

Other Considerations under CEQA

Introduction

This chapter provides an assessment of four types of environmental impacts that are required content in an EIR.

- Irreversible environmental changes
- Cumulative impacts
- Growth-inducing impacts
- Significant and unavoidable impacts

Irreversible Environmental Changes

Section 15126(f) of the State CEQA Guidelines requires an EIR to include a discussion of significant, irreversible changes that would result from implementation of a project. Implementation of the proposed project would result in the commitment of nonrenewable natural resources (such as gravel, petroleum products, and other materials) and slowly renewable resources (such as wood products). Operation of the proposed project building would also require further commitment of energy resources (for lighting, climate control, maintenance, etc.). Although the proposed project would result in the irreversible commitment of resources, implementation of the project could benefit the public by providing housing in the downtown area, contributing to the revitalization of the waterfront district, and contributing to the implementation of the EPP.

Cumulative Impacts

Requirements for Cumulative Impact Analysis

Section 15130 of the State CEQA Guidelines requires a reasonable analysis of the significant cumulative impacts of a proposed project. *Cumulative impact* refers to “two or more individual effects which, when considered together, are

considerable or which compound or increase other environmental impacts” (State CEQA Guidelines Section 15355). As defined by the State CEQA Guidelines, cumulative impacts are:

The change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (CEQA Guidelines Section 15355[b]).

Approach to Cumulative Impact Analysis

One of the components of cumulative impact analysis is consideration of future projects. To identify future projects, one of two methods is usually employed: the list-based method or the forecast-based method. In this EIR, we have employed the forecast method for traffic, air quality, and noise impacts and further refined the Association of Bay Area Governments (ABAG) projections based on likely additional development during the planning period (see Chapter 3C, “Transportation and Traffic” for a discussion of this methodology). The basis for the cumulative analysis of other topics is the level of development predicted to occur in the area surrounding the project site, the Jack London District, by 2020.

Assessment of Cumulative Impacts

Cumulative project-related impacts were analyzed for the resource topics analyzed in Chapters 3A through 3I of this EIR. The cumulative impacts for each of these resource topics are described below.

Land Use and Planning

Project impacts on land uses are discussed in Chapter 3A, “Land Use and Planning.” The project site is located along the Broadway corridor and within the waterfront portion of the city. Existing land uses are predominantly restaurant, retail, hotel, and office. Future development would increase the amount of dining, retail, entertainment, office, and residential uses. As discussed in detail in Chapter 3A, the land-use and development policies contained in the EPP could result in a different built environment than currently exists. The development of office and residential uses on the project site is compatible with the existing and projected future land uses and is consistent with City planning policies for this area. Therefore, cumulative land use impacts are considered less than significant.

Cultural Resources

Project impacts on cultural resources are discussed in Chapter 3B, “Cultural Resources.” Based on the location of the proposed project (adjacent to the produce district) there is potential for undiscovered cultural resource sites to exist in this area. The proposed project represents a potentially significant impact on archaeological resources because construction could damage undiscovered resources under the project site and in the vicinity during implementation of other projects. However, with application of the mitigation measure provided in this EIR to address historic and archaeological resources, the cumulative impacts of the proposed project on cultural resources are expected to be less than significant. Specifically, as described in Chapter 3B, an Archeological Resources Treatment Plan will be developed and implemented by the City to address how archeological resources would be identified and treated if discovered during project construction. With regard to other development in the vicinity, there are no other development applications on file with the City in the produce district or the Lower Broadway District. Even if there were applications for nearby development, it is speculative whether such projects would materially impair the significance of the districts in a manner that would be cumulatively considerable because the design of any new structure is not known and would eventually undergo a separate environmental and project review.

Transportation and Traffic

Transportation and traffic impacts in the project vicinity are assessed in Chapter 3C, “Transportation and Traffic,” of this EIR. These impacts focus on traffic congestion and demand for parking. Cumulative impacts anticipated with development of the proposed project are discussed on pages 3C-22 through 3C-26. To summarize, the addition of project-related traffic to the 2020 baseline condition would not result in impacts on local and regional roadways because the project neither increases the average vehicle delay at affected intersections nor represents a cumulatively considerable increase in traffic. The project would contribute to an unacceptable LOS along the SR 260 corridor between 7th and Harrison Streets, and 6th and Jackson Streets. Because identified mitigation is unfunded, not agreed upon by responsible agencies, and potentially involves other agencies, the cumulative impact on the SR 260 corridor is significant and unavoidable.

