support the BCDC requirements which mandate that all new shoreline development designate the water's edge as publicly accessible open space where safety and security are not compromised, and where access can be achieved without interfering with waterfront industrial and maritime uses. Where such conflicts or hazards would result, support the provision of off-site access improvements in lieu of on-site improvements. In such cases, the extent of off-site improvements should be related to the scale of the development being proposed.

Policy OS-7.3: Waterfront Appreciation. Promote a greater appreciation of the Oakland waterfront by preserving and enhancing waterfront views, promoting its educational value, and, exploring new and creative ways to provide public access to the shoreline without interfering with transportation and shipping operations or endangering public safety.

Oakland Municipal Code

OMC, Chapter 15.74, Transportation and Capital Improvement Fees, establishes citywide transportation and capital improvements impact fees in the City of Oakland to assure that development projects pay their fair share to compensate for the increased demand for transportation and capital improvements infrastructure generated by development projects within the City. Funds deposited into the Capital Improvements Impact Fee Fund are used to pay for projects that are required for fire, police, library, parks and recreation, or storm drain services.

City of Oakland Parks and Homeless Services Measure (Measure Q)

In March 2020, City of Oakland voters passed an ordinance that authorizes a 20-year special annual parcel tax to fund parks and recreational facilities, services for unhoused and unsheltered persons, and maintenance of stormwater trash collection systems. Approximately 64 percent of tax revenue could be used for parks, landscape maintenance, and recreational services, and no more than 55 percent can be used to preserve current parks and operational services. Non-residential parcels are taxed based on parcel frontages and square footage (City of Oakland, 2024).

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The SCAs relevant to reducing impacts on recreation and that apply to the Project is SCA PUB-1: Capital Improvements Fee. Section 4.10.7, Public Services, for the full SCA text. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to recreation. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

PROJECT IMPACTS AND DISCUSSION

Impact REC-1 *Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or*

Impact REC-2 *Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.*

Less than Significant with SCAs. The Project would result in an estimated 315 new employees on the Project site (see Section 4.10.6, Population and Housing). Further, the Project site is located within a heavily developed, urban area, in which the closest recreational area is Tassafaronga Recreation Center, approximately 0.4 miles east of the Project site. The associated increase in the demand for existing parks and recreational facilities by employees and visitors to the Project site would not be substantial enough to require the construction or further expansion of existing recreational areas within Project site vicinity.

In addition, the Project would also be subject to the Measure Q annual parcel tax to fund parks and recreational facilities, including landscape maintenance and preserving existing parks and operational services. Property taxes and other fees generated from the Project would provide additional funds for the City's General Fund, which the City allocates in part to cover any increased operational costs associated with parks and recreation. Funds allocated to maintain recreational resources would address any increase in park use.

The Project would comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the OMC) by incorporating City of Oakland SCA PUB-1, Capital Improvements Impact Fee. Implementation of SCA PUB-1 would assist in funding new, expanded, or improved parks and recreation facilities needed to provide expanded services in the City. Park projects developed as a result of the City's Capital Improvements Fee, funded in part by the Project, or by other means, would be required to undergo environmental review as they are identified.

The Project would not increase the use of existing parks or other recreational facilities substantially to the point of physical deterioration of the facilities where construction or expansion of the existing facility would occur. Therefore, impacts would be less than significant.

SCA PUB-1: Capital Improvements Impact Fee.

Mitigation: None required.

CUMULATIVE IMPACTS

Impact REC-1.CU: *The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts to recreation.*

Less than Significant with SCAs. The geographic context for cumulative impacts to public services is citywide, as parks and recreation facilities are provided citywide. Cumulative development in the Project

vicinity and citywide could generate a need for additional parks and recreation facilities. Cumulative projects would also be subject to the Measure Q annual parcel tax to fund parks and recreational facilities and would generate a net increase in property taxes and other fees providing additional funds for the City's General Fund to cover costs associated with increased operational costs associated with parks and recreation. Similar to the Project, cumulative projects would be subject to the requirements of the City of Oakland Capital Improvements Fee Ordinance (Chapter 15.74 of the OMC) compliance with which is required through SCA PUB-1, that would assist in funding new, expanded, or improved parks and recreation facilities needed to provide expanded services in the City.

The Tassafaronga Recreation Center is the nearest recreational area, located approximately 0.4 miles east of the Project site. Therefore, the Project would not have a considerable contribution to any potential significant cumulative impact with regard to parks and recreation facilities. The impact would be less than significant.

SCA PUB-1: Capital Improvements Impact Fee.

Mitigation: None required.

REFERENCES

City of Oakland. 1996. Open Space, Conservation, and Recreation Element (OSCAR) Element of the General Plan. Adopted June 11, 1996. Accessed on November 6, 2024.

City of Oakland. 2024. Measure Q at Work!: The 2020 Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act. Accessed on November 22, 2024. Available at: https://www.oaklandca.gov/topics/measure-q.

4.10.9 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The project would have a significant impact on the environment if it would:				
1) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board;			X	
2) Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects;			X	
3) 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;			X	
4) 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 effects;			X	
5) 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;			X	
6) Violate applicable federal, state, and local statutes and regulations related to solid waste;			X	

7) Violate applicable federal, state and local statutes and regulations relating to energy standards; or			X	
8) 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.			X	

ENVIRONMENTAL SETTING

Wastewater

East Bay Municipal Utilities District (EBMUD) provides sanitary sewer treatment services to the City of Oakland. Capacity for the EBMUD system is provided by: (1) the interceptor system, (2) pump stations, and (3) Wet Weather Facilities (WWFs). WWFs provide a way to convey flows through EBMUD's system during system overload from stormwater entering the wastewater conveyance system requiring discharging wastewater into the East Bay. EBMUD's main wastewater treatment plant (MWWTP) is located southwest of the I-580/I-80 interchange in Oakland. Wastewater is collected by 29 miles of interceptor lines that move wastewater from local sewer collection systems to the MWWTP. Currently, the MWWTP is designed to provide primary treatment for a flow of up to 320 million gallons per day (mgd) and secondary treatment for a maximum flow of 168 mgd. The average daily dry weather flow (ADWF) is 63 mgd. The treated effluent is disinfected and dechlorinated before being discharged into San Francisco Bay, approximately one mile off the East Bay shore (EBMUD, 2024).

Stormwater

The City of Oakland is part of the Alameda County Flood Control District (ACFCD) Zone 12. The storm drainage system in the City consists of more than 300 miles of storm drainpipes, over 100 miles of open creeks, and 15,000 structures (mostly inlets, manholes, and catch basins). City-owned storm drainage facilities are typically located within easements and rights-of-way. Privately owned facilities in the City's jurisdiction typically occur within private properties and include above-ground drainage systems, creeks, and watercourses. Most of the privately owned facilities are not maintained by the City. City-maintained drainage facilities include structures that are constructed through the permit process and dedicated to the City for maintenance (City of Oakland, 2014).

Water Supply

EBMUD is a publicly owned utility that owns, operates, and maintains the water distribution system within the City of Oakland. The 2020 Urban Water Management Plan (UWMP), adopted on June 22, 2021 by EBMUD's Board of Directors under Resolution No. 35234-21, is a long- range planning document used to

assess current and projected water usage, water supply planning, and conservation and recycling efforts (EBMUD, 2021).

Solid Waste

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 San Leandro. Transfer trucks haul most of the waste to the Altamont Landfill and Resource Facility, located approximately 35 miles east of Oakland near Livermore. The permitted capacity at Altamont is 87 million cubic yards, and 11,150 tons per day. As of 2018, the estimated remaining refuse capacity for the Altamont Landfill was 65.4 million cubic yards (60 million tons). The permitted capacity at the Altamont landfill is 87 million cubic yards. At the average rate of fill from 2014-2018 and adjusting for projections for waste declines through 2023 (held steady after 2023 due to uncertainty), the facility has more than 30 years of capacity remaining and an estimated closure date of 2049. The WMAC has also acquired land in the Altamont Hills area suitable for development of a public multi-purpose waste management facility. Depending upon need, the facility could include various diversion facilities in conjunction with a landfill with sufficient capacity to provide additional reserve disposal capacity. The environmentally superior site, "Canyon B", contains 98 million cubic yards of landfill capacity (ACWMA, 2020).

Energy

The Project site is located within Pacific Gas and Electric's (PG&E) service area for electricity. PG&E delivered approximately 72.9 billion kilowatt-hours (kWh) throughout its service area in 2023 (Statista, 2024). In Alameda County, approximately 10.4 billion kWh of electricity was consumed in 2022, with approximately 7.2 billion kWh consumed by non-residential uses (California Energy Commission [CEC], 2024a). The California Energy Commission estimates that 468 million gallons of gasoline and approximately 55 million gallons of diesel were sold to customers in Alameda County in 2023 (CEC, 2024b). In 2024, nuclear plants provided 53 percent; large hydroelectric operations provided 14 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent (PG&E, 2024).

The East Bay Community Energy (EBCE) is a community-governed, local power supplier that provides low-carbon electricity to Oakland residents and businesses under Alameda County's community choice energy (CCE) program at rates that are lower or comparable to PG&E's rates. Under a CCE program, the utility company (in this case PG&E) continues to operate and service the transmission and delivery system and provides billing and customer service. EBCE's standard electricity product that has a higher renewable energy content than PG&E at rates marginally lower than PG&E's base offering (EBCE, n.d.).

