

# CHAPTER I

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## Introduction and Background

### A. Project Sponsor and the Project

SunCal Oak Knoll, LLC (“SunCal”) is the project sponsor for the Oak Knoll Mixed Use Community Plan Project – a proposal to create a mixed use development of residential neighborhoods, commercial development, and open space and recreational facilities at the approximately 183-acre decommissioned Naval Medical Center Oakland (NMCO) property at Oak Knoll. The NMCO property is located approximately nine miles southeast of downtown Oakland, in the South Hills area of the city, and is bounded by Mountain Boulevard / Interstate 580 (I-580) to the west, Keller Avenue to the north and east, and Sequoyah Road to the south.<sup>1</sup> (A map and aerial photograph of the project site and the surrounding vicinity is provided in Chapter III, Project Description, of this document as **Figure III-1.**) The project is referred to throughout this Supplemental Environmental Impact Report (SEIR) as the “Oak Knoll Project” or the “project.”

The Oak Knoll Project proposes to develop up to 960 residential units of varied housing types and up to 82,000 square feet of commercial space. Key components of the project are the enhanced and restored Rifle Range Creek and proposed active and passive recreational facilities. A community-wide trail system would be created to link the Oak Knoll community to the existing East Bay Regional Park District trail system and interconnect neighborhoods, parks and open spaces, public places, and a mixed use commercial / residential community core, referred to as “Village Center” along a proposed Main Street. The project also proposes to rehabilitate for reuse the Club Knoll structure, a locally-designated historic resource.

SunCal currently owns approximately 167 acres of the former NMCO property. The remainder of the property is owned by the Oakland Redevelopment Agency (approximately 5.4 acres) and two private landowners (approximately 9.1 acres). For purposes of the environmental analysis, the Oak Knoll Project is considered to include these properties located within the former, 183-acre NMCO site that SunCal does not currently own. The NMCO facility was closed in 1996 and has been unoccupied since then.

A detailed description of the proposed Oak Knoll Project is provided in Chapter III, Project Description.

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<sup>1</sup> For purposes of the environmental documents prepared for the proposed project, and following Oakland convention, the Oakland Estuary is a western border of Oakland, thus parallel roadways (i.e., I-580 / Mountain Boulevard, Skyline Boulevard) are considered to run north-south, and perpendicular roadways (e.g., Keller Avenue, Golf Links Road, 73rd Avenue) are considered to run east-west.

## B. Environmental Review Context

### Previous Planning and Environmental Review

#### 1996 Final Reuse Plan

As discussed in the Oak Knoll Project Initial Study Environmental Review Checklist (referred to throughout as the “Initial Study” and provided as **Appendix A** to this document), the NMCO property was the subject of a Final Reuse Plan in 1996, pursuant to federal military base reuse procedures. The Final Reuse Plan presented five land use alternatives (including “no action”) for the reuse of the NMCO property. The Oakland Base Reuse Authority (OBRA) adopted the Final Reuse Plan in 1996. The 1996 Final Reuse Plan is incorporated herein by reference.

#### 1998 EIS/EIR

In 1998, the U.S. Department of the Navy and the City of Oakland prepared the *Environmental Impact Statement / Environmental Impact Report for the Disposal and Reuse of the Oak Knoll Naval Medical Center Oakland* (referred to throughout this document as “1998 EIS/EIR”) to analyze the potential environmental impacts that could result from the U.S. Navy’s disposal of the NMCO property and implementation of conceptual land use alternatives for reuse that could be developed on the property. The City of Oakland certified the 1998 EIS/EIR and adopted the Reuse Plan in July 1998. The Navy also used the certified document in its preparation of a Final Finding of Suitability to Transfer (FOST) in 1999. The level of analysis provided in the 1998 EIS/EIR was appropriate to evaluate the environmental effects of each reuse alternative under the National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA).