The project would also contribute to a cumulative significant and unavoidable increase in parking demand within and near the project site (discussed on pages 3C-10 to 3C-15). Although there is a parking shortfall of 114 spaces (187 spaces if the public parking is included), this can be reduced to a deficit of 46 spaces (119 if public parking is included) with a shared parking program, which, in turn, can be further reduced to a less than significant impact with adoption of other Transportation Demand Management measures and the use of available off-street parking that is within a reasonable walking distance of the project site. However, this EIR, in the interests of being conservative, will nonetheless consider this impact to be significant and unavoidable. Because the Jack London area is expected to be in a parking deficit situation in the years 2005 and 2020 (based

upon the Jack London District Transportation Improvement Study prepared for the Port of Oakland and the City of Oakland), the project, if unmitigated, will contribute to this cumulative impact. Although the project could meet its demand and the loss of the public parking spaces, this EIR, in the interests of being conservative, will nonetheless consider the parking impact to contribute to a cumulative significant and unavoidable increase in parking demand within and near the project site.

Public Services and Utilities

Project impacts on provision of public services are discussed in Chapter 3D, “Public Services and Utilities.”

According to EBMUD’s *Urban Water Management Plan*, the EBMUD service area will require 250 mgd by 2020. Assuming that current water conservation efforts are successful, there are no droughts, and the City grows at an average annual rate of 0.4%, this level of demand will result in a deficiency of 131 mgd over the next 25 years. The additional demand would occur mostly in outlying service areas outside the City. However, under AB 2673, existing customers (i.e., urban areas) will be given priority over new users. As discussed under Impact 3D-4 on page 3D-12, this cumulative impact would be reduced to a less-than-significant level by adoption of policies and other measures outlined in the LUTE EIR (City of Oakland Community and Economic Development Agency 1998b). No mitigation is required.

As described in Chapter 3D, the project would generate solid waste and may impede the City’s attainment of AB 939 goals. This law required all California cities to divert 50% of their solid waste from landfills by the end of year 2000. The City is currently diverting approximately 51% of its waste. To ensure that the proposed project conforms with the 50% diversion requirement, the project applicant will prepare and submit both construction and operational waste diversion plans to the City prior to issuance of a building permit. These plans will specify the methods by which the development will, to the maximum extent feasible, divert no less than 50% of its construction and operational solid wastes.

No other cumulative impacts on emergency response or other public services are anticipated to occur as a result of project implementation.

Air Quality

The proposed project, together with anticipated future development in the downtown area as well as in Oakland in general, could result in long-term traffic increases and could cumulatively increase regional air pollutant emissions. This would be a less-than-significant impact.

To estimate the associated air pollutant emissions that would be generated under anticipated downtown projects, as well as the proposed project, it was assumed, under worst-case conditions, that vehicles would continue to use conventional

fuels (such as gasoline and diesel) rather than newly developed “clean” fuels or electric power. The daily emissions of criteria pollutants from downtown-related traffic were estimated based on a model developed by the California Air Resources Board using the EMFAC7F1.1 emission factors. The proposed project was determined to have a less-than-significant impact on regional air quality. When emissions from other future cumulative downtown growth are added to predicted project emissions, cumulative emissions would exceed BAAQMD significance thresholds and would contribute to continued exceedance of applicable O₃ and PM₁₀ standards in the region. The San Francisco Bay Area is a non-attainment area with respect to state O₃ and PM₁₀ standards. The 2000 *Clean Air Plan* was developed with the intent to bring the District into compliance with the state ambient air quality standards for ozone pollution.

The *BAAQMD CEQA Guidelines* (1999) specify that for any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan and the consistency of the general plan with the current *Clean Air Plan* (CAP). The project would be consistent with the existing General Plan and the recently adopted Oakland General Plan Land Use and Circulation Element. In addition, the project would be consistent with the 2000 CAP, which encourages local governments to promote high density, mixed-use developments at transit stations and along transit corridors. Therefore, the proposed project, which would be in close proximity to Lake Merritt and City Center Bart Station, the Amtrak station, various bus routes, and the Broadway Shuttle and would be located in an urban in-fill area, would be considered consistent with adopted plans and policies. The project would incorporate a vertical mix of land uses on the project site, which would reduce minimal contribution of trips generated by the proposed project, this cumulative air quality impact is considered to be less-than-significant. No mitigation is required.