REGULATORY SETTING

Wastewater and Stormwater Drainage

See Section 4.6, Hydrology and Water Quality, for a description of the City of Oakland's NPDES permits and other water quality regulations.

AB 939

AB 939, enacted in 1989, requires Source Reduction and Recycling Element of each city and county to include an implementation schedule to divert a percentage of its solid waste from landfill disposal through source reduction, recycling, and composting activities. AB 939 specifies a required diversion rate of at least 50 percent of wastes by the year 2000. The California Department of Resources Recycling and Recovery (CalRecycle) indicates that the City of Oakland's diversion rate was 59 percent in 2006. Beginning with the 2007 jurisdiction annual reports, diversion rates were no longer measured. With the passage of Senate Bill (SB)1016 in 2006, the Per Capita Disposal Measurement System, only per capita disposal rates are measured to determine if a jurisdiction's efforts are meeting the intent of AB 939. In 2020, the City reported a waste disposal rate of 7.70 pounds/person/day for employees, meeting its per employee disposal target rate of 15.3 pounds/person/day (CalRecycle, 2021).

Renewables Portfolio Standard

Senate Bill 100, as part of California's Renewables Portfolio Standard (RPS) program, sets a target for retail sellers of electricity, including investor-owned utilities and community choice aggregators to provide 60 percent of their electricity from renewable resources by December 31, 2030, and further amends the RPS statute to set a policy of meeting 100 percent of retail sales from eligible renewables and zero-carbon resources by December 31, 2045. The California Public Utilities Commission (CPUC) and the CEC jointly implement the RPS program.

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce emissions of criteria pollutants or TACs, increased energy efficiency and reduced consumption of natural gas and other fuels would result in fewer criteria pollutant and TAC emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods (California Energy Commission, 2018).

The Title 24, Part 6, standards became effective on January 1, 2017. In December 2021, the California Building Standards Commission approved the 2022 Energy Code for inclusion in the California Building Standards Code. The Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for or after January 1, 2023, must comply with the 2022 Energy Code. With the CEC updating building energy efficiency standards every three years, the 2025 Building Energy Efficiency Standards will apply to newly constructed buildings, additions, and alterations. Workshops will be held to present revisions and obtain public comments. Proposed standards will be adopted in 2024 with an effective date of January 1, 2026 (CEC, 2024c).

California Green Standards Building Code

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards (CALGreen) Code. The CALGreen Code is intended to encourage more sustainable and

environmentally friendly building practices, require low-pollution emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code was most recently updated in 2022 to include new mandatory measures for non-residential uses, updated standards for specified organizations, and new compliance forms, worksheets and reference material introduced (California Building Standards Commission, 2024). The new measures took effect on January 1, 2023.

Construction Equipment Idling

The California Air Resources Board has also adopted a regulation for in-use off-road diesel vehicles that is designed to reduce emissions from diesel-powered construction vehicles by imposing idling limitations on owners, operators, renters, or lessees of off-road diesel vehicles. The regulation requires an operator of applicable off-road vehicles (self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on-road) to limit idling to no more than 5 minutes.

City of Oakland General Plan

The *Open Space, Conservation, and Recreation Element* and *Safety Element* of the Oakland General Plan describe the following policies regarding drainage, adopted for the purpose of avoiding or mitigating an environmental effect, and that apply to the Project (City of Oakland, 1996, 2023).

Objective CO-5: Water Quality. To minimize the adverse effects of urbanization on Oakland's groundwater, creeks, lakes, and nearshore waters.

> ***Policy CO-5.3:*** Employ a broad range of strategies, compatible with the Alameda Countywide Clean Water Project to: (a) reduce water pollution associated with stormwater runoff; (b) reduced water pollution associated with hazardous spills, runoff from hazardous material areas, improper disposal of household hazardous wastes, illicit dumping, and marina "live-aboards;" and (c) improve water quality in Lake Merritt to enhance the lake's aesthetic, recreational, and ecological functions.

Objective CO-13: Energy Resources: To manage Oakland's energy resources as efficiently as possible, reduce consumption of non-renewable resources, and develop energy resources which reduce dependency on fossil fuels.

> ***Policy CO-13.3: Construction Methods and Materials.*** Encourage the use of energy- efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency.
>
> ***Policy CO-13.4: Alternative Energy Sources.*** Accommodate the development and use of alternative energy resources, including solar energy and technologies which convert waste or industrial byproducts to energy, provided that such activities are compatible with surrounding land uses and regional air and water quality requirements.

Goal SAF-3: Protect people and property from flooding.

SAF 3.1: Minimize Storm-Induced Flooding. Continue or strengthen city programs that seek to minimize the storm-induced flooding hazard

SAF 3.2: Storm-Induced Flooding Structural Risk. Enforce and update local ordinances, and comply with regional orders, that would reduce the risk of storm-induced flooding.

SAF 3.5: Green Stormwater Infrastructure. Fund and implement a green infrastructure program for the installation and maintenance of projects and existing civic resources such as the parks system and public spaces, to improve stormwater management, support biodiversity, reduce air pollution exposure, improve water quality, and increase access to natural spaces, including trees. Prioritize green stormwater infrastructure investment in frontline communities, particularly in residential neighborhoods dominated by concrete and asphalt with limited green space and elevated air pollution; in Priority Conservation Areas; and in areas where green infrastructure, including trees and other types of vegetated buffers, can effectively address stormwater management issues and reduce air pollution exposure among sensitive populations. This policy is cross-listed as Action EJ-A.13 in the Environmental Justice Element.

Goal SAF-4: Protectively plan for impacts of sea level rise on people, property, and essential infrastructure.

SAF 4.4: Contaminated Sites. New and/or substantial construction on contaminated sites shall account for impacts of rising shallow groundwater on contaminant mobilization in project design and all steps of the site remediation process. This shall be documented in a vulnerability assessment and adaptation plan, which will also include a groundwater data monitoring plan. Groundwater data from the site should be used for the most accurate water level on-site; however, if groundwater wells are not present at the project site, databases such as GeoTracker can be used to access water table elevations nearby, using U.S. Geological Survey, California Department of Water Resources, or other sources.

Oakland Municipal Code

Title 15, Buildings and Construction, Chapter 15.34 - Construction and Demolition (C&D) Ordinance

The City of Oakland's Construction & Demolition Ordinance is intended to further the goals of AB 939. Building permit applicants must complete a Waste Reduction and Recycling Plan as part of the Building Permit Application process to detail the plan for salvaging and recycling C&D debris generated during Project construction. Standards call for salvage and/or recycling 100 percent of asphalt and concrete, and at least 65 percent of all remaining debris.

Title 15, Buildings and Construction, Chapter 15.04, Article II, Part 11 - Administrative Amendments to the California Green Budding Standards

As of March 2017, Chapter 15.04, Article II, Part 11 of the City's Municipal Code requires builders to provide increased levels of plug-in electric vehicle (PEV) infrastructure in all new buildings, including design for compliance with state Americans with Disabilities Act (ADA) requirements for PEV infrastructure. All new multifamily and non-residential buildings will include full circuit infrastructure for

plug-in electric vehicle (PEV) charging stations for at least 10 percent of the total parking spaces. In addition, inaccessible conduits for future expansion of PEV spaces must be installed for 10 percent of the total parking at non-residential buildings. The new requirements are designed to accelerate the installation of vehicle chargers to address demand.

Title 17, Planning Code, Chapter 17.118 – Recycling Space Allocation Ordinance

Project applicants are required to submit project drawings for construction-related permits that contain recycling collection and storage areas in compliance with this ordinance. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of 10 cubic feet

City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards Imposed as Standard Conditions of Approval

The City's SCAs relevant to utilities and service systems and that apply to the Project are listed below, some of which reduce potential impacts. If the Project is approved by the City, all applicable SCAs would be adopted as enforceable conditions of approval and required, as applicable, to be implemented during construction and operation of the Project to help ensure less-than-significant impacts to utilities. Because the conditions of approval are incorporated as part of Project, they are not listed as mitigation measures.

In addition to the City SCAs below related to public services, SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related, SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan, SCA TRANS-1: Construction General Permit, SCA TRANS-2: Bicycle Parking, SCA TRANS-4: Transportation and Parking Demand Management, SCA HYD-1: State Construction General Permit, and SCA HYD-2:NPDES C.3 Stormwater Requirements for Regulated Projects are related to air quality, transportation, and hydrology and water quality and are applicable for environmental analysis regarding impacts to stormwater. Refer to Section 4.1, Air Quality, Section 4.4, Greenhouse Gas Emissions, Section 4.8, Transportation and Circulation, and Section 4.6, Hydrology and Water Quality, for the full text of the SCAs.

SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling. *(Standard Condition of Approval 92)*

> **Requirement:** The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the OMC) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.
>
> **When Required:** Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

SCA UTIL-2: Underground Utilities. *(Standard Condition of Approval 93)*

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA UTIL-3: Recycling Collection and Storage Space. *(Standard Condition of Approval 94)*

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

SCA UTIL-4: Green Building Requirements. *(Standard Condition of Approval 95)*

a) Compliance with Green Building Requirements During Plan-Check

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the OMC).

i. The following information shall be submitted to the City for review and approval with the application for a building permit:
    - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
    - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.

- Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
- Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
- Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
- Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

ii. The set of plans in subsection (i) shall demonstrate compliance with the following:

- CALGreen mandatory measures.
- At least LEED Silver per the appropriate checklist approved during the Planning entitlement process.
- All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b) Compliance with Green Building Requirements During Construction

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.). The following information shall be submitted to the City for review and approval:

i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c) Compliance with Green Building Requirements After Construction

Requirement: Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

SCA UTIL-5: Sanitary Sewer System. *(Standard Condition of Approval 97)*

Requirement: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Department of Engineering and Construction

Monitoring/Inspection: N/A

SCA UTIL-6: Storm Drain System. *(Standard Condition of Approval 98)*

Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

SCA UTIL-7: Water Efficient Landscape Ordinance (WELO). *(Standard Condition of Approval 100)*

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below:

https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IBBB0A9505B6E11EC9451000D3A7C4BC3&transitionType=Default&contextData=%28sc.Default%29

For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less, the project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

Prescriptive Measures: Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see page 38.14(g) in the link above).

Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:

a. Project Information:
    i. Date,
    ii. Applicant and property owner name,
    iii. Project address,
    iv. Total landscape area,
    v. Project type (new, rehabilitated, cemetery, or home owner installed),
    vi. Water supply type and water purveyor,
    vii. Checklist of documents in the package, and
    viii. Project contacts
    ix. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
b. Water Efficient Landscape Worksheet
    i. Hydrozone Information Table
    ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
c. Soil management Report
d. Landscape Design Plan
e. Irrigation Design Plan, and
f. Grading Plan

Upon installation of the landscaping and irrigation systems, and prior to the final of a construction- related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for

review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor and property owner or his or her designee.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

PROJECT IMPACTS AND DISCUSSION

Impact UTIL-1 Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board;

Impact UTIL-4 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 effects;

Less than Significant with SCAs. The Project includes abandonment, removal and relocation of several public utilities that currently traverse the site from east to west. These utilities will be re-routed around the proposed building footprint within a new public utility easement (PUE) and be completed as part of the off-site improvements. The Project would include a new 72" storm drain line wrapping around northern end of the Project warehouse structure, and a 48" storm drain line wrapping around the southern end of the Project warehouse. Additionally, a 30" sanitary sewer line will be demolished and relocated during construction adjacent to the proposed 72" storm drain. The 72" storm drain on the northern end of the Project warehouse would connect to proposed bioretention catch basins and would connect to the existing 60" storm drain and the relocated 30" sanitary sewer line. The 48" storm drain to be installed along the southern end of the Project site would connect to proposed bioretention catch basins and would connect to the existing 48" storm drain present on the Project site.

The Project's wastewater would be treated at EMBUD's MWWTP. Currently, MWWTP is designed to provide primary treatment for a flow up to 320 mgd and secondary treatment for a maximum flow of 168 mdg. Currently, wastewater generation from the Project site is zero since the existing condition of the Project site is vacant. The Project would result in an increase in wastewater discharge to the EBMUD MWWTP system compared to current conditions, based on an increase in employment and Project operations on the Project site. However, the additional wastewater generated by the Project is anticipated to be adequately handled by the existing sanitary sewer system. Applicable SCAs in regard to wastewater mitigating impacts from wastewater include, SCAs UTIL-2: Underground utilities, UTIL-4: Green Building Requirements, and UTIL-5: Sanitary Sewer Systems. SCA UTIL-2 requires all new utilities shall be placed underground, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, and other similar facilities. SCA UTIL-4 requires projects to comply with CALGreen mandatory measures. In addition, SCA UTIL-5 would require that the Project Applicant prepare a Sanitary Sewer Impact Analysis that includes an estimate of pre-Project and post-Project wastewater flow from the Project site. In the event

that the Sanitary Sewer Impact Analysis indicates that the net increase in Project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the Project Applicant would be required to pay a Sanitary Sewer Impact Fee for funding improvements to the sanitary sewer system. With implementation of SCAs, the Project would not exceed the San Francisco Bay RWQCB's wastewater treatment requirements. Therefore, impacts would be less than significant. wastewater discharge limitations or the capacity of the existing wastewater conveyance or treatment system and impacts would be less than significant.

With implementation of SCAs UTIL-2: Underground Utilities, UTIL-4: Green Building Requirements, UTIL-5: Sanitary Sewer System, and UTIL-6, Storm Drainage System, the Project would not exceed EBMUD's wastewater discharge limitations or the capacity of the existing wastewater conveyance or treatment system. Therefore, impacts would be less than significant.

SCA UTIL-2: Underground Utilities.

SCA UTIL-4: Green Building Requirements.

SCA UTIL-5: Sanitary Sewer System.

SCA UTIL-6: Storm Drainage System.

Mitigation: None required.

Impact UTIL-2 Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects;

Less than Significant with SCAs. The Project proposes development of a vacant lot with warehouse uses common to the area and compliant with the zoning and General plan designations for the site. The Project includes abandonment, removal, and relocation of several public utilities that currently traverse the site from east to west. These utilities will be re-routed around the proposed building footprint within a new public utility easement (PUE). The Project would include a new 72" storm drain line wrapping around northern end of the Project warehouse structure, and a 48" storm drain line wrapping around the southern end of the Project warehouse. Additionally, a 30" sanitary sewer line will be demolished and relocated during construction adjacent to the proposed 72" storm drain. The 72" storm drain on the northern end of the Project warehouse would connect to proposed bioretention catch basins and would connect to the existing 60" storm drain and the relocated 30" sanitary sewer line. The 48" storm drain to be installed along the southern end of the Project site would connect to proposed bioretention catch basins and would connect to the existing 48" storm drain present on the Project site. Stormwater management-related site design measures would include directing roof runoff into vegetated areas; directing runoff from sidewalks, walkways, and/or patios onto vegetated areas; and directing runoff from driveways and/or uncovered parking lots onto vegetated areas. Additionally, seven (7) bioretention basins that provide a treatment area of approximately 19,699 square feet for stormwater treatment would be constructed as part of the Project. The Project would be compliant with SCAs UTIL-2, UTIL-4, UTIL-5, and UTIL-6. SCA UTIL-5 would require a Sanitary Sewer Impact Analysis to be sent to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. SCA UTIL-6 would

require the Project storm drainage system to be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. The Project would also be consistent with applicable SCAs related to Hydrology and Water Quality. This includes compliance with SCA HYD-2: NPDES C.3 Stormwater Requirements, includes a Post-Construction Storm Water Management Plan and an agreement for the applicant to install, construct, operate, maintain, inspect, and report of any on-site stormwater treatment measures being incorporated into the Project until the responsibility is legally transferred to another entity. Therefore, the Project would not result in a less than significant impact related to the construction of new storm water drainage facilities or expansion of existing facilities.

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. See Section 4.6.3.

SCA UTIL-2: Underground Utilities.

SCA UTIL-4: Green Building Requirements.

SCA UTIL-5: Sanitary Sewer System.

SCA UTIL-6: Storm Drain System.

Mitigation: None required.

Impact UTIL-3 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;

Less than Significant with SCAs. The Project would result in an increase in water use compared to the vacant conditions on-site. Because the Project would comply with General Plan land use designations and zoning regulations, the development of the Project is accounted for in EMBUD's water demand projections, as discussed in EBMUD's 2020 UWMP. EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns (EBMUD, 2020). Additionally, the Project would adhere to SCA UTIL-7: Water Efficient Landscape Ordinance (WELO), pursuant to which the Project would need to comply with California's WELO to reduce landscape water usage. The Project would construct new water and sewer laterals that would connect to existing water and sewer lines in San Leandro Street. However, as the Project is located in an already built out urban area, no new major water supply infrastructure would be required. Construction of utility connections and laterals are included in Project construction estimates, are analyzed within this Draft EIR, and would not individually cause significant environmental effects related to the construction of new water supply facilities or expansion of existing facilities. Therefore, there would be a less than significant impact.

SCA UTIL-7: Water Efficient Landscape Ordinance (WELO).

Mitigation: None required.

Impact UTIL-5 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;

Impact UTIL-6 Violate applicable federal, state, and local statutes and regulations related to solid waste;

Less than Significant with SCAs.

Construction

The Project site would be served by the Altamont Landfill, which has a permitted capacity of 87 million cubic yards. Construction of the Project involves 646,343 square feet of hardscape demolition that would produce solid waste. As a part of the City of Oakland's Construction & Demolition Ordinance, building permit applicants must complete a Waste Reduction and Recycling Plan as part of the Building Permit Application process to detail how construction and demolition debris generated during Project construction will be salvaged. Standards call for salvaging and/or recycling 100 percent of asphalt and concrete, and at least 65 percent of all remaining debris. The California Green Building Standards Code also requires recycling and/or salvaging for reuse of a minimum of 65 percent of non-hazardous construction and demolition waste as a mandatory measure. In addition, the Project would be in compliance with SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling and SCA UTIL-4: Green Building Requirements. SCA UTIL-1 would ensure that solid waste during construction is minimized and would comply with the City of Oakland's Construction & Demolition Ordinance detailed above. SCA UTIL-4 would ensure implementation of all mandatory CALGreen measures and compliance with the City of Oakland's Green Building Ordinance. With implementation of applicable SCAs, the Project would not violate any applicable federal, state, and local statues and regulations, nor would Project construction produce solid waste where the expansion of existing landfill facilities or the construction of a new facility would be needed.

