

UPDATE OF THE NOISE ELEMENT OF THE OAKLAND GENERAL PLAN



Initial Study / Negative Declaration

**Draft for
public review**

Document submitted for public review on:
March 30, 2005

**Comments may be submitted no later than
Wednesday, April 20, 2005, to:**

City of Oakland
Community and Economic Development Agency
Planning and Zoning Division
Attn: Niko Letunic
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

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INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. Project title

Update of the noise element of the Oakland general plan.

2. Lead agency name and address

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

3. Contact person, phone number and e-mail address

Niko Letunic; (510) 238-6657; nletunic@oaklandnet.com

4. Project location

Oakland, California. The city of Oakland is located at the eastern shore of San Francisco Bay. The city encompasses 56 square miles of land and 24 square miles of water and is defined by the bay and Oakland Estuary on the southwest, the crest of the Berkley-Oakland Hills on the northeast, and other urban areas on the north and south. Oakland is approximately 15 miles east of San Francisco and 90 miles southwest of Sacramento. [Source: *City of Oakland General Plan Land Use and Transportation Element (LUTE) Environmental Impact Report, 1998.*]

5. Project sponsor's name and address

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

6. General Plan designation

Citywide

7. Zoning

Citywide

8. Description of project

California state law requires that each city and county adopt a general plan to guide its physical growth and development. General plans must address locally relevant planning issues under seven mandatory categories, or elements, including a noise element. The noise element must analyze and quantify, to the extent practicable, current and projected noise levels from the following noise sources: major traffic thoroughfares, passenger and freight railroad operations, commercial and general aviation operations, industrial plants, and other ground stationary noise sources contributing to the community noise environment. Noise levels for these sources must be shown on noise contour maps prepared on the basis of noise monitoring or modeling techniques, and the resulting noise contours must be used to guide land use decisions to reduce noise impacts [Section 65302(f) of the California Government Code].

The proposed noise element would update Oakland's original noise element, adopted in 1974. The updated element contains seven chapters: (1) an introduction or general overview; (2) a primer on sound and noise; (3) a description of the institutional framework (including laws, regulations and programs) addressing noise control; (4) a description of the current and project local noise environment; (5) a discussion of noise/land use compatibility and a basis for determining the acceptability of proposed land uses with regard to noise; (6) a set of policies and actions that seek to mitigate noise problems and provide direction for the City's development-related decisions with regard to noise; and (7) a list of noise-related resources.

9. Surrounding land uses and setting

The project applies to the entire City of Oakland. The project is an amendment of the general plan, and as such will be applied citywide, including the City of Oakland planning area (Figure II-2, "Planning Area Boundaries," *General Plan LUTE EIR*, page II-4).

10. Other public agencies whose approval is required

None; however, the City will submit the initial study and draft negative declaration for the noise element, and the draft noise element itself to other potentially interested government agencies at the local, regional, state and federal levels for their review and comment.

Draft for
public review

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially significant impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> 1. Aesthetics | <input type="checkbox"/> 7. Hazards/hazardous materials | <input type="checkbox"/> 13. Public services |
| <input type="checkbox"/> 2. Agricultural resources | <input type="checkbox"/> 8. Hydrology/water quality | <input type="checkbox"/> 14. Recreation |
| <input type="checkbox"/> 3. Air quality | <input type="checkbox"/> 9. Land use/planning | <input type="checkbox"/> 15. Transportation/traffic |
| <input type="checkbox"/> 4. Biological resources | <input type="checkbox"/> 10. Mineral resources | <input type="checkbox"/> 16. Utilities/service systems |
| <input type="checkbox"/> 5. Cultural resources | <input type="checkbox"/> 11. Noise | |
| <input type="checkbox"/> 6. Geology/soils | <input type="checkbox"/> 12. Population/housing | <input type="checkbox"/> 17. Mandatory findings of significance |

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Claudia Cappio,
Director of Development

ENVIRONMENTAL SETTING

The City of Oakland, California, is located on the eastern shore of San Francisco Bay, in northwestern Alameda County. It covers an area of approximately 53 square miles, with an average elevation of 42 feet. The city is bounded by the cities of Emeryville and Berkeley to the north/northwest, unincorporated Contra Costa and Alameda counties to the east/northeast, the city of San Leandro to the south, the Oakland Estuary to the south/southwest, and San Francisco Bay to the west; the island city of Alameda is located across the estuary, while the city of Piedmont is an enclave within Oakland, near Lake Merritt. With a population of approximately 410,000 people, Oakland is the eighth most-populous city in the state; it is also the largest city in Alameda County, in terms of both area and population, and is also the county seat.