Noise

Noise impacts (project and cumulative) in the project vicinity are assessed in Chapter 3F, “Noise,” of this EIR and focus on project construction and traffic noise resulting from increased congestion. No cumulative impacts are anticipated with development of the project because traffic noise increases would be less than 5 dB and are considered less than significant for both 2005 and 2020. Moreover, while other simultaneous projects, such as 426 Alice Street, could be under construction at the same time as the proposed project, the resulting cumulative noise impacts would not constitute a significant (greater than 5dBA) cumulative increase to noise levels. This is determined as a result of the fact that any other concurrent construction projects are subject to the same noise limitations under the Noise Ordinance as the proposed project. Consequently, after accounting for attenuation with distance, cumulative noise increases at a given receptor would be less than double the sound energy from the proposed project. No mitigation is required.

Visual Quality

Project impacts on visual resources are discussed in Chapter 3G, “Visual Quality.” The scale of the proposed building is considered a significant impact that would be mitigated through design features of the building. Although the project represents the first major building along lower Broadway proposed under the EPP, the majority of the corridor along lower Broadway may eventually change. Visual changes are expected to be substantial with the project; however, this change in scale is anticipated in the EPP, and the actual design of the building will be addressed with the City’s Design Review process.

Shadow and Wind

Project impacts related to shadows and wind are discussed in Chapter 3H, “Shadow and Wind.” The proposed project would create shade on public sidewalks, a few restaurants, and commercial buildings, but no residences. The resulting shadows are not considered a significant impact and would not result in a cumulative shadow impact.

This EIR identifies a wind impact for the private terraces of the proposed project. This impact is not expected to result in cumulative impacts related to the project site or vicinity since the impacts would be contained on the project site.

Hazards and Hazardous Materials

Project impacts resulting from hazardous materials are discussed in Chapter 3I, “Hazards and Hazardous Materials.” The development of the project site is not expected to contribute to cumulative impacts associated with hazardous materials. Any project-specific impacts would not lead to other effects on adjacent areas.

Growth-Inducing Impacts

Pursuant to Section 15126(g) of the State CEQA Guidelines, an EIR must address whether a project will directly or indirectly foster growth. Section 15126 states:

[An EIR shall] ...discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of wastewater treatment plant, might, for example allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristic of some projects which may encourage or facilitate other activities that could significantly affect the environment, either

individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The analysis below evaluates whether the proposed project will directly or indirectly induce economic, population, or housing growth in the surrounding environment.

Direct Growth-Inducing Impacts in the Surrounding Environment

The proposed project includes the demolition of two buildings and a parking lot, and construction of new retail and office space and new housing.

Demolition of the two buildings (both used as restaurants) would result in the direct displacement of the existing employees. It is anticipated that these employees would find other employment in Oakland or the greater Bay Area.

The residential, office, and retail components of the proposed project would result in employment of approximately 309 new employees.¹ Total employment in the Estuary Planning Area of Oakland is projected to grow from 7,906 employees in 1995 to 15,330 employees by 2015, an increase of about 48% (City of Oakland 1998). Project-related employment growth would constitute about 4.2% of planning area employment growth by 2015. This increase in employment would be minimal in the context of the total employment in the planning area.

Demand for housing created by new employment is an important issue within the context of the housing market in Oakland and in the Bay Area. In 1995, the Estuary Planning Area contained about 312 housing units, and about 927 persons; or approximately 2.97 persons per household (City of Oakland 1998). It is estimated that about 2,500 housing units will be developed in the Estuary Planning Area by 2015. The proposed project would create a demand for housing of about 104 units (309 new employees divided by 2.97 persons per household), or about 5% of the projected growth by 2015. This demand could be met by the proposed project's new housing. Issues related to affordable housing may not be addressed because it is anticipated that the proposed project would offer market-rate units and would not include affordable housing. However, increased demand for affordable housing is a socioeconomic effect of the project (insofar as this demand is not met by the project) and is not a physical environmental effect subject to CEQA review. The physical changes and potential impacts of the overall cumulative demand for housing, such as traffic, noise, and air quality, are discussed elsewhere in this EIR.

