

F. Effects of Project Changes and Supplemental Information on Topics Previously Analyzed in the Initial Study

This section discusses the potential effects of supplemental information received since publication of the Notice of Preparation (NOP) and Initial Study on environmental topics previously determined in the Initial Study to have less-than-significant impacts.

Project and Other Information Provided Since Publication of the NOP/Initial Study

After publication of the Oak Knoll Initial Study Checklist in February 2007, SunCal, the project sponsor provided to the City the following additional information regarding the proposed project (as summarized from Chapter III, Project Description):

- Seneca Parcel Exchange and Development - As depicted in **Figure III-2**, Oak Knoll Community Plan (August 2006) and **Figure III-3**, Oak Knoll Master Plan (August 2007), Seneca and SunCal may exchange equivalently sized parcels of land (approximately 7.9 acres) on the Oak Knoll site, resulting in the Seneca relocating and building school facilities at the northwest corner of the property (near Keller Avenue) and possibly locating administrative functions in part of Club Knoll, and SunCal developing housing on the existing Seneca site. The proposed exchange would not increase the maximum residential development program for the Oak Knoll Project.

Seneca development was not considered in the Initial Study analysis of the Oak Knoll Project and would consist of the following:

- 3 new low-rise structures;
 - an approximately 10,000 square-foot preschool building with 4 classrooms (8 children per classroom);
 - an approximately 30,000 square-foot K-12 school with 10 classrooms (10 to 12 students per classroom);
 - a 20,000 square-foot, 24-hour group care facility for up to 12 youth;
 - administrative and training facilities
- Club Knoll Rehabilitation - The Initial Study analysis acknowledged SunCal's proposal to rehabilitate the structure for reuse for community or non-profit use, or administrative use, however specifics regarding the proposed rehabilitation work were not identified. SunCal has identified reuse parameters respect the building's most identifiable characteristics by maintaining the overall architectural style, historic building configuration, its immediate open space setting, and characteristic exterior details (subject to City review and approval).
 - Construction-Period Recycling - The project proposes to conduct construction-related concrete and asphalt recycling on site during the demolition phases of construction. While

this would likely reduce the activity of diesel-fueled trucks required to off-haul debris, the activity will utilize construction equipment known to emit ozone precursors and would generate construction dust and noise.

- Tree Removal Outside of Grading Limits - SunCal's technical consultants have identified trees near the base of the west-facing hillside of the Eastern Ridge, *outside the limit of* grading, for oak woodland enhancement and planting replacement trees. Eucalyptus and Monterey pine in this area, not previously enumerated, will be removed as part of the oak woodland enhancement effort. (See **Figure III-5**, Mass Grading and Vegetation Removal, below).
- Main Street Alignment - Main Street, as it runs through the site between Mountain Boulevard and Keller Avenue, is realigned to run entirely on the west side of Rifle Range Creek, which eliminates one (of three originally proposed) roadway crossings over the creek. The realignment also provides a more direct access route between the two site entrances (Mountain Boulevard and Keller Avenue). Other minor roadway changes have also occurred as a result of the Seneca relocation discussed above. (See **Figure III-2**, Oak Knoll Community Plan (August 2006) and **Figure III-3**, Oak Knoll Master Plan (August 2007)).
- Residential Program - SunCal has revised the residential unit mix for the project, which generally provides for a modest shift in the unit mix, resulting in fewer attached multifamily unit housing types and more detached single family unit housing types. (See **Table IV-1**, Comparison of Maximum Capacity Alternative and Proposed Oak Knoll Project, and **Appendix C** to this SEIR.)
- Potential Club Knoll Uses - SunCal has introduced the potential for administrative functions in part of Club Knoll.
- Barcelona Street Access / EVA - The existing Barcelona Street driveway entrance to the project site (off Sequoyah Road) may be converted to be an emergency vehicle access (EVA) facility only.
- Homeowner's Association Center - SunCal has included an approximately 10,000 to 15,000 square-foot Homeowners Association Center at an undetermined location on the project site that would be used by residents and their guests only.
- Modifications to Mitigation Measure BIO-3A to Address Riparian Habitat - As a result of ongoing coordination with City of Oakland staff on the proposed Creek Protection Permit and review of the proposed creek restoration activities, Mitigation Measure BIO-3A is further revised and supplemented in this SEIR and replaces the 1998 EIS/EIR Mitigation.
- Supplemental Species of Special Concern - Habitat for the San Francisco Dusky-footed Woodrat, which is a California Department of Fish and Game (CDFG) Species of Special Concern, exists on the project site.