The city’s major natural features are San Francisco Bay, the Oakland Estuary, Lake Merritt, and the hills along the city’s northeastern boundary. Downtown is a few blocks inland from the estuary and immediately west of Lake Merritt; most residential districts are to the north, east and southeast of downtown; and industrial areas are to the west and southeast, along I-880. Notable large-scale land uses include the chain of open spaces in the hills, Oakland International Airport, and the seaport (one of the country’s largest and busiest). The airport and seaport, combined with several interstate highways and passenger and freight rail lines that pass through the city, make Oakland the transportation hub of Northern California.

The following evaluation provides information regarding environmental impacts from implementation of the policies and actions in the noise element. Implementation of the element is not anticipated to have negative environmental impacts because it does not propose any construction or development projects or other projects, programs, policies or actions that could reasonably be expected to have an adverse impact on the environment. On the contrary, the policies and actions in the noise element are designed to, among other things, reduce the community’s exposure to excess noise.

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
1. AESTHETICS. Would the project...				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 1 (a), (b), (c) and (d):

Implementation of the noise element is not anticipated to have a negative impact on aesthetics as it does not propose any projects, programs or actions that could reasonably be expected to adversely affect scenic vistas, damage scenic resources, degrade the visual character of any sites or create substantial light or glare. Action 3.4

of the noise element would demand that Caltrans implement sound barriers in certain cases, but the action would merely be a continuation of existing city policy, and it specifies that any new sound barrier must conform with City policies and standards regarding visual and aesthetic resources and quality. Also, impacts that could result from any new sound barrier would be evaluated in subsequent project-specific environmental reviews under CEQA.

The “Open Space for Community Character” section of the *Open Space, Conservation and Recreation (OSCAR) Element* (Chapter 2, pages 2-64 to 2-67)—with which implementation of the noise element must be consistent—applies specific standards for the protection of visual quality and scenic views in Oakland and proposes appropriate policies and programs to protect visual resources and scenic corridors (policies OS-10.1 to OS-10.4) in order to prevent significant aesthetic impacts. Additionally, the “Visual and Aesthetic Conditions” section of the *LUTE EIR* (pages III.F-1 to III.F-12) addresses the potential impacts to aesthetic resources, and no additional impacts related to aesthetics are anticipated as a result of the noise element which have not already been analyzed and evaluated as part of the *LUTE EIR*.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
2. AGRICULTURAL RESOURCES. Would the project...				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 2 (a), (b) and (c):

As discussed in the *OSCAR Element* and *LUTE Element*, Oakland’s planning area contains no agricultural resources or lands currently zoned for agricultural uses; instead, Oakland is an urbanized area with a mixture of commercial, residential and industrial uses. There are no anticipated impacts from the noise element to agricultural resources largely because there is no “prime farmland,” “unique farmland” or “farmland of statewide importance” that could be converted to non-agricultural use; no existing zoning for agricultural use or Williamson Act contracts; and no farmland that could be converted to non-agricultural use.

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
3. AIR QUALITY. Would the project...				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Sections 3(a), (b), (c), (d), and (e):

Since the noise element does not propose any construction or development projects, implementation of the element is anticipated to have no negative impacts on air quality. Policies under the “Air Resources” section of the *OSCAR Element* (policies CO-12.1 to CO-12.6; Chapter 3, pages 3-52 to 3-58)—with which implementation of the noise element must be consistent—are meant to reduce emissions of criteria air pollutants and dust by proposing to promote land-use patterns and densities that are less dependent on automobile travel; maintain bus, rail and ferry systems to reduce automobile emissions; expand existing transportation-systems-management strategies; require construction, demolition, and grading practices that minimize dust emissions; and require that development projects be designed in a manner that reduces potential adverse air quality impacts. Additionally, potential impacts to air quality were analyzed as part of the *LUTE EIR* (pages III.E-1 to III.E-35), and no additional impacts related to air quality are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *LUTE EIR*.