#### ***Relationship of Project to the 1998 EIS/EIR Alternatives and Analysis***

The 1998 EIS/EIR analyzed four conceptual redevelopment plan alternatives for base reuse. Of those four, the Maximum Capacity Alternative analyzed in the 1998 EIS/EIR, while different in certain aspects, is similar to the proposed Oak Knoll Project with regard to land use, density/intensity, land use layout and potential environmental impacts. The Maximum Capacity Alternative reflects the conceptual development pattern of the adopted 1996 Final Reuse Plan, which was also incorporated into the City of Oakland’s 1998 General Plan Land Use and Transportation Element (LUTE) land use map. The proposed Oak Knoll Project and the 1998 EIS/EIR Maximum Capacity Alternative entail a mixed use development of residential, mixed use commercial, and open space/recreation uses. A comparison of the proposed project characteristics and the 1998 Maximum Capacity Alternative characteristics is presented in Chapter IV in the *Introduction to the Environmental Analysis*, as well as in the Initial Study which is attached as **Appendix A** to this SEIR (discussed below under *Summary of Initial Study Analysis*).

The proposed Oak Knoll Project is the specific, project-level development plan proposal for reuse of the NCMO property. It is considered by the City to be the “single project” (as defined by

CEQA, Section 15378) that is the “final community reuse plan for the site” referred to in the General Plan LUTE (p. 209) and that is informed by the adopted 1996 Reuse Plan and the Maximum Capacity Alternative analyzed in the 1998 EIS/EIR. The City intended to use the 1998 EIS/EIR for all project approvals required to implement the Reuse Plan. Additionally, consistent with discussion in Oakland’s 1998 General Plan LUTE regarding the development of Oak Knoll, the City envisioned that a master developer would further detail and implement a specific, project-level development plan for the site.

The certified 1998 EIS/EIR prepared for the NMCO property provides the environmental analysis upon which the currently proposed Oak Knoll Project may rely (except where CEQA would require further analysis for all or certain topics). SunCal has designed the proposed project to generally not exceed the impacts that would have resulted from the Maximum Capacity Alternative analyzed in the 1998 EIS/EIR. As a result, further environmental review for the proposed project is required only as specified in Section 21166 of the State Public Resources Code (PRC) and Section 15168 of the CEQA Guidelines (discussed below under *CEQA Context*).

As documented in the Initial Study and this document, the Oak Knoll Project is expected to have “generally similar environmental effects which can be mitigated in similar ways” as those identified for the Maximum Capacity Alternative in the 1998 EIS/EIR (CEQA Guidelines Section 15168[a]). The Oak Knoll Project is considered a “subsequent activity” referred to in CEQA Guidelines Section 15168(c) and has been “examined in light of the program [as analyzed in the 1998 EIS/EIR)] to determine whether an additional environmental document must be prepared.” As discussed below, consistent with CEQA Guidelines Section 15168, the City prepared a new initial study to determine whether any additional environmental review is required.

## CEQA Context

### Scoping and Assessing the Need for Further Environmental Review

#### ***Request for Environmental Review, and Subsequent Notice of Preparation (NOP) and Scoping***

In 2006, SunCal submitted to the City of Oakland a request for environmental review of the proposed Oak Knoll Project. The City determined, for the reasons described above, that the project should be analyzed pursuant to Section 21166 of the PRC and CEQA Guidelines 15162 and 15163. This determination was based on the City’s review of SunCal’s request, combined with the existence of a previously-certified environmental impact report prepared for redevelopment alternatives considered for the NMCO property, and provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines. The City prepared an Initial Study to enable the City to determine whether the project would trigger the need for supplemental environmental review pursuant to PRC Section 21166 and CEQA Guidelines 15162 and 15163.

On February 8, 2007, the City published a Notice of Preparation (NOP) to prepare an SEIR for the Oak Knoll Project and the Initial Study which was sent to governmental agencies. The City also mailed the NOP to organizations and persons interested in the Oak Knoll Project. The NOP

indicated availability of the Initial Study at the City of Oakland Planning and Zoning Division offices. The NOP invited public comment on the Initial Study during a 30-day public review and comment period and specifically requested that agencies with regulatory authority over any aspect of the project describe that authority and identify the relevant environmental issues that should be addressed in this SEIR. (The NOP and Initial Study are provided as **Appendix A** to this SEIR.)

The City held a public scoping session on February 28, 2007, during the 30-day public review and comment period, to solicit comments from the Oakland Planning Commission and the public. All comments received in response to the NOP are provided in **Appendix B** to this SEIR. The analysis presented in this SEIR addresses all comments received that pertain to the potential environmental effects of the project under CEQA.