Impact Discussion of Affected Topics Previously Analyzed

Each impact analyses conducted for this Supplemental EIR (SEIR) considers the environmental effects of the aforementioned project changes within each analysis topic affected:

Affected Topics Discussed in this SEIR

Section IV.A, *Aesthetics*, considers the potential environmental effects of locating Seneca in an area of the site that is visible from publicly-accessible vantage points offsite (and alternatively developing residential structures on the existing Seneca parcel), as well as the effect of additional tree removal not previously considered in the Initial Study.

Section IV.B, *Transportation, Circulation, and Parking*, evaluates the effect of the Seneca activities (on the Seneca Parcel) and proposed new parcel location. This section also considers the effects on circulation and traffic of the proposed mix of unit types, of potential administrative uses in Club Knoll, as well as the realignment of Main Street and the possibility of restricting the Barcelona Street entrance for use by Club Knoll and as an emergency vehicle access (EVA). The effects of onsite construction-period activities, including on-site recycling, on construction traffic is also addressed in this section.

Section IV.C, *Air Quality*, and Section IV.D, *Noise*, both consider the environmental effect of construction-period concrete and asphalt recycling activities occurring on the project site; *Noise* also addresses the relocation of sensitive land uses (residential, parks, Seneca) within noise-impacted areas.

Section IV.E, *Cultural Resources*, evaluates the potential effects on historic resources, and considers the specific design parameters that SunCal has outlined.

Affected Topics Previously Discussed in the Initial Study

The Initial Study prepared for the proposed project is provided in **Appendix A** to this SEIR. The Initial Study identified that the proposed project would result in less-than-significant impacts, or significant but mitigable (to less-than-significant) impacts for several topics, and therefore, those topics (or specific criteria within those topics), were not analyzed further in this SEIR. **Table II-1**, Summary Table of Impacts, Mitigation Measures, and Residual Effects, in this SEIR presents the complete list of previously analyzed topics (with full impact statement, and if applicable, mitigation measure), and these topics are also summarized in Chapter IV, Overview and Growth Inducing Impacts, in this SEIR.

The following discusses only the previously-analyzed topics analyzed in the Initial Study (but not discussed elsewhere in this SEIR) upon which the aforementioned project changes may have an effect. The discussion also incorporates any additional information provided by City staff and public comments received in response to the NOP (also provided in **Appendix A** to this SEIR).

Biological Resources

Wetlands / Waters of the U.S.

The Initial Study determined that the creek restoration activities proposed with the Oak Knoll Project would, if approved, result in potentially significant temporary impacts to waters of the

U.S. and associated riparian habitat. The impact would result specifically from work to construct overcrossings of Rifle Range Creek that may affect the sensitive riparian habitat corridor along the creek. The impacts associated with work in the waters of the U.S. were identified as new impacts that were not previously identified in the 1998 EIS/EIR, but that would be reduced to less than significant with the implementation of Mitigation Measures HYD-1 through HYD-11. The impact associated with effects to the riparian corridor is addressed in New (Replacement) Mitigation Measure BIO-3A (which replaces the 1998 EIS/EIR Mitigation 1).