4. BIOLOGICAL RESOURCES. Would the project...

- | | Potentially significant impact | Potentially significant unless mitigation incorporated | Less than significant impact | No impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Sections 4(a), (b), (c), (d), (e) and (f):

Since the noise element does not propose any construction or development projects, implementation of the element is not anticipated to have negative impacts on biological resources. The “Wildlife” section of the *OSCAR Element* (Chapter 3, pages 3-49 to 3-50)—with which implementation of the noise element must be consistent—provides for orderly growth in Oakland’s planning area, and includes provisions and policies for the conservation of natural resources, including the protection and enhancement of sensitive biological resources.

5. CULTURAL RESOURCES. Would the project...

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 5 (a), (b), (c) and (d):

Implementation of the noise element is not anticipated to have a negative impact on cultural resources. The element does not propose any projects, programs or actions that could reasonably be expected to cause a substantial adverse change in the significance of a historical or archaeological resource; destroy a unique paleontological or geologic resource; or disturb any human remains. Potential impacts to cultural resources were analyzed as part of the *LUTE EIR* (pages III.G-1 to III.G-17), and the *LUTE* and *Historic Preservation Element* propose policies and programs to protect and preserve Oakland's cultural resources (Historic Preservation Policies 3.1 and 3.9(a) and *LUTE* Policies D1.1, D2.1 and N11.4), and no additional impacts related to cultural resources are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*.

6. GEOLOGY AND SOILS. Would the project...

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Comments to Sections 6(a), (b), (c), (d) and (e):

Since the noise element does not propose any construction or development projects, implementation of the element is not anticipated to have negative impacts related to soils and geologic conditions. The *OSCAR Element*—with which implementation of the noise element must be consistent—provides policies and actions to minimize the potential for soil erosion resulting from development on hillside areas by requiring review of the grading ordinance every five years to keep it current with new construction methods and development of illustrated grading guidelines to accompany the grading ordinance (actions CO-2.4.1 and CO-2.4.2; page 3-9); and special provisions for development on fill soils to safeguard against subsidence and to consider soil constraints such as shrink/swell and low soil strength potential in the design of buildings (Policy CO-2.3, page 3-9, and Action CO-1.1.3, page 3-4). The *LUTE EIR* analyzed the potential impacts from seismic activity, erosion and geologic hazards (pages III.K-13 to III.K-20), and no additional impacts related to geology and soils are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*.

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

Comments to Sections 7(a), (b), (c), (d), (e), (f), (g) and (h):

Since the noise element does not propose any construction or development projects, its implementation is not anticipated to have negative impacts related to hazardous materials. Also, no impacts related to hazardous materials are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.M-1 to III.M-20).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
8. HYDROLOGY AND WATER QUALITY. Would the project...				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 8(a), (b), (c), (d), (e), (f), (g), (h), (i) and (j):

Since the noise element does not propose any construction or development projects, its implementation is not anticipated to have negative impacts on hydrology or water quality. Moreover, implementation of the City’s Grading Ordinance; Sedimentation and Erosion Control Ordinance; and Creek Protection, Stormwater Management, and Discharge Control Ordinance protects water quality and water resources in Oakland (*LUTE EIR*, page III.I-7). The project would not increase impacts on water resources or the need for additional mitigation measures beyond those included in the *LUTE* and *OSCAR Element* (policies CO-5.1 to 5.4 and 6.1 to 6.6, W3.1 to 3.3 and N7.2 and 7.6). Policies and actions provided in the “Water Resources” section of the *OSCAR Element* (Chapter 3, pages 3-12 to 3-23) address storm drainage facilities and the regulation of runoff, and provide flood reduction measures that would ensure new development would not worsen existing local

flood hazards. No additional impacts related to hydrology and water quality are anticipated as a result of the noise element that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.I-5 to III.I-10).