### ***Standard for Determining if Further Environmental Review is Required***

Since an EIR already has been certified for the redevelopment of the Oak Knoll site (the 1998 EIS/EIR), the standard for determining whether further CEQA review is required is established by PRC Section 21166 and CEQA Guidelines Section 15162. PRC Section 21166 applies to the proposed project because in-depth CEQA review has already occurred for a conceptual project (the 1998 Maximum Capacity Alternative) on the NMCO property, and the time for challenging the sufficiency of the 1998 EIS/EIR has passed. Repeating a substantial portion of the EIR process, such as preparation and public review of a subsequent or supplemental environmental impact report, is warranted if and to the extent that the project meets any of the following stated conditions:

- 1) **Substantial** changes to the project or **substantial** changes to circumstances, or new information of **substantial** importance; which
- 2) require **major revisions** to the EIR; **and**
- 3) result in **new significant** environmental effects or a **substantial increase** in the severity of previously identified significant effects. (PRC Section 21166; CEQA Guidelines Sections 15162 and 15163.)

The findings for each of these standards must be based on substantial evidence (CEQA Guidelines Sections 15162). Further, the findings in PRC Section 21166 provide the basis for focusing the scope of the issues to be addressed in a subsequent or supplemental EIR. As a result of the analysis conducted for the Initial Study (discussed below) and the scoping session held by the Planning Commission, the City determined that it was appropriate to prepare an SEIR for a limited set of topics to identify the potential effects of the proposed project and to compare potential effects to the effects identified previously for the 1998 Maximum Capacity Alternative analyzed in the 1998 EIS/EIR.

This SEIR assesses whether the proposed project would or would not have significant impacts, based on a comparison of the proposed project to current conditions. Further, this SEIR assesses

whether the proposed project would or would not have significant impacts in addition to those identified for the Maximum Capacity Alternative analyzed in the 1998 EIS/EIR. An assessment of the proposed project impacts that would result if compared to pre-closure conditions on the NCMO property is provided for informational purposes, but is not used to determine whether or not the proposed project will result in significant impacts (see further discussion under *Environmental Baseline Under CEQA* in Chapter IV, Introduction to the Environmental Analysis).

Pursuant to PRC Section 21166 and CEQA Guidelines Section 15162, the analysis in the Initial Study and this SEIR also considers whether substantial changes to circumstances or new information of substantial importance exist that could result in the proposed project having a new significant impact not previously identified for the Maximum Capacity Alternative in the 1998 EIS/EIR.

### **Summary of Initial Study Analysis**

To determine whether the standards calling for preparation of a subsequent or supplemental EIR are met for certain topics, CEQA contemplates that the lead agency may prepare an initial study. If the CEQA standards requiring preparation of a subsequent or supplemental EIR to address any issues are met, then the agency (i.e., the City of Oakland) should focus the subsequent environmental review in order to make the previous EIR adequate for the project revised project (CEQA Guidelines Section 15163[b]).

The Oak Knoll Project Initial Study presented the environmental analysis and certain supporting technical information that the City of Oakland considered prior to its decision to prepare this SEIR on selected topics, pursuant to CEQA Guidelines Sections 15162 and 15163 and PRC Section 21166.

### **Comparison of Environmental Impacts**

The comparison of potential environmental effects that may result with the Oak Knoll Project to the effects identified previously for the 1998 Maximum Capacity Alternative (as well as other changes in circumstances and new information relevant to the analysis, discussed below) is intended to determine if circumstances exist that could result in the proposed project having a new significant environmental impact not previously identified in the 1998 EIS/EIR.

As summarized in Table IS-3 of the Initial Study provided in **Appendix A** to this document, the Initial Study identified the following categories:

- 1) Environmental topic not discussed for the Maximum Capacity Alternative in the 1998 EIS/EIR and would not have a significant impact under the proposed project.
- 2) Project impacts (significant or otherwise) and mitigation measures are substantially the same as identified for the Maximum Capacity Alternative in the 1998 EIS/EIR.
- 3) Project impacts (significant or otherwise) are the same as identified for the Maximum Capacity Alternative in the 1998 EIS/EIR, but mitigation measures are added or revised for

the proposed project due to changes proposed by the City or to update performance or regulatory standards.