Operation

Additionally, the Project would implement SCA UTIL-3: Recycling Collection and Storage Space, which would require compliance with the Recycling Space Allocation Ordinance (OMC Chapter 17.118). The Ordinance requires the Project Applicant to submit a plan that shows adequate space and access to recycling collection and storage areas, in addition to capacity calculations, and specify the methods by which the development will meet the City's current solid waste diversion requirements. ACWMA has enough capacity to serve the Project solid waste stream projected until the projected closure of the Altamont Landfill around 2049. With implementation of SCA UTIL-3, solid waste related to Project operations would not require the expansion of existing facilities or the construction of new facilities.

The Project would be compliant with existing policies and regulations, including the City of Oakland's CALGreen Building requirements, and the Project would not cause the City to violate other applicable federal, state, and local statutes and regulations related to solid waste. In addition, with compliance with applicable SCAs, the Project's impact would be less than significant.

SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.

SCA UTIL-3: Recycling Collection and Storage Space.

SCA UTIL-4: Green Building Requirements.

Mitigation: None required.

Impact UTIL-7 Violate applicable federal, state and local statutes and regulations relating to energy standards; or

Less than Significant with SCAs. The Project would comply with the City of Oakland's Green Building Ordinance and the Project building is designed to be LEED Silver certified The Project would not provide a natural gas connection consistent with the City of Oakland's ECAP Checklist, Item 9. Development of the Project would result in an increase of electricity consumption for the Project site as compared to the current vacant condition. However, electricity providers for the site, PG&E and EBCE, would comply with RPS standards which would allow the Project to receive energy from more renewable sources. In addition, compliance with SCA UTIL-4: Green Building Requirements would ensure that the Project would be consistent with the City's Green Building Ordinance (Municipal Code Chapter 18.02). Compliance with Green Building Requirements would be necessary prior to, during, and after construction of the Project. The Project would be in compliance with applicable SCAs and would be consistent with federal, state, and local regulations related to energy standards. Therefore, the Project would have a less than significant impact.

SCA UTIL-4: Green Building Requirements.

Mitigation: None required.

Impact UTIL-8 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.

Less than significant with SCAs. The analysis in this section utilizes the assumptions identified in Appendix A, Air Quality Assessment, and Appendix E, Multi-Pollutant Health Risk Assessment. Because the California Emissions Estimator Model (CalEEMod) program used in this technical report does not provide the amount and fuel type for construction-related sources, additional calculations were conducted to estimate fuel use and are summarized below with details provided in Appendix I, Energy Analysis.

Construction

During construction the Project would result in the consumption of fuel in construction equipment, haul-truck trips, building material delivery vendor trips, and worker trips to and from the Project site. The Project's estimated fuel consumption during construction is summarized in **Table 4-41: Project Energy Use During Construction.** The Project is expected to consume a total of approximately 195,074 gallons of diesel fuel from construction equipment, haul-truck trips, and vendor-truck trips, and approximately 12,758 gallons of gasoline from construction worker vehicle trips. Project fuel use during construction would represent less than 0.15 percent of projected diesel consumption and less than 0.01 percent of projected gasoline consumption in Alameda County in 2027. The Project is expected to consume

approximately 120,000 kWh per year for construction, which is less than 0.001 percent of the 72.9 billion kWh delivered by PG&E throughout its service area in 2023 (Statista, 2024).

Table 4-41: Project Energy Use During Construction

Project Source	Total Construction Energy	Alameda County Annual Energy[1, 2]	Percentage Increase Countywide
Electricity Use		**MWh**	
Water Use[3]	120	10,395,384	0.00116%
Diesel Use		**Gallons**	
On-Road Construction Trips[4]	107,094	132,497,214	0.0808%
Off-Road Construction Equipment[5]	87,980		0.0664%
Construction Diesel Total	195,074		0.1472%
Gasoline Use		**Gallons**	
On-Road Construction Trips	12,758	490,480,761	0.0026%

County total energy values from California Energy Commission energy reports available through ecdms.energy.ca.gov.
Total annual county fuel per EMFAC2021 model of projected operational fuel usage in 2027 – first year of construction.
Construction water based on acres disturbed per day per construction sequencing and estimated water use per acre.
On-road mobile fuel source based on vehicle miles traveled (VMT) from CalEEMod and fleet-averaged fuel consumption from EMFAC2021 for first construction year (2027).
Construction fuel use was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry.

Source: Refer to energy calculations in Appendix I.

SCA AIR-2, Criteria Air Pollutant Controls - Construction and Operation Related, requires limiting idling from diesel-fueled off-road vehicles over 25 horsepower and diesel-fueled commercial vehicles over 10,000 lbs. to two minutes, which would reduce the wasteful, inefficient, or unnecessary consumption of fuel during Project construction. Additionally, SCA AIR-2 requires portable equipment to be powered by grid electricity if available, and diesel engines are only allowed if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. SCA GHG-1 requires the development of a GHG Reduction Plan, which would prioritize energy efficiency during and after construction.

Construction activities and corresponding fuel energy consumption would be temporary and localized. In addition, there are no unusual Project characteristics that would cause the use of construction equipment that would be less energy efficient compared with other similar construction sites in other parts of the City. Therefore, construction-related fuel consumption by the Project would not result in inefficient, wasteful, or unnecessary energy and the impact would be less-than-significant.

Operation

Consistent with the City ECAP Checklist, Item 9, the Project would use no natural gas for operation. Therefore, the Project would have no impact on natural gas supplies.

The Project's annual energy and fuel consumption that would occur during operation is summarized in **Table 4-42: Project Energy Use During Operation**. The Project would receive service power from PG&E. CalEEMod estimates were used to determine the electricity demand from the Project. The electricity demand from the Project was estimated to be 3,420 MWh per year, which includes Project building-related energy use. Electricity associated with the Project's water consumption was estimated to be 470 MWh per year, for a total electricity demand of approximately 3,890 MWh per year when combined with estimated building electricity demand. For reference, the Project's annual electricity demand represents less than 0.04 percent of the annual electricity demand in Alameda County and less than 0.01 percent of the 72.9 billion kWh delivered by PG&E throughout its service area in 2023.

Additionally, the Project would seek LEED Silver level certification consistent with the City's Green Building Requirements, and would comply with the CALGreen Code, and Title 24 building energy and water efficiency requirements. SCA UTIL-4, Green Building Requirements, would ensure implementation of all mandatory City green building requirements and CALGreen measures. Project compliance with these regulations would ensure that the Project's building- related energy use would not be inefficient, wasteful, or unnecessary.

Table 4-42: Project Energy Use During Operation

Project Source	Annual Operational Energy	Alameda County Annual Energy[1, 2]	Percentage Increase Countywide
Electricity Use[3]		**MWh**	
Building Demand	3,420	10,395,384	0.0329%
Water Electricity	470		0.0045%
Total Electricity	3,890		0.0374%
Diesel Use		**Gallons**	
Mobile	11,361	128,873,141	0.0088%
Gasoline Use		**Gallons**	
Mobile	192,527	476,936,945	0.0404%

County total energy values from California Energy Commission energy reports available through ecdms.energy.ca.gov.
Total annual county fuel per EMFAC2021 model of projected operational fuel usage in 2029 – Project buildout.
The electricity, natural gas, and water usage are based on Project-specific estimates and CalEEMod defaults.
Calculated based on vehicle miles traveled (VMT) and fleet-averaged fuel consumption from EMFAC2021 for operational year (2029).

Source: Refer to energy calculations in Appendix I.

Project operation would also involve energy demand from gasoline fuel used by employees traveling to and from the Project site. Using the total CalEEMod mobile emissions rates (see Appendix I) during operations yields a conservative estimate of 192,527 gallons of gasoline required annually during Project operation. The gasoline consumption by Project employees during operation would represent less than 0.05 percent of Alameda County's projected fuel consumption in 2029. Further, the Project would be required to implement SCA TRANS-2, Bicycle Parking and SCA TRANS-4, Transportation and Parking Demand Management, which would reduce the amount of gasoline consumed during Project operation by facilitating and encouraging alternative travel modes. The nature of the Project as a distribution warehouse would generate truck trips that would run on diesel fuel, in addition to the passenger vehicle trips discussed above. Diesel-fueled vehicles associated with Project operation would consume approximately 11,361 gallons of diesel fuel per year, which represents less than 0.01 percent of projected diesel fuel consumption in Alameda County in 2029. Therefore, the energy demand from the operation of the Project would not result in wasteful, inefficient and unnecessary use of energy. This impact would be less than significant.

The Project site is supplied electricity by PG&E and EBCE. PG&E and EBCE have established contracts and commitments to ensure there is adequate electricity generation capacity to meet its current and future energy loads. The Project would consume electricity typical of other industrial and/or commercial development in the Project vicinity and is already supplied by PG&E and EBCE. Therefore, the Project would not result in a determination by PG&E or EBCE 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.