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
9. LAND USE AND PLANNING. Would the project...				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a fundamental conflict between adjacent or nearby land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 9(a), (b) and (c):

Implementation of the noise element is not anticipated to have a negative impact related to land use and planning as it does not propose any projects, programs or actions that could reasonably be expected to physically divide an established community; conflict with applicable land use plans, policies or regulations; or conflict with any habitat conservation plan or natural community conservation plan. The location of future land uses was discussed and analyzed in the *General Plan LUTE EIR* (pages II.A-1 to II.A-32). The LUTE EIR considered the impact of noise on future development and directed development into areas that would comply with the City of Oakland’s noise element and noise requirements. The proposed Noise Element considered the LUTE EIR’s findings and recommendations and is consistent with the LUTE EIR and the LUTE. Accordingly, no additional impacts related to land use and planning are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages II.A-1 to II.A-32).

Note: Conflicts with the General Plan or other applicable land use plan do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the CEQA Guidelines, “[e]ffects analyzed under CEQA must be related to a physical change.” Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the proposed project and applicable General Plans in the “Setting” section of the document (not under impacts). Further, Appendix G of the Guidelines (Environmental Checklist Form) makes explicit the focus on environmental policies and plans, asking if the project would “conflict with any applicable land use plan, policy, or regulation...adopted for the purpose of avoiding or mitigating an environmental effect” (emphasis added). Even a response in the affirmative, however, does not necessarily indicate the project would have a significant effect, unless a physical change would occur. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed elsewhere in this document. The General Plan contains many policies, which may in some cases address different goals, and thus some policies may compete with each other. The Planning Commission/City Council, in deciding whether to approve the proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan.

10. MINERAL RESOURCES. Would the project...

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 10(a) and (b):

Implementation of the noise element is not anticipated to have a negative impact on mineral resources as it does not propose any projects, programs or actions that could reasonably be expected to result in the loss of availability of a known valuable mineral resource or of an important mineral resource recovery site.

11. NOISE. Would the project ...

	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
a) Expose persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g., OSHA)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate the City of Oakland's noise performance standards (Oakland Planning Code Section 17.120.050) regarding operational noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Violate the City of Oakland's noise performance standards (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all feasible mitigation measures imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Violate the City of Oakland's noise ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Generate 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Result in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- [Source: State of California, Governor’s Office of Planning and Research, *General Plan Guidelines, 2003* (Appendix C, Figure 2)]?
- i) Be located within an airport land use plan and expose people residing or working in the project area to excessive noise levels?
 - j) Be located within the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?

Comments to Sections 11(a), (b), (c), (d), (e) and (f):

Implementation of the noise element is not anticipated to have a negative impact related to noise as it does not propose any projects, programs or actions that could reasonably be expected to degrade the community’s noise environment, and as it does not make the receiver-based noise-compatibility guidelines matrix any less protective of the noise environment. (The guidelines matrix is contained in the noise element and is meant to provide the City with a basis for determining the degree of acceptability of exposing specified land uses to a range of ambient-noise levels). On the contrary, implementation of the noise element is designed to reduce the community’s exposure to noise. The location of future land uses was discussed and analyzed in the General Plan LUTE EIR (pages II.A-1 to II.A-32). The LUTE EIR considered the impact of noise on future development and directed development into areas that would comply with the City of Oakland’s noise element and noise requirements. The proposed Noise Element considered the LUTE EIR’s findings and recommendations and is consistent with the LUTE EIR and the LUTE. Also, any specific development projects proposed subsequent to the adoption of the noise element would be subject to their own, separate CEQA review process. No additional impacts related to noise are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*.

12. POPULATION AND HOUSING. Would the project...

- | | Potentially significant impact | Potentially significant unless mitigation incorporated | Less than significant impact | No impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Sections 12(a), (b) and (c):

Implementation of the noise element is not anticipated to have a negative impact related to population and housing as it does not propose any projects, programs or actions that could reasonably be expected to induce substantial population growth in the area, or to displace substantial numbers of people or of existing housing units. No additional impacts related to population and housing are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.C-1 to III.C-2).