- 4) New or substantially more severe significant impacts, new information, or changes in circumstances that were not identified in the 1998 EIS/EIR are identified for the project, but the new impacts are reduced to less than significant with newly-identified mitigation measures.<sup>2</sup>
- 5) Potentially new or substantially more severe significant impacts, new information, or changes in circumstances that were not identified in the 1998 EIS/EIR may be identified for the project, and further investigation will be undertaken.

The environmental topics presented in this SEIR are in Category 4 and Category 5, in addition to other topics for which the City has elected to conduct further analysis although not required under CEQA (discussed below under *Initial Study Determination*).

### **Comparison of Relevant Circumstances and Information**

Overall circumstances and conditions under which this analysis for the Oak Knoll Project is being undertaken are not substantially different from those that existed when the analysis for the Maximum Capacity Alternative in the 1998 EIS/EIR was undertaken. To summarize from the Initial Study, the vicinity surrounding the project site has not undergone substantial physical changes, (for example, any substantial new development or changes in infrastructure, circulation, public facilities, or natural resources), since preparation of the 1998 EIS/EIR. The most notable changes in physical setting are presented in Chapter III, Project Description, within the description of the project site and the surrounding area. Relevant changes in circumstances and conditions pertinent to the Oak Knoll Project and relevant to this environmental review under CEQA consist of:

- 1) potentially deteriorated physical conditions (structures and infrastructure) onsite due to lack of use and maintenance since NMCO closure in 1996;
- 2) new or amended applicable plans and policies adopted after preparation of the 1998 EIS/EIR, including several elements of the General Plan and the applicable Redevelopment Plan;
- 3) new or revised regulatory standards or analysis methodologies and models, such as those used to assess air quality emissions, cumulative traffic, and potentially hazardous conditions onsite;

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<sup>2</sup> Certain impacts that were not identified as “significant” in the 1998 EIS/EIR are identified as “significant but mitigable” in the Initial Study, not because the impact has changed but because of a change in the City’s environmental review practice since 1998. Previously, the City assumed a project would comply with applicable regulations before concluding whether an impact would be significant. Under the City’s current environmental review practice, the City considers what the potential impact would be with no regulatory compliance in most cases, and incorporates regulatory requirements in order to mitigate the potential impact to less than significant. Thus, for some of the newly identified “significant impacts” there has not been an actual change in the fundamental significance of the impact, but a change in the City’s environmental review practice.

- 4) updated City of Oakland practices for determining environmental effects for various topics and project types (specifically large projects affecting substantial land area) (see Footnote 2 above);
- 5) applicable status lists for wildlife species and, in particular, local historic resources; and
- 6) numerous new technical reports and plans that include in-depth investigations and analyses regarding conditions on the project site.

New information of substantial importance and substantial changes in circumstances identified in the Initial Study *and that potentially result in new significant impacts* are identified in Table IS-3 to the Initial Study provided in **Appendix A** to this document.

### **Assessment of Requirements for Further Environmental Review**

To further assist the City in determining whether any further environmental review beyond that presented in the 1998 EIS/EIR is required (pursuant to PRC Section 21166 or CEQA Guidelines Section 15162), the Initial Study identified one of the following determinations for each environmental topic:

- 1) **No Further Analysis Required** – This includes environmental topics for which no further analysis is required based on the analysis provided in the Initial Study and/or in the certified 1998 EIS/EIR. This applies to most topics analyzed in the Initial Study.
- 2) **Further Analysis Required** – This includes environmental topics for which the proposed project would *potentially* result in significant *and unmitigable* impacts not previously identified in the certified 1998 EIS/EIR. Topics that the Initial Study identified in this category (air quality, traffic, noise) are analyzed further in this SEIR. This also includes topics for which previously-identified mitigation measure called for additional study relevant to the previously-identified potentially significant impact (aesthetics);
- 3) **Further Analysis Presented, but Not Required** – Further environmental investigation or information is presented in this SEIR due to (a) the existence of substantially new or more detailed information and analysis and/or high public interest regarding the topic (i.e., aesthetics); and (b) environmental topics for which substantial changes in circumstances or new information of substantial importance exist since preparation of the certified 1998 EIS/EIR analysis (historic resources).