SCA UTIL-4: Green Building Requirements.

SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related. See Section 4.1.3.

SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan. See Section 4.4.3.

SCA TRANS-2: Bicycle Parking. See Section 4.8.3.

SCA TRANS-4: Transportation and Parking Demand Management. See Section 4.8.3.

Mitigation: None required.

CUMULATIVE IMPACTS

Impact UTIL-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would not result in or contribute to a significant cumulative impact on the capacity of EBMUD's wastewater systems or the City's stormwater drainage system; water supplies; generation of solid waste; PG&E's available power supply.

Less than Significant with SCAs. The geographic scope for cumulative impacts on wastewater treatment and water supply is EBMUD's service area, which includes all development considered in the 2020 UWMP,

as described previously. The cumulative context for stormwater facilities includes the cumulative development within the City's stormwater drainage collection area that includes the Project site. The geographic scope for cumulative impacts on solid waste capacity is Alameda County, which is governed by the ACWMA.

Wastewater

The Project, in combination with past, present, and reasonably foreseeable future development in EBMUD's service area would result in an increase in wastewater generation. However, SCA UTIL-5, Sanitary Sewer System, requires that Project applicants prepare a Sanitary Sewer Impact Analysis that includes an estimate of pre-Project and post-Project wastewater flow from the Project site. In the event that the Sanitary Sewer Impact Analysis indicates that the net increase in Project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the Project applicant would be required to pay a Sanitary Sewer Impact Fee for funding improvements to the sanitary sewer system. With implementation of SCA UTIL-4 and UTIL-5, the Project would not exceed EBMUD's wastewater discharge limitations or the capacity of the existing wastewater conveyance or treatment system, and the Project would not contribute considerably to any potential significant cumulative impact to wastewater.

Stormwater

The Project, in combination with past, present, and reasonably foreseeable future development in the Project's stormwater drainage collection area could result in the need for the construction of new storm water drainage facilities or expansion of existing facilities due to the City's aging stormwater collection system. The potential construction or expansion of stormwater drainage infrastructure would be installed primarily in existing roadways and utility rights-of-way, and would be subject to the SCA TRANS-1, which would reduce potential impacts to a less than significant level. Additionally, Project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Guidelines, as required by SCA UTIL-6. The Project would include its own stormwater site design measures, the construction of which is analyzed throughout this Draft EIR. Additionally, the Project would be required to submit a SWPP adherent to SCA HYD-1 and would comply with NPDES Provision C.3, adherent to SCA HYD-2. Therefore, the Project would not contribute considerably to any potential significant cumulative impact in this regard.

Water Supply

The Project, in combination with past, present, and reasonably foreseeable future development in EBMUD's service area would result in an increase in water supply demand. As described above, EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns (EBMUD, 2020). In addition, cumulative projects would be subject to SCA UTIL-4, Green Building Requirements, which would reduce the use of water through required standards for plumbing fixtures and fittings. The Project would not exceed water supplies available to serve the Project. Therefore, the Project would not contribute considerably to any potential significant cumulative impacts related to water supply.

Solid Waste

The Project, in combination with past, present, and reasonably foreseeable future development in Alameda County governed by the ACWMA would result in an increase in solid waste generation collected and deposited in the Altamont Landfill. As described above, the permitted capacity at the Altamont landfill

is 87 million cubic yards and the facility has more than 25 years of capacity remaining and an estimated closure date of 2049. In addition, the ACWMA has acquired land in the Altamont Hills area suitable for development of a public multi-purpose waste management facility with 98 million cubic yards of landfill capacity (ACWMA, 2020). Cumulative development would be subject to the same City SCAs designed to reduce solid waste (SCA UTIL-1 and SCA UTIL-3). Based on the existing landfill capacities and closure date, along with ACWMA projections, planning, and waste reductions within the service area of the ACWMA, and compliance with City of Oakland waste reduction ordinances, green building requirements, and stormwater requirements, including SCAs UTIL-1, UTIL-3, UTIL-4, UTIL-5, UTIL7; SCAs HYD-1, and HYD-2; and SCA TRANS-1, cumulative impacts related to landfill capacity would be less than significant.

Energy

The geographic context for potential cumulative impacts related to electricity is within PG&E's service area. For potential cumulative impacts related to vehicle and construction equipment fuel use, the geographic context is within Alameda County, the area within which fuel would be demanded by and supplied to the Project. As described under Impact UTIL-8, the Project's electricity use would represent a small fraction of the total electricity usage in Alameda County. The Project's use of fuel resources during construction and operation would represent marginal increases in fuel consumption when compared to County-wide gasoline and diesel consumption and PG&E power supply. Implementation of SCAs AIR-2, GHG-1, TRANS-2, TRANS-4, and UTIL-4 would ensure that the Project would not result in wasteful, inefficient, and unnecessary use of energy resources and would not contribute to a cumulatively considerable impact. Additionally, as described under Impact UTIL-8, the Project would not conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards, nor would it cause a significant environmental effect due to compliance with fuel and energy efficiency regulations, and a LEED Silver building design per the requirements of SCA UTIL-4. Cumulative development would also be subject to green building and other energy efficiency regulations. Therefore, the Project's less than significant energy impacts would not be cumulatively considerable.

SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling.

SCA UTIL-3: Recycling Collection and Storage Space.

SCA UTIL-4: Green Building Requirements.

SCA UTIL-5: Sanitary Sewer System.

SCA UTIL-6: Storm Drain System.

SCA AIR-2: Criteria Air Pollutant Controls – Construction and Operation Related. See Section 4.1.3.

SCA GHG-1: Greenhouse Gas (GHG) Reduction Plan. See Section 4.4.3.

SCA HYD-1: Construction General Permit. See Section 4.6.3

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. See Section 4.6.3.

SCA TRANS-1: Construction General Permit. See Section 4.8.3.

SCA TRANS-2: Bicycle Parking. See Section 4.8.3.

SCA TRANS-4: Transportation and Parking Demand Management. See Section 4.8.3.

Mitigation: None required.

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4.10.10 WILDFIRE

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, the Project would have a significant impact on the environment if it would:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan;				X
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;				X
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or				X
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.				X

ENVIRONMENTAL SETTING

The Project site is located in an urban industrial area and is predominantly surrounded by commercial and industrial uses. The Project site is zoned as "Non-Very High Fire Hazard Severity Zone" on the approved Very High Hazard Severity Zones (VHFHSZ) in the Local Responsibility Area. The nearest VHFHSZ is approximately two miles east of the Project site (CAL FIRE, 2024). The Project site is also not located within the boundaries of an area that is considered to be a Wildland-Urban Interface (WUI) of a fire- threatened community (City of Oakland, 2023). Within the City of Oakland, State Responsibility Areas (SRAs), VHFHSZs, and WUI zones are located primarily in the Oakland hills. The Project site is not located within the boundaries of the fire prevention and assessment district boundary identified in the Safety Element of the City's General Plan or the Wildfire Prevention Assessment District boundary located within the geographic confines of the Oakland Hills, designated by CAL FIRE as a VHFHSZ (City of Oakland, 2023; WPAD, 2017).

As mentioned in Section 4.5, *Hazards and Hazardous Materials*, the Oakland Office of Emergency Services (OES) has identified a network of evacuation routes in the General Plan Safety Element (City of Oakland, 2023). The nearest emergency evacuation point include the East Oakland Sports Center located at 9161 Edes Avenue (City of Oakland, 2024)

Topics Considered and No Impact Determined

Wildfires (Criterion 1, 2, 3, 4). Factors that contribute to the risk of wildland fire includes dense and fire-prone vegetation, poor access to equipment due to slope or inadequate roads, and lack of adequate water pressure and service in fire prone locations The Project site is located within a heavily developed, urbanized area of relatively flat land, bound by surrounding commercial and industrial uses and roadways that do not contain dense vegetation. Wildfire was added in the update to the State CEQA Guidelines as an environmental topic for consideration with regard to impacts that could occur in areas in or near SRAs or lands classified as very high fire hazard severity zones. The Project site is not located in or near an SRA or lands classified as VHFHSZ, with the nearest VHFHSZ approximately 2 miles east of the Project site. The Project site is located within the designated area for the City's EOP, which was updated in April 2023. Implementation of the Project would have a less than significant effect related to exposure to risks, including downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. With the Project being located within the designated area for the City's EOP, on relatively flat land with little vegetation, and not located within a VHFHSV, no impact would occur with regard to wildfire.

Cumulative Impacts

Because the Project would have no impact with regard to wildfire, it would not cause or contribute to any potential cumulative impact to such resources.

References

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5 ALTERNATIVES

5.1 CEQA REQUIREMENTS

Section 15126.6 of the State CEQA Guidelines requires that an EIR describe a reasonable range of alternatives to the Project that could feasibly attain most of the Project Objectives, while avoiding or considerably reducing any of the significant impacts of the Project. As the environmental impact analysis has determined that the Project as proposed would not result in significant and unavoidable impacts, the consideration of alternatives is not strictly required to identify alternatives that could avoid the significant impacts. Nevertheless, this alternatives analysis is conservatively included to provide an alternatives discussion for informational purposes only. An EIR considers a range of potentially feasible alternatives to foster informed decision-making and public participation. The discussion of alternatives focuses on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede, to some degree, the attainment of the Project objectives, or would be costlier (CEQA Guidelines Section 15126.6(b)).