¹ Direct employment associated with the proposed project is calculated using economic multipliers provided by ABAG. According to ABAG, retail trade requires 450 sf per employee and commercial (business, professional, engineering) requires 350 sf per employee. Based on these multipliers, the direct employment resulting from the project is 309 ($[8,000 \text{ retail sf}/450] + [100,000 \text{ commercial sf}/350] + 5 \text{ employees for residential support} = 309$).

Demand for similar development (i.e., high rise, office and residential uses) in the vicinity of the project, such as in the produce district or Lower Broadway District, is likely and is not an effect of the project. The project would be developed in an area where there has been and continues to be development of residential and office projects, both as rehabilitation of older buildings and as new construction. As such, the proposed project would be a result of rather than a cause of, already existing growth in the apparent demand for residential and office use. Construction of the proposed project, therefore, would not be likely to have a substantial effect on whether subsequent development of this type would occur. The project would be part of the growing community in the Mixed-Use District of downtown Oakland's Jack London District. Project residents and visitors may increase demand for certain urban and community amenities, such as shopping and entertainment venues. The projects' residential and office uses would benefit residents of nearby developments by potentially helping to increase the vibrancy of the neighborhood. Such impacts would be consistent with policy direction for the Jack London District as advocated in the LUTE and the EPP of the General Plan. As such, these impacts would not normally be considered significant. Further, any subsequent development project in the area that could generate potentially significant impacts would be subject to a project-specific review.

Indirect Growth-Inducing Impacts in the Surrounding Environment

The project will generate a maximum of 1,246 indirect and induced jobs throughout the region under the most optimistic assumptions.² This future development is in accordance with the EPP and represents a reduced build-out potential compared with the LUTE of the General Plan. Construction of the proposed project would further the existing plans and policies described in the LUTE of the General Plan and in the EPP. This is considered a benefit of the proposed project.

Growth inducement can also be associated with the addition or substantial alteration of public services or infrastructure in an area. In theory, these new services or infrastructure could accommodate, and thereby facilitate, growth. The project is an urban infill project that does not include the extension or substantial alteration of existing infrastructure or the provision of public services. Therefore, it is not expected that the proposed project would indirectly induce growth in the project vicinity.

² Indirect and induced employment associated with the proposed project is calculated using economic type II multipliers provided by ABAG. According to ABAG, the retail trade multiplier is 2.56 and the commercial (business, professional, and engineering) multiplier is 5.26. Based on these multipliers, the direct employment resulting from the project is 1,246 ($\{18 \text{ direct retail jobs} * 2.56\} - 18 + \{286 \text{ direct commercial jobs} * 5.26\} - 286$) = 1,246).

Impact Significance

For the reasons described above, the proposed project is anticipated to have a less-than-significant effect relative to direct and indirect growth inducement.

Significant and Unavoidable Environmental Impacts

In accordance with the State CEQA Guidelines (Sections 151269[a], 15064, 15382, and Appendix G), an EIR must examine in detail all impacts that are potentially significant and must examine significance of the impacts in light of mitigation measures that can reduce the impact. The proposed project was found to have several significant impacts. A summary of the environmental impacts associated with the proposed project is presented in Table ES-1. The table lists the initial significance conclusion, the recommended mitigation measure, and the significance of the impact after implementation of mitigation.

With the application of the mitigation measures proposed in Chapters 3A through 3I, most project impacts would be reduced to a less-than-significant level. The only significant unavoidable impacts associated with the proposed project are related to traffic and parking. Specifically, as discussed in Chapter 3C “Transportation and Traffic,” the following impacts cannot be feasibly mitigated to a less-than-significant level and would remain significant and unavoidable:

- 3C-1: Deficit of 114 spaces (187 if removal of public parking is included), which can be reduced to a deficit of 46 parking spaces (119 if public parking is included) with implementation of shared parking, which can be further reduced to a less than significant impact with adoption of other Transportation Demand Management measures and the use of available off-street parking that is within a reasonable walking distance of the project site. However, this EIR, in the interests of being conservative, will nonetheless consider this impact to be significant and unavoidable;
- 3C-6: Unacceptable LOS along the SR 260 Corridor between the intersection of 7th and Harrison Streets and the 6th and Jackson northbound on-ramp to I-880; and
- 3C-7: Addition of project-related traffic to the 2005 baseline conditions at Jackson and 5th Streets, which could be mitigated to less-than-significant levels (with approval by Caltrans of traffic-signal timing).

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