Effect of Project Changes

Main Street Alignment. As revised and shown in **Figure III-3**, Main Street eliminates one street overcrossing of Rifle Range Creek that was previously proposed; two street crossings and one or more pedestrian crossings are still proposed. As a result, effects associated with the in-creek work to construct this overcrossing, as well as the potential effects resulting from work in the riparian corridor, would be reduced. Work would still occur in the creek and result in the same significant but mitigable impacts identified in the Initial Study. Other roadway changes are depicted in **Figure III-3** to accommodate residential development where Seneca was to exist/remain near the Village Center (see **Figure III-2**), and to accommodate Seneca where residential development was originally proposed in the northwest area of the site. These changes would not affect creek crossings or potential biological effects.

Other Supplemental Information

Creek Protection. As discussed above, the Initial Study identified a potentially significant impact to riparian habitat resulting from creek restoration activities proposed by the project. New (Replacement) Mitigation Measure BIO-3A (which replaces the 1998 EIS/EIR Mitigation 1) was identified to reduce this impact to less than significant. As a result of ongoing coordination with City of Oakland staff on the proposed Creek Protection Permit and review of the proposed creek restoration activities, Mitigation Measure BIO-3A is further revised and supplemented to address the proposed riparian greenbelt. The proposed revisions strengthen and provides additional detail and specificity to the mitigation measure identified in the Initial Study and would further reduced the potentially significant impact to riparian habitat to less than significant

The Revised Mitigation Measure BIO-3A published in the Initial Study is presented below for reference:

Revised Mitigation Measure BIO-3A: *(revised from 1998 EIS/EIR Mitigation 1)* Except as necessary to construct creek overcrossings and other approved creek restoration plans, avoid the removal of native vegetation within the riparian corridor to the extent feasible during demolition, earth moving, construction, habitat restoration, and trail-building activities. Consistent with the Oakland General Plan, establish the extent of the Resource Conservation Area, to be determined by delineating a permanent, minimum 50-foot wide restricted access buffer zone to be measured from centerline of the creek, unless otherwise required by CDFG, to protect the Rifle Range Creek corridor and a further buffer zone for open space, trails and parks consistent with the approved creek restoration plan. Except as described above, no grading or development shall occur within the Resource Conservation Area. Locate all staging areas in already disturbed sites. Prior to issuance of a grading

~~permit. A~~ a qualified biologist shall develop a detailed ~~habitat restoration creek protection~~ creek protection plan for ~~restoration-any~~ activities in Rifle Range Creek, its tributaries, and the surrounding riparian corridor that includes ongoing maintenance of this buffer zone. ~~This plan, to be prepared by the project applicant prior to construction, should and specifies~~ all activities necessary to restore the drainage with minimal erosion, and should be supervised by restoration specialists. If ~~some~~ vegetation removal is required, project developers ~~should~~ shall confer with the City of Oakland and the California Department of Fish and Game regarding the type of vegetation to be removed, the extent of removal, and ~~corresponding~~ comply with corresponding revegetation mitigation requirements, including those identified in this Initial Study, as approved.

New Mitigation Measure BIO-3A shown below shall replace the previously published version in the Initial Study:

New (Replacement) Mitigation Measure BIO-3A: *(replacement of 1998 EIS/EIR Mitigation 1)*
In conjunction with the restoration and conservation of Rifle Range Creek, establish a riparian greenbelt that contains creek restoration area, riparian habitat, upland habitat and park elements. In order to maximize the protection and enhancement of wildlife and habitat areas, preserve valuable native trees, and provide adequate setbacks to adjacent development, the riparian greenbelt shall comply with the following requirements:

1. The riparian greenbelt shall be an average width of no less than 150 feet with a goal of a 200-foot average, but at no point less than 100 feet in width. The restored creek may meander within the greenbelt boundaries but at no points shall the creek centerline be less than 50 feet from the greenbelt boundary.
2. Design the riparian greenbelt to protect and incorporate existing natural resources of value including oak woodland, riparian resources and high value trees to the maximum extent feasible.
3. Limit the number of vehicle creek crossings to three or fewer and design such crossings to be a bridge or arch culvert structure.
4. Where roadways directly abut the riparian greenbelt border, encourage sidewalks on the side of the street adjacent to the creek corridor.
5. Where development lots directly abut the riparian greenbelt border, require the minimum building setback required by the applicable zoning district.
6. Encourage the planting of native landscaping on the portion of development lots that directly abut the riparian greenbelt border.
7. The entirety of the riparian greenbelt border shall be clearly defined by roadways, landscape features, and/or low fencing designed to be consistent with the open space setting and at least 50% transparent, such as split-rail fencing. Grade transitions and paths may be used to further define this edge.
8. Construction on properties adjacent to the riparian greenbelt shall abide by standard conditions of approval as defined by the City of Oakland.

9. The riparian corridor shall contain two land use areas, resource conservation and open space. The resource conservation area shall contain the creek, creek banks, and riparian habitat. Landscaping within this zone shall be limited to native, riparian species. The open space area, including existing oak woodlands, may contain nature trails; park elements such as tot lots with permeable surfaces, picnic tables, benches, and passive recreation; fencing, and appurtenant outlet devices (to the extent the location is necessary to their function), non-structural storm water treatment facilities (bio-swales, bio-retention, infiltration) where appropriate and pedestrian-scaled lighting. Major structures and excessive areas of impermeable surfaces (e.g., parking lots, paved sports facilities, and roads) shall not be permitted within this zone. All improvements and landscaping within this zone shall be appropriate for a riparian environment.
10. The riparian greenbelt shall be defined and recorded as a separate parcel containing a conservation easement or other binding document that permanently preserves the riparian greenbelt and its creek, creek banks, riparian habitat, upland habitat and buffer.
11. Develop a mechanism to ensure the funding and implementation of long-term maintenance of the riparian greenbelt (e.g., formation of a Community Facilities District).

Revised Mitigation Measure BIO-3B was previously identified in the Initial Study and is revised as shown below to remain consistent with the revisions to New (Replacement) Mitigation Measure BIO-3A, above.

Revised Mitigation Measure BIO-3B: *(revised from 1998 EIS/EIR Mitigation 1)* Except as necessary to construct creek over crossings and to implement the Oak Knoll Creek Restoration Plan, avoid the removal of native vegetation within the riparian corridor to the extent feasible during demolition, earth moving, construction, habitat restoration, and trail-building activities. Consistent with the Oakland General Plan, establish a riparian greenbelt containing a Resource Conservation Area and an Urban Open Space Area, in accordance with New (Replacement) Mitigation Measure BIO-3A, unless required otherwise by CDFG, to protect the Rifle Range Creek corridor and a further buffer for open space, trails and parks consistent with the approved creek restoration plan. Except as described above, no grading or development shall occur within the Resource Conservation Area. Locate all staging areas in already disturbed sites. Prior to issuance of a grading permit, a qualified biologist shall develop a detailed habitat restoration and creek restoration plan for restoration activities in Rifle Range Creek, its tributaries, and the surrounding riparian corridor that includes ongoing maintenance of this riparian greenbelt buffer zone. This plan, to be prepared by the project applicant prior to construction, should and specifies all activities necessary to restore the drainage with minimal erosion, and should be supervised by restoration specialists. If some vegetation removal is required, project developers should shall confer with the City of Oakland and the California Department of Fish and Game regarding the type of vegetation to be removed, the extent of removal, and corresponding shall comply with corresponding revegetation mitigation requirements, including those identified in this Initial Study, as approved.