## **Initial Study Determination and Scope of SEIR**

### **Topics Addressed in this SEIR**

Pursuant to PRC Section 21166 and CEQA Guidelines Sections 15162 and 15163, the Initial Study Determination concluded that additional environmental review in an SEIR shall be conducted for the following topics:

- Aesthetics (scenic vistas; scenic resources; and visual quality and character);
- Air Quality (except odors, which was addressed in the Initial Study);
- Cultural Resources (historic resources);

- Noise (increases to ambient noise – project and cumulative<sup>3</sup>); and
- Traffic and Circulation.

The environmental analysis for each of the topics listed above is presented in Chapter IV of this document.

## **Topics Not Addressed Further in this SEIR Based on Initial Study Determination**

The information and analysis presented in the Initial Study provides substantial evidence for the conclusion, for all the issues listed below (i.e., those *not* addressed in this SEIR), that 1) the analyses in the 1998 EIS/EIR and the Initial Study satisfy the requirements of CEQA, and 2) CEQA standards triggering preparation of further environmental review do not exist for those issues. Topics not addressed in this SEIR are listed below by impact determination category identified in the Initial Study:

### ***Significant, but Reduced to Less than Significant with Mitigation Measures***

- Aesthetics (light and glare; landscape shadow; and shadow on solar collectors, open space, and historic resources)
- Air Quality (odors only)
- Biological Resources (bat/bird species; wetlands; riparian habitat, tree protection ordinance, and creek ordinance)
- Cultural Resources (archaeological and paleontological resources and human remains)
- Geology, Soils and Seismicity (expansive soils, erosion/loss of topsoil)
- Hazards and Hazardous Materials (foreseeable upset; risk of wildland fire)
- Hydrology and Water Quality (water quality; creek protection ordinance)
- Mineral Resources
- Noise
- Public Services
- Utilities and Service Systems

A summary of the Initial Study analysis findings for each of the topics above is presented within **Table II-2**, Summary of Impacts, Mitigation Measures, and Residual Effects, in Chapter II of this SEIR, and in **Table IS-3**, Summary of Initial Study Findings, Topics to be Analyzed in the SEIR, and Changed Circumstances and New Information Resulting in New Significant Impacts, presented in the Initial Study. **Table II-2** presents the impacts and mitigation measures that would be implemented with the project. Supplemental information relevant to the CEQA analysis initiated by new project information, City staff, or public comments received in response to the NOP (and thus not included in the Initial Study) are presented in Section IV.F of this document.

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<sup>3</sup> The Initial Study indicated that the SEIR would only address cumulative ambient noise impacts, however, the SEIR fully analyzes project-level ambient noise impacts beyond that presented in the Initial Study.

### ***Less than Significant***

- Agricultural Resources
- Population and Housing
- Land Use and Planning
- Recreation

### **Topics Addressed Further in this SEIR Because of New Information**

The following topics or subtopics, which are a subset of those listed above and otherwise would not be addressed in this SEIR based on the Initial Study Determination, are addressed in this SEIR to address whether or not the environmental impact would be changed due to new information. The project sponsor has identified project changes and the City has received or generated supplemental information (described in detail in Chapter III, Project Description and Chapter IV.F) since publication of the NOP/Initial Study. This SEIR describes how or if the new information would result in new or more severe impacts than identified for these topics in the Initial Study. In addition, topics for which the City has modified mitigation measures identified previously in the Initial Study are also identified below.

- Biological Resources (wetlands; riparian habitat, tree protection ordinance, status species, creek ordinance)
- Hazards and Hazardous Materials (school proximity)
- Public Services (schools)

The potential effects of new information on the aforementioned topics are discussed in Section IV.F of this SEIR. The potential effects of the new information on topics being addressed in this SEIR are addressed within the analysis of each topic in Chapter IV of this SEIR (i.e., Section IV.A, Aesthetics; Section IV.B, Traffic; Section IV.C, Air Quality; Section IV.E, Noise; and Section IV.E, Cultural Resources).