The focus of the alternatives analysis under CEQA is the avoidance or substantial lessening of a project's significant environmental effects. Chapter 4; Environmental Setting, Impacts, and Standard Conditions of Approval; of this EIR assesses the direct and indirect environmental impacts that could potentially result from implementation of the Project. This environmental impact analysis includes consideration and discussion of the Project's potentially significant environmental effects with the application of all applicable City SCAs and identifies mitigation measures needed to reduce potentially significant environmental impacts to a less- than-significant level.

In considering the alternatives analysis provided in this chapter, CEQA's substantive mandate is as follows: "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects" of the project (CEQA Statute, Public Resources Code Section 21002). This discussion analyzes alternatives and presents a range of alternatives to the Project and a meaningful comparative analysis of the Project impacts, as identified in Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval, of this EIR (CEQA Guidelines Section 15126.6(d)); identifies and discusses any alternatives that were considered by the City, as lead agency, but that the City rejected for detailed analysis in this EIR (CEQA Guidelines Section 15126.6(c)); and provides comparative evaluation of the Project to a No Project alternative (CEQA Guidelines Section 15126.6(e)).

5.2 FACTORS IN THE SELECTION OF ALTERNATIVES

The nature and scope of the reasonable range of alternatives to be discussed is governed by the "rule of reason." The CEQA Guidelines recommend that an EIR should briefly describe the rationale for selecting the alternatives to be discussed (Section 15126.6(c)). This alternatives analysis considers the following factors:

- The extent to which the alternative would accomplish most of the basic objectives of the Project;

- The extent to which the alternative would avoid or lessen the identified less than significant, less than significant with SCAs, or less than significant with SCAs and mitigation measures environmental effects of the Project;
- The feasibility of the alternative, taking into account site suitability, availability of infrastructure, general plan consistency, and consistency with other applicable plans and regulatory limitations;
- The extent to which an alternative contributes to a "reasonable range" of alternatives necessary to permit a reasoned choice; and
- The CEQA Guidelines requirement to consider a "No Project" alternative, and to identify an "environmentally-superior" alternative in addition to the No Project alternative (Section 15126.6(e)).

5.2.1 PROJECT OBJECTIVES

The selection of alternatives shall consider the basic objectives of the Project. The following objectives have been identified for the Project:

- Receive ACEHD approval to remediate the environmental contamination caused by decades of heavy industrial use to clean up the soil and water. Implement the productive reuse of the City's industrial lands which are contaminated by previous heavy industrial uses for new cleaner industrial uses on a site with a Land Use Covenant that precludes residential uses.
- Redevelop an existing, contaminated industrial site in close proximity to designated primary truck routes and the State highway system that is serviced by adequate existing infrastructure (e.g., roadways and utilities)
- Implement green building design and practices capable of achieving Leadership in Energy and Environmental Design (LEED™) certification.
- Positively contribute to the economy of the region and the City by providing new employment for City residents through new capital investment in redeveloping the site.
- Attract new businesses to the City and promote a jobs-housing balance.
- Support new industrial employment in the City of Oakland's industrial sector.
- Support the Port of Oakland with potential port-serving businesses in close proximity to the Port and Airport on primary designated truck routes.
- Achieve increased economic benefit from the currently vacant site.

5.2.2 IMPACTS IDENTIFIED

The selection of alternatives shall consider the ability for each alternative to avoid or lessen the identified less than significant with SCAs or less than significant with SCAs and mitigation measures environmental effects of the Project. This evaluation of alternatives focuses on assessing the extent to which the Project alternatives would result in eliminating or reducing the significant impacts that have been identified in Chapter 4. As discussed throughout Chapter 4; Environmental Setting, Impacts, and Standard Conditions of Approval, development of the Project would not result in any significant or unavoidable impacts with incorporation of SCAs. Because the Project would not result in any significant and unavoidable impacts,

an alternatives analysis is not required; however, alternatives are considered and evaluated for comparative purposes. For each alternative, the degree (severity) of adverse impacts that would be caused by the alternative is identified and compared to the Project. At the conclusion of these comparisons, the Environmentally Superior Alternatives is identified among the Project and all alternatives, taking into consideration all impacts identified.

The Project would not result in any significant, unavoidable impacts with application of SCA's.

5.3 ALTERNATIVES CONSIDERED BUT REJECTED FOR FURTHER EVALUATION

CEQA Guidelines Section 15126.6(c) requires an EIR to identify and briefly discuss any alternatives that were considered by the lead agency and rejected from further evaluation. In identifying alternatives to the Project, primary consideration was given to alternatives that would reduce impacts while still meeting most of the basic objectives as well as the City's planning goals and objectives, such as those articulated in the General Plan. Alternatives that would likely have impacts that are the same as or greater than the Project or that would not meet most of the basic objectives were rejected from further consideration.. Additionally, the land use covenant precludes the development of housing, day care, elder care, hospitals, housing, and schools for people under the age of 21. Therefore, these land uses were rejected from further consideration.

5.3.1 ALTERNATE SITE ALTERNATIVE

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is "whether any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location." The Project is a warehouse building within an area of the City primarily developed with similar commercial, industrial, and transportation land use types. The Project Applicant owns this specific site and is looking to develop the specific parcels comprising the Project site with and industrial use in an existing industrial area. Further, this alternative would not meet Project Objectives. Specifically, Project development on an alternate site would not allow for remediation of the current environmental conditions caused by the historic use of the property and would not have the benefit of addressing this contamination. In addition, offsite alternatives would also not result in economic stimulation through development on an existing undeveloped site, support new industrial uses and employment in the City's industrial sector, and development in close proximity to designated primary truck routes and the State highway system that is serviced by adequate existing infrastructure. Furthermore, given the City's current level of urban development, developing the Project on an alternative site would not necessarily avoid or substantially reduce Project impacts related to exposure to hazards from existing site uses and construction-period air quality emissions. For these reasons, an alternate site alternative was not carried forward for detailed analysis as a reasonable alternative.

5.4 SELECTED ALTERNATIVES AND COMPARATIVE ANALYSIS

Based on the screening process described in Section 5.2, Factors in the Selection of Alternatives, above, the City has identified the following reasonable range of alternatives to be addressed in this EIR for informational purposes:

- No Project Alternative
- Community Center Alternative
- Reduced Size Alternative

This section presents a discussion of the comparative environmental effects of each alternative compared to the effects of the Project. As permitted by CEQA, the significant effects of the alternatives are discussed in this EIR in less detail than are the effects of the proposed Project (CEQA Guidelines Section 15126.6(d)). All impacts are described after implementation of any SCAs identified in Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval, of this EIR. **Table 5-1: Description of Project and Alternatives Selected for Evaluation** presents a comparison of alternatives carried forward for consideration and evaluation and the Project.

Table 5-1: Description of Project and Alternatives Selected for Evaluation

	Project	No Project Alternative	Community Center Alternative	Reduced Size Alternative
Meets most basic Project Objectives?	Yes	No	No	No
Substantially avoids or lessens Project Environmental Impacts?	No	Yes	No	No

5.4.1 NO PROJECT ALTERNATIVE

The No Project Alternative is the circumstance under which the Project does not proceed. This alternative is analyzed consistent with CEQA Guidelines Section 15126.6(e), which states that the No Project Alternative must include the assumption that conditions at the time the Notice of Preparation of an EIR was circulated for public review would not be changed because the Project would not be constructed, as well as the events or actions that would reasonably be expected to occur in the foreseeable future if the Project were not approved.

Under the No Project Alternative, the Project would not be built and the Project site would remain in the same state as its current condition. The existing vacant, undeveloped lot would remain in place and the new approximately 311,000-square-foot warehouse building would not be constructed at the site. As noted above, construction of the proposed warehouse would require remediation activities due to the hazardous materials on the Project site. Thus, this alternative would not include remediation of the existing hazardous materials on the Project site. In addition, the upgrades to pedestrian facilities, as well as roadway improvements, would not be constructed and the transportation infrastructure surrounding the site would remain the same.

COMPARATIVE ANALYSIS

CEQA Guidelines Section 15126(d)4 requires consideration of a No Project Alternative. This analysis discusses the existing conditions at the time the NOP was published, as well as what reasonably would be expected to occur in the foreseeable future if the Project were not approved, based on current General Plan and consistent with available infrastructure and community services.

If the No Project Alternative is selected, no development on the Project site would occur. The existing undeveloped site would remain vacant. Because the alternative poses no development on the Project site compared to existing baseline conditions, no impacts would result. As such, this alternative would have reduced impacts compared to the Project with respect to Aesthetics; Air Quality; Biological Resources; Cultural Resources; Energy; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise and Vibration; Population and Housing; Public Services; Recreation; Transportation and Circulation; Tribal Cultural Resources; and Utilities and Service Systems. Since the Project was found to have no impact on Agriculture and Forestry Resources, Mineral Resources, and Wildfire the No Project Alternative would not reduce impacts for the aforementioned resources.

However, Project site remediation for existing hazardous materials would not occur as proposed by the Project. The underutilized site would not be repurposed into a productive larger-scale heavy industrial use consistent with the goals of the General Plan. There would be no new permanent employment in the industrial sector nor increased economic benefit from the Project site. There would be no upgrade to pedestrian and roadway facilities in the Project area.