Oakland Tree Ordinance and Tree Removal / Special Status Species

Effect of Project Changes

Tree Removal Outside of Grading Limits / Seneca Parcel. The Initial Study concluded that the substantial tree removal, protection and replacement that will be required for the proposed project would result in a new potentially significant but mitigable impact regarding compliance with the Oakland Tree Ordinance. Since the Initial Study, it has been determined that project development on the existing Seneca site (that would now be redeveloped for the project) would require additional tree removal (approximately 190 “protected trees,” as defined by the City of Oakland Tree Ordinance [“Ordinance”]) that was not previously considered. In addition, the project would entail additional tree removal outside of grading limits to remove non-natives and/or high-risk fire fuel (primarily eucalyptus and Monterey pine) that would be required for fire management and the enhancement of existing oak woodlands at the foot of the west-facing slope of the Eastern Ridge. The removal of these additional trees would contribute to the previously identified significant impact that would be reduced to less than significant with Mitigation Measures BIO-10 through BIO-16.

The additional tree removal would also contribute to the new potentially significant but mitigable impact to bats and/or nesting birds as a result of tree removal that the Initial Study identified. New Mitigation Measures BIO-1 and BIO-2 would also continue to apply and be effective to reduce the impact to less than significant.

Other Supplemental Information

Removal of Trees not Protected by City Tree Ordinance. As indicated in the Initial Study, the project would involve tree removal from the project site. All removals would be in accordance with the Oakland Tree Ordinance (Oakland Municipal Code, Title 12, Chapter 12.36). Approval of a Tree Permit (a discretionary approval) is required prior to removing (or conducting work that could damage or destroy) a “protected tree,” as defined by the Ordinance. Generally, eucalyptus and Monterey pine are not protected trees and are therefore exempt from the Ordinance and do not require the discretionary approval of a Tree Permit.

Since publication of the Initial Study, SunCal initiated removal of several eucalyptus and Monterey Pine that are not protected by the Ordinance and are not subject to any discretionary permit or other action by the City prior to the tree removal. SunCal initiated removal of these nonprotected trees in spring 2007 in an effort to reduce existing dangerous and/or fire hazard vegetation on the property. These removals were conducted in consultation with Oakland Public Works Tree Section staff and pursuant to surveys for nesting and/or migratory birds conducted by a qualified biologist. Specifically, Oakland Tree Section staff conducted on-site inspections to confirm the species proposed for removal and to confirm that activities to remove the approved eucalyptus and Monterey pine would not accidentally remove, damage, or destroy any protected trees. In addition, based on site inspections regarding nesting and migratory birds conducted by a qualified biologist (WRA Associates) obtained by SunCal, further removal of eucalyptus and Monterey Pine on the project site would occur after the nesting season (mid-August to mid-March), subject to further consultation with Oakland’s Tree Section staff. In summary, the tree

removal conducted to date was not subject to the Oakland Tree Ordinance and not result in adverse effects to biological resources (plants or species).

San Francisco Dusky-footed Woodrat (*Neotoma fuscipes annectens*) Habitat. This subspecies of the dusky-footed woodrat is a Department of Fish and Game (CDFG) Species of Special Concern. The subspecies occurs in Coast Ranges between San Francisco Bay and the Salinas River (Matocq, 2003). It prefers brushy riparian habitats, coast live oak woodland, and dense scrub communities. Prominent stick houses provided evidence of its presence. During breeding bird surveys conducted on the project site in August 2007 by WRA, two stick houses were observed in a thicket of ceanothus and pine east of Building 500 and north of Building 512. It is likely that similar habitat associated with scrub, oak, and pine supports this species elsewhere in the project area. The loss of a small amount of habit is adverse, but not significant. In addition, there is ample, suitable habitat (as described above) in the project area for the woodrat. However, direct mortality of a woodrat would be a significant environmental impact.

The dusky-footed Woodrat was not identified as a Species of Special Concern in the Initial Study, and the following is New Impact BIO-1B:

New Impact BIO-1B: Construction activities at the project site could affect known habitat for the San Francisco dusky-footed Woodrat, a CDFG Species of Special Concern, and could result in direct mortality to woodrats in the construction area. (Potentially Significant)

The following New Mitigation Measures would reduce New Impact BIO-1B to less than significant and shall apply to the Oak Knoll Project.