Potentially significant	Potentially significant unless mitigation	Less than significant	No
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13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of, 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:

	<u>impact</u>	<u>incorporated</u>	<u>impact</u>	<u>impact</u>
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 13(a), (b), (c), (d) and (e):

Implementation of the noise element is not anticipated to have a negative impact on public services. The element does not propose any projects, programs or actions that could reasonably be expected to result in substantial physical impacts associated with the provision or expansion of public facilities related to fire protection, police protection, schools, parks or other public services. No additional impacts related to public services are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.D-20 to III.D-38).

14. RECREATION. Would the project...

	Potentially significant <u>impact</u>	Potentially significant unless mitigation <u>incorporated</u>	Less than significant <u>impact</u>	No <u>impact</u>
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 14(a) and (b):

Implementation of the noise element is not anticipated to have a negative impact related to recreation as it does not propose any projects, programs or actions that could reasonably be expected to substantially increase the use of neighborhood or regional recreational facilities, or to require the construction or expansion of recreational facilities. Moreover, Chapter 4 of the *OSCAR Element* discusses recreation resources and identifies objectives to maintain, preserve, and expand parklands (pages 4-25 to 4-68). The policies provided in the *OSCAR Element* reduce recreation-related impacts and provide for funding opportunities to maintain parklands (policies REC-3.1 to 3.3, 4.1, 6.1 to 6.3, 7.1, 10.1 and 10.2). No additional impacts related to recreation are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.D-39 to III.D-44).

Potentially significant	Potentially significant unless mitigation	Less than significant	No
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15. TRANSPORTATION/TRAFFIC. Would the project...

	<u>impact</u>	<u>incorporated</u>	<u>impact</u>	<u>impact</u>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Sections 15(a), (b), (c), (d), (e), (f) and (g):

Implementation of the noise element is not anticipated to have a negative impact on traffic or transportation as it does not propose any projects, programs or actions that could reasonably be expected to cause a substantial increase in traffic; exceed traffic level-of-service standards; result in a change in air traffic patterns; substantially increase traffic-related hazards; result in inadequate emergency access; result in inadequate parking capacity; or interfere with alternative-transportation modes. No additional impacts related to utilities and service systems are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.D-1 to III.D-20).

16. UTILITIES AND SERVICE SYSTEMS. Would the project...

	<u>Potentially significant impact</u>	<u>Potentially significant unless mitigation incorporated</u>	<u>Less than significant impact</u>	<u>No impact</u>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Sections 16(a), (b), (c), (d), (e), (f) and (g):

Implementation of the noise element is not anticipated to have a negative impact on utilities and service systems as it does not propose any projects, programs or actions that could reasonably be expected to exceed wastewater treatment requirements; result in the construction or expansion of water, wastewater-treatment or stormwater-drainage facilities; result in insufficient water supplies or landfill capacity; or violate solid-waste related regulations. No additional impacts related to utilities and service systems are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR* (pages III.D-1 to III.D-20).

17. MANDATORY FINDINGS OF SIGNIFICANCE

- | | Potentially significant impact | Potentially significant unless mitigation incorporated | Less than significant impact | No impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Sections 17(a), (b) and (c):

Implementation of the noise element is not anticipated to degrade biological resources or the overall quality of the natural environment in Oakland; to eliminate important historic or prehistoric resources; to have environmental effects causing substantial adverse effects on humans; or to have cumulatively considerable impacts. No new impacts are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*.

RESOURCES CONSULTED

- *City of Oakland General Plan Historic Preservation Element* (March 1994)
- *City of Oakland General Plan Open Space, Conservation, and Recreation Element* (June 1996)

- *City of Oakland General Plan Land Use and Transportation Element Notice of Preparation and Initial Study* (March 1997)
- *City of Oakland General Plan Land Use and Transportation Element Draft Environmental Impact Report* (October 1997)
- *City of Oakland General Plan Land Use and Transportation Element Final Addendum to the Draft Environmental Impact Report* (February 1998)
- *City of Oakland General Plan Land Use and Transportation Element* (March 1998)
- *City of Oakland Bicycle Master Plan* (July 1999)
- *City of Oakland Pedestrian Master Plan* (November 2002)
- *City of Oakland Public Review Draft Housing Element* (April 2003)
- *City of Oakland Safety Element* (November 2004)

PREPARER OF NEGATIVE DECLARATION

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Draft for
public review