This alternative would avoid the potentially significant but mitigable Project impacts to Air Quality. However, this alternative would not meet any of the objectives of the Project.

5.4.2 COMMUNITY CENTER ALTERNATIVE

The Community Center Alternative was developed in response to a comment received during the NOP process. A commentor asked for the site to be developed as a hub for East Oakland residents with access to community, commercial, open, and green spaces to lessen air quality and impacts to environmental health. Therefore, the Community Center Alternative assumes that the Project would construct a grocery store, retail building, recreation center, and community center with a rooftop green space in the form of a public rooftop park on the Project site. A warehouse would not be constructed on the Project site. Note that the property is subject to a land use covenant based on the existing contamination on the site. The deed restriction states "development of the property shall be restricted to industrial." While open space may not be considered development, the construction of any of these structures would require a modification to the deed restriction, which will reopen the remediation process.

COMPARATIVE ANALYSIS

The Community Center Alternative assumes the construction of multiple buildings on the Project site, including a grocery store, retail building, recreation center, and community center with an associated rooftop green space. The current General Plan land use designations for the Project site are General Industry and Transportation and Business Mix. The intent of the General Industry and Transportation

designation is to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. The intent of the Business Mix designation is to create, preserve, and enhance industrial areas that are appropriate for a wide variety of commercial and industrial establishments. The Project site is within the IG and CIX-2 zoning districts. IG zoning has the same maximum intensity, intent, and desired character and uses as described above for General Industry and Transportation land uses. Similarly, CIX-2 corresponds with the maximum intensity, intent, and desired character and uses described for and Business Mix land use designations. According to the City's Municipal Code Chapter 17.73.020, recreational assembly, community assembly, and general retail sales are not permitted in the IG zoning district. Recreational assembly, community assembly, general retail sales, and general food sales over 5,000 square feet are allowed within the CIX-2 Zoning district upon the granting of a conditional use permit. General food sales under 5,000 square feet are permitted under the CIX-2 zoning district. This alternative would not be consistent with the City's goals to enhance existing industrial areas with commercial and industrial uses as set forth in the City's General Plan and Municipal Code. Further, the existing surrounding uses are primarily industrial, commercial (e.g., warehouses, automobile services, and restaurants), and transportation. The nearest residential use is located approximately 625 feet northeast of the Project site with the nearest primarily residential area located near the Coliseum BART station parking lot approximately 1,000 feet to the north of the Project site. Project site access is limited to the north by the Hegenberger Road overpass and on the southwest by railroad tracks, limiting community access to the site.

Development of this alternative would still occur within the Project site. Therefore, this alternative would not avoid Project impacts related to exposure of hazardous materials and potential disturbance of unknown cultural resources; remediation activities on the Project site would still be required and the potential to impact cultural resources would be the same. Further, the land use covenant for the Project site precludes the development of day care, elder care, and any schools for people under the age of 21. Should services for sensitive populations not precluded by the land use covenant be intended to be offered by the Community Center, additional remediation of the site beyond what is required for a warehouse use could be required. Additional remediation would require an extended construction period. Moreover, since this alternative would include the construction of multiple buildings and rooftop uses, there is potential for a longer construction period. An increased construction period timeline could potentially increase construction-related air quality emissions. Thus, the Community Center Alternative could potentially increase impacts related to air quality.

Additionally, this alternative would not create a new Class A warehouse building which implements green building design and construction practices capable of achieving LEED certification, encourage productive use of the City's industrial land which is currently underutilized, support new industrial uses and employment in the City of Oakland's industrial sector, and contribute to enhancing the City's existing industrial sector. Therefore, the Community Center Alternative would not meet the Project Objectives.

5.4.3 REDUCED SIZE ALTERNATIVE

The Reduced Size Alternative was considered to minimize and avoid physical characteristics of the Project site, such as cultural resources, and Project construction period impacts to air quality. The Reduced Size

Alternative considers the development of a warehouse building that would decrease the warehouse building footprint such that the required construction timeline and intensity would not result in an impact related to construction emissions and the warehouse would be located further from the areas with higher potential for archeological resources along the southern portion of the Project site. The warehouse building would be constructed only north of 81st Avenue. The warehouse building would also be located further from the creek. The number of truck loading docks would be decreased under this alternative, along with the number of anticipated employees.

COMPARATIVE ANALYSIS

Under the Reduced Size Alternative, the construction activity timeline and intensity would be reduced due to the decreased warehouse size and capacity. As such, air quality impacts of the alternative would be reduced compared to Project air quality impacts related to construction. The reduction in square footage, vehicle parking spaces, and loading docks would also have reduced operational air quality and greenhouse gas emissions though the impacts to the Project are already anticipated to be less-than-significant with mitigation and SCAs incorporated. Thus, this alternative would decrease air quality and greenhouse gas impacts as compared to the Project.

The Reduced Size Alternative would shift the building footprint north of 81st Avenue within the Project site, farther from the area identified by the ground penetrating radar testing with higher potential for previously unidentified archeological resources. As described in Section 4.9.5, Environmental Impacts and Mitigation Measures, the Project would avoid the area the ground penetrating radar identified as having higher potential for previously unidentified archaeological resources, if resources are identified during additional testing. Thus, the Reduced Size Alternative could potentially reduce impacts related to potential buried archeological, biological, hydrology and water quality resources on the Project site by shifting Project development north of 81st Avenue. Construction of this alternative would still occur on the Project site. As such, this alternative would not avoid the already less than significant Project impacts related to hazardous materials and remediation activities on the Project site would still be required.

The Reduced Size Alternative would shift the building footprint north of 81st Avenue within the Project site, farther from the existing creek that runs along the south of the Project site. However, the proposed Project already avoids work in the creek and associated biological and hydrological impacts.

However, the Project warehouse would need to be large enough to accommodate the business uses included as part of the Project and maximize underutilized land on the Project site, as discussed in the Project Objectives. A reduction in the building footprint may not accommodate the physical needs for Project operations and fully utilize the land designated by the City for industrial uses. As such, the Reduced Size Alternative would not meet every Project Objective to encourage productive use of the City's industrial land which is currently underutilized and stimulate the economy of the local area.

5.5 OVERALL COMPARISON OF PROPOSED PROJECT WITH ALTERNATIVES

The analysis of Project alternatives is summarized and compared in **Table 5-2: Project Alternatives Impact Summary and Comparison**, which provides a summary of impact levels within all environmental topic areas.

5.5.1 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify an environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. In general, the environmentally superior alternative is defined as that alternative with the least adverse impacts to the project area and its surrounding environment. CEQA Guidelines Section 15126.6(a) places emphasis on alternatives that "avoid or substantially lessen the significant effects" of a project.

The No Project Alternative would be the most environmentally superior alternative with the fewest environmental impacts. However, the No Project Alternative does not meet any of the basic objectives of the Project. Since the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. The Reduced Size Alternative would have the greater potential to reduce Project Impacts compared to the Community Center Alternative and the Project. Yet, the Reduced Size Alternative would not achieve the Project Objectives as well as the Project since a reduction in the building footprint may not accommodate the physical needs for Project operations and fully utilize the land designated by the City for industrial uses. As such, the Reduced Size Alternative would not result in any significant and unavoidable impacts, similar to the Project, but it would generate less economic benefit from the Project site. None the less, the Reduced Size Alternative is the environmentally superior alternative over the Community Center Alternative. City decision-makers may weigh the relative benefits of the alternatives differently and with additional information received in or developed during the Project approval process reasonably could reach a different decision.

In considering the alternatives analysis provided in this chapter, CEQA's substantive mandate is as follows: "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects" of the project (CEQA Statute, Public Resources Code, Section 21002). For the Project, feasible mitigation measures have been determined to be available to reduce all potentially significant environmental impacts to less-than-significant levels. So long as these identified mitigation measures are either incorporated into the Project or made a condition of Project approval, the availability of feasible alternatives becomes somewhat of a less important consideration, as they would not substantially lessen or avoid significant environmental effects of the Project.

Table 5-2: Project Alternatives Impact Summary and Comparison

Environmental Resource	Project Impact	Anticipated Level of Impact		
		No Project Alternative	Community Center Alternative	Reduced Size Alternative
Aesthetics	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Agriculture and Forestry Resources	No Impact	No Impact	No Impact	No Impact
Air Quality	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Biological Resources	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Cultural Resources	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCA
Energy	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Geology and Soils	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Greenhouse Gas Emissions	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Hazards and Hazardous Materials	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs

Environmental Resource	Project Impact	Anticipated Level of Impact		
		No Project Alternative	Community Center Alternative	Reduced Size Alternative
Hydrology and Water Quality	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Land Use and Planning	Less than Significant	No Impact	Less than Significant	Less than Significant
Mineral Resources	No Impact	No Impact	No Impact	No Impact
Noise	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Population and Housing	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Public Services	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Recreation	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Transportation and Circulation	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Tribal Cultural Resources	Less than Significant with SCAs	No Impact e	Less than Significant with SCAs	Less than Significant with SCAs

Environmental Resource	Project Impact	Anticipated Level of Impact		
		No Project Alternative	Community Center Alternative	Reduced Size Alternative
Utilities and Service Systems	Less than Significant with SCAs	No Impact	Less than Significant with SCAs	Less than Significant with SCAs
Wildfire	No Impact	No Impact	No Impact	No Impact

6 OTHER STATUTORY SECTIONS

Consistent with the CEQA Guidelines Section 15126.2, this section discusses significant environmental effects, significant irreversible environmental changes, and growth-inducing impacts associated with development of the Project. Project effects that were found to be less than significant are also discussed. Cumulative impacts are separately discussed in Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval.