## **C. Supplemental EIR**

### **Use and Availability of this SEIR**

Consistent with CEQA, this SEIR is a public information document, and its key purpose is for use by governmental agencies and the public to identify and evaluate potential environmental consequences of a proposed project, to recommend mitigation measures to lessen or eliminate adverse impacts, and to examine feasible alternatives to the project. The City will review and consider the information contained in this SEIR prior to taking action on the project.

Copies of this Draft SEIR are available at the City of Oakland, Community and Economic Development Agency, Planning and Zoning Division, at the address indicated on the notice located on the inside cover of this document, as well as other locations noted on the notice. The Draft SEIR is available for public review for the period identified on the notice located inside the front cover of this document. During this review period, written comments on the Draft SEIR

may be submitted to the City at the address indicated on the notice. Responses to all comments received on the environmental analysis in this Draft SEIR and submitted within the specified review period will be included in the Final SEIR.

## Organization of the Draft SEIR

This Draft SEIR document is organized as follows:

**Chapter II, Summary** – This chapter summarizes the project and the conclusions of this Draft SEIR document. A summary table is included and organized to allow the reader to easily reference the analysis of potentially significant effects, proposed mitigation measures, and any residual environmental impacts after implementation of mitigation measures – for the 1998 Maximum Capacity Alternative and the proposed project, as well as those mitigation measures identified in the Initial Study. A summary of the project alternatives and the environmentally superior alternative is also provided. The Summary Chapter also identifies areas of controversy regarding the project that are known to the City as of publication of this Draft SEIR.

**Chapter III, Project Description** – This chapter describes the proposed project in detail. Specifically, with text and graphics, this chapter describes the project site, project characteristics, and phasing, and the objectives for the project. City-required project approvals identified as of publication of this Draft SEIR are discussed, and other agencies that may have review or approval responsibilities for any aspect of the project are identified. This Chapter will also identify changes to the project description occurring since the Initial Study.

**Chapter IV, Environmental Setting, Impacts, and Mitigation Measures** – This chapter includes the detailed environmental analysis for topics determined by the Initial Study to be included in this SEIR. The chapter includes an introductory discussion of the approach to the environmental analysis (analysis years, cumulative scenario, mitigation measures, significance thresholds and recent changes thereto, etc.). This chapter also describes the 1998 Maximum Capacity Alternative analyzed in the 1998 EIS/EIR as compared to the proposed project.

The body of the chapter is organized by topical “Sections” (e.g., “IV.A. Aesthetics”) comprised of a *Setting* and an *Impacts and Mitigation Measures* discussion. Specifically presented are existing conditions and regulatory framework, the environmental impacts (project and cumulative impacts) that could result from the project, and the mitigation measures, if any, that would reduce or eliminate the identified adverse impacts. The CEQA thresholds and criteria used to assess the significance of adverse environmental effects are identified, and the significance of the impact both prior to and following implementation of mitigation measures is reported.

Chapter IV also includes a section that presents supplemental information relevant to the CEQA analysis of specific topics previously addressed in the Initial Study, and discusses the potential effects of that new information on those topics.

**Chapter V, Alternatives** – This chapter evaluates a range of alternatives to the proposed project that are intended to reduce or avoid significant environmental effects identified in Section IV. A

summary table is provided that presents the impacts identified for each alternative relative to those identified for the project.

**Chapter VI, Impact Overview** – This chapter summarizes the significant, unavoidable impacts and cumulative impacts identified throughout Chapters IV.A through IV.F and describes the project’s potential for inducing growth. The chapter also summarizes the findings for environmental topics determined in the Initial Study to have “no impact” or a less-than-significant impact, including those discussed in the Initial Study and determined not to require further review, which are therefore not analyzed further in this SEIR.

**Chapter VII, Report Preparation** – This chapter identifies the authors of this SEIR. Persons and documents consulted during preparation of the analysis herein are listed at the end of each analysis section (i.e., Sections IV.A through IV.E) and in the appendices to the document.

**Appendices** – A series of appendices to the document are provided as a second volume to the SEIR and include the NOP and Initial Study, including responses received to the NOP, the project sponsor’s proposed zoning program, and supporting background information most relevant to the impact analyses provided in this document. A CD of the 1998 EIS/EIR and key consultant reports and technical studies supporting the SEIR analysis is also considered part of the appendices and is included inside the back cover of the appendices volume.