New Mitigation Measure BIO-1B.1: *Preconstruction Surveys.* Conduct pre-construction surveys to determine the presence or absence of San Francisco dusky-footed Woodrat stick nests in the project vicinity.

New Mitigation Measure BIO-1B.2: *Avoidance.* If stick nests are found within the project vicinity, avoid nests during construction if possible. If avoidance is not feasible, a qualified biologist shall dismantle the nest by hand and relocate the materials to an area in or adjacent to the project site that will not be directly impacted. Preferred habitats for the relocated material include scrub, chaparral, and/or oak woodlands. Removal of the nest will encourage any resident woodrats to disperse into adjoining areas of vegetative cover.

Significance After Implementation of Mitigation Measures: Less than Significant.

Matocq, M. Dusky-footed Woodrats (*Neotoma fuscipes*) at Hastings: A Research Tradition. Hastings Natural History Reserve <http://www.hastingsreserve.org/Woodrats>, 2003.

Hazards and Hazardous Materials

Hazards Near Schools

Other Supplemental Information

Nearby Schools. The Initial Study states that the project site is located within 0.25 miles of the King Estate Junior High School, located on the west side of I-580. The Youth Empowerment School (YES) and East Oakland Community High School are currently located on the site where King Estate Junior High School previously existed.

Public Services

Schools

Other Supplemental Information and Effect of Project Changes

Schools Setting. Based on current information provided by OUSD, public schools near the project site that would accommodate students generated by the project include Howard Elementary School, Explore Middle School, Youth Empowerment School (YES) and East Oakland Community High School (on the site previously occupied by King Estate Middle School), and Skyline High School. Only the recently established Explore Middle School, YES, and East Oakland Community High School have experienced increased student enrollment. The Oakland Unified School District (OUSD) has experienced an overall decrease in student enrollment since the certification of the 1998 EIS/EIR. Changes in enrollment are attributed to the shift in age groups served by these schools, and the overall decrease in student enrollment (California Department of Education, 2006). Seneca is a private special-needs facility that provides mental health treatment and support services for youth and families and is not part of OUSD.

Utilities and Service Systems

Effect of Project Changes

Solid Waste Management / Energy

The Initial Study identified a less-than-significant impact regarding sufficient landfill capacity, but identified Revised Mitigation Measure UTIL-4 (revised from 1998 EIS/EIR mitigation to cumulative impacts) which would apply to the proposed project. Conducting construction-related concrete and asphalt recycling on site during the demolition phases of construction would reduce the volume of construction debris that would be introduced to landfills (as a result of recycling and reuse) and would therefore not adversely affect the previously-identified impact. SunCal would continue to be required to submit a demolition/construction waste diversion plan for review and approval by the Public Works Agency, pursuant to city and county mandates. In addition, the proposed construction recycling on site would reduce the number of diesel-fueled vehicles necessary to off-haul construction materials.

Sanitary Sewer and Water

Development of Seneca within the project was not considered in the Initial Study. The potential relocation of Seneca would allow it to construct its facilities on approximately 7.9 acres at the northwest corner of the Oak Knoll site. Seneca was analyzed in the 1998 EIS/EIR as part of the Maximum Capacity Alternative; it would have occupied approximately 6 acres within a 15-acre Mixed Use Zone in the northwest area of the site. The 1998 EIS/EIR did not identify a significant impact due to increased demand for sanitary sewer and water utilities for the Maximum Capacity Alternative including Seneca, therefore no significant impact would result from increased sanitary sewer and water demand from the proposed project with Seneca considered.

Summary

Based on the information discussed above and presented elsewhere in this SEIR (including the Initial Study in **Appendix A**), the changes identified to the proposed project would not result in any new significant effects not previously identified.