6.1 SIGNIFICANT ENVIRONMENTAL EFFECTS

In accordance with CEQA Guidelines sections 15064 and 15065, an EIR must identify impacts that would not be eliminated or reduced to an insignificant level by mitigation measures included as part of the proposed project, or by other mitigation measures that would be implemented.

As discussed throughout Chapter 4; Environmental Setting, Impacts, and Standard Conditions of Approval; development of the Project would not result in any significant or unavoidable with incorporation of SCAs.

6.2 SIGNIFICANT IRREVERSABLE ENVIRONMENTAL CHANGES

An EIR must identify any significant irreversible environmental changes that could result from project development. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified (CEQA Guidelines Section 15126.2(c)). The CEQA Guidelines identify three distinct categories of significant irreversible changes: (1) changes in land use that would commit future generations; (2) irreversible changes from environmental actions; and (3) consumption of non-renewable resources

6.2.1 CHANGES IN LAND USE THAT WOULD COMMIT FUTURE GENERATIONS

The Project would result in growth and development within the City of Oakland consistent with Plan Bay Area 2050 growth projections for the City and the region. Further, development of the Project would occur within an urbanized area surrounded by similar or compatible uses and would not commit future generations to significant changes in land use that would result in significant and unavoidable adverse impacts, as discussed in Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval.

6.2.2 IRREVERSIBLE CHANGES FROM ENVIRONMENTAL ACTIONS

As discussed in Section 4.5, Hazards and Hazardous Materials, no significant irreversible environmental damage, such as what could occur as a result of an accidental spill or explosion of hazardous materials, is anticipated due to development of the Project. Furthermore, compliance with Federal, state, and local regulations as well as City of Oakland Standard Conditions of Approval (SCAs) associated with hazards and hazardous materials identified in Section 4.5 would reduce the possibility that hazardous substances associated with development of the Project would result in irreversible environmental damage from accidental spill or explosion.

6.2.3 CONSUMPTION OF NON-RENEWABLE RESOURCES

Consumption of non-renewable resources includes conversion of agricultural lands, loss of access to mining reserves, and use of non-renewable energy sources. As described in Section 4.10.2, Agriculture and Forestry Resources, the Project site is not located on agricultural land (DOC, 2023); therefore, no agricultural land would be converted to non-agricultural uses.

As discussed in Section 4.10.5, Mineral Resources, the Project site has no known mineral resources and has not been designated as an area containing mineral deposits which are of regional significance as a source of construction aggregate materials by State Mining and Geology Board (California Department of Conservation, 2022). Therefore, the Project would not result in the loss of availability of a known mineral resource and would not result in the loss of a locally important mineral resource recovery site.

Resources that would be permanently and continually consumed by implementation of the Project include water, electricity, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources, as discussed in Section 4.10.9, Utilities and Service Systems. Project construction activities would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels such as gasoline and diesel for automobiles and construction equipment. With respect to the operational activities of the Project, compliance with all applicable building codes, as well as City of Oakland SCAs, would ensure that all natural resources are conserved to the maximum extent practicable. New technologies or systems may also emerge over the lifetime of the Project, or would become more cost-effective or user-friendly, and would further reduce the Project's reliance upon nonrenewable energy resources.

6.3 GROWTH-INDUCING IMPACTS

This section addresses the ways that development of the Project "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment" (Section 15126.2(d) of the CEQA Guidelines). This section summarizes topics and impacts also addressed in Section 4.10.6, Population and Housing, which provides the context for evaluating growth-inducing impacts.

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement could result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The timing, magnitude, and location of land development and population growth is based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and non-residential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. General plans define the location, type, and intensity of growth and thus are the primary means of regulating development and growth in California.

The growth-inducing impacts analysis addresses the potential of the Project for growth inducement in the Project vicinity or broader area. Under CEQA, a project is generally considered to be growth-inducing if it results in any one of the following:

1. Extension of urban services or infrastructure into a previously unserved area;
2. Extension of a transportation corridor into an area that may be subsequently developed; or
3. Removal of obstacles to population growth (such as provision of major new public services to an area where those services are not currently available)

6.3.1 EXTENSION OF URBAN SERVICES OR INFRASTRUCTURE

As discussed in Sections 4.10.9, Public Services, and 4.10.8, Recreation, the Project is located in an urban area already served by City fire, police, school, and park services. Therefore, the Project would not require the extension of urban services into a previously unserved area. Additionally, as described in Section 4.10.9, Utilities and Service Systems, the Project would involve the installation of new utility infrastructure to connect the Project to existing utility lines. Although infrastructure improvements would occur as part of the Project, extension of these facilities would not indirectly induce substantial population growth, because the Project site is located within a developed area. Required infrastructure improvements would be limited in extent. As such, infrastructure improvements would not likely facilitate the development or redevelopment of other properties within the vicinity of the Project site.

6.3.2 EXTENSION OF A TRANSPORTATION CORRIDOR

Primary regional auto access to the Project site is available from Interstate 880, approximately 0.4 miles to the west. As discussed in Section 4.8, Transportation and Circulation, there is existing pedestrian, bicycle, and transit access between the sites and throughout the nearby areas. Most existing streets in the Project vicinity provide sidewalks on at least one side of the street. The Project is currently served by a Class IV bicycle lanes along San Leandro Street. The Project site is well-served by existing regional and local transportation and is approximately 1,000 feet from the Coliseum BART Station and is currently served by AC Transit bus service along San Leandro Street.

The Project proposes street and sidewalk improvements along the existing San Leandro Street corridor. Improvements would include an extended left turn lane on San Leandro Street heading northwest bound, add a new curb cut, re-stripe the existing crosswalk, and re-locating an existing traffic signal. These changes and improvements to the roadway network do not include an extension of any major transportation corridor. The Project site is in a developed urban area served by existing regional and local

transportation. Therefore, the Project would not extend transportation corridors into undeveloped areas resulting in growth-inducing impacts.

6.3.3 REMOVAL OF OBSTACLES TO POPULATION GROWTH

Section 15126.2(d) of the CEQA Guidelines states that an EIR should discuss "the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA requires a discussion of how a project could increase population, employment, or housing in the areas surrounding the project site as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

The Project involves the addition of a warehouse and associated uses on a site that is currently vacant, therefore directly stimulating population growth, the impacts of which are analyzed throughout Chapter 4, Environmental Setting, Impacts, and Standard Conditions of Approval. The Project site is adjacent to existing urban development including primarily industrial and commercial uses. Any proposed development on parcels surrounding the Project would be subject to project-specific CEQA review.

Section 4.10.6, Population and Housing, analyzes the Project's overall effect on population and housing, including growth-inducing considerations. The Project would result in construction employment. The employment growth associated with construction work, however, would be limited and temporary, and the majority of construction workers are anticipated to originate from the local and regional labor pool, and would not relocate within the City, further reducing the potential for secondary effects. The Project would also result in jobs for approximately 315 permanent employees on the Project site. However, as discussed in Section 4.10.6, this would represent a marginal fraction of the projected and planned job growth in the City. Further, the Project would comply with the City of Oakland Jobs/Housing Impact Fee Ordinances. Accordingly, the employment opportunities provided during operation are not anticipated to induce substantial population growth in the region.

The Project would not remove obstacles to additional growth through the extension of utilities that would facilitate new growth, because it would be undertaken in a developed urban area that is currently otherwise served by all utilities and services and would only require the minor extension of utility infrastructure to serve the Project site. Similarly, the Project would not overburden existing infrastructure so as to require construction of new facilities that could result in significant impacts, as discussed in the Section 4.10.9, Utilities and Service Systems.

6.3.4 SUMMARY

The Project is not likely to encourage (or induce) other development in the surrounding area; regardless, the collective impacts of any such growth have been considered in the *Plan Bay Area 2050* growth projections, and/or have been assessed in this EIR's consideration of cumulative impacts.

6.4 CUMULATIVE IMPACTS

The approach used in this EIR for cumulative impact analysis is described in Section 4.0, Introduction to the Environmental Analysis. The analysis of each environmental topic included in Chapter 4,

Environmental Setting, Impacts, and Standard Conditions of Approval, evaluates possible cumulative impacts considering regional development in combination with development of the Project.

Construction and operation of the Project, in combination with cumulative development in the surrounding area, would not result in significant and unavoidable impacts under cumulative conditions.

6.5 EFFECTS NOT FOUND TO BE SIGNIFICANT

As required by CEQA, this EIR focuses on expected significant environmental effects (CEQA Guidelines Section 15143). In accordance with Section 15128 of the CEQA Guidelines, an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Effects not found to be significant are specifically discussed under each applicable environmental topic section in Section 4.10, Effects Not Found to Be Significant.

7 REPORT PREPARERS

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