

II. REVISIONS TO THE PROJECT DESCRIPTION

Since publication of the Uptown Mixed Use Project Draft Environmental Impact Report (Draft EIR) in September 2003, the proposed Project has undergone a minor modification. This chapter describes recent minor changes to the proposed Project and evaluates the potential environmental impacts associated with these changes. This evaluation confirms that changes to the proposed Project would not result in any additional development or new significant environmental impacts (i.e., impacts not addressed in the Draft EIR). The total number of parking spaces, residential units, and commercial square footage that would be developed as part of the proposed Project (listed in Table III-1 of the Draft EIR) would not change as a result of these changes. These relatively minor modifications to the proposed Project are addressed briefly below.

A. REVISIONS TO THE PROJECT DESCRIPTION

Revisions to the proposed Project include the removal of an existing parcel from the Project site and inclusion within the Project site of two new parcels (together comprising Block 8a) that are contiguous to existing Block 8, and the removal of the roadway between the Fox Theater and the Project site. Figure II-1 shows the revised block configuration within the Project site and surrounding land uses. Either Block 8 or Block 8a would be utilized as a relocation site for the Sears Auto Center. This relocation was included in the Draft EIR; therefore, the addition of Block 8a to the Project site would not change the overall development scenario evaluated in the Draft EIR.

1. Removal of Block 9

Block 9, which is bordered by 22nd Street to the north, parking uses to the east and south, and Telegraph Avenue to the west, is now no longer included in the Project site. Block 9, which currently contains the Giant Burger restaurant and associated parking, was previously proposed as the preferred relocation site for the Sears Auto Center. Sears Auto Center is currently located within Block 4 of the Project site. Block 9 was withdrawn from the Project site due to the potential acquisition of an alternate relocation site for the auto center.

2. Inclusion of Block 8a

The new parcels that would be added to the Project site (Block 8a) are bordered by 21st Street to the north, the Paramount Theater to the east, surface parking to the south, and Telegraph Avenue to the west. Block 8a is contiguous to Block 8. Block 8a currently contains two commercial buildings and associated surface parking. Blocks 8 and 8a are proposed as alternate relocation sites for the Sears Auto Center. As described on page 45 of the Draft EIR, the (relocated) Sears Auto Center would include approximately 10,000 square feet of retail space and 50 on-site parking spaces. The retail building is anticipated to be one-story in height. The auto center would be built on either Block 8 or Block 8a. Therefore, if Sears Auto Center is constructed on Block 8, no construction would occur on Block 8a; if the auto center is built on Block 8a, no construction would occur on Block 8. Relocation of the auto center to Block 8a would involve demolition of the two existing buildings within the block. The total number of parking spaces, residential units, and commercial square footage that

Figure II-1: Changes to the Project Site

8 x 11 B&W

would be developed as part of the proposed Project (listed in Table III-1 of the Draft EIR) would not change as a result of the addition of Block 8a to the Project site.

3. Elimination of Street Proposed Between Block 6 and the Fox Theater

The 100-foot-wide street originally proposed between Block 6 of the Project site and the Fox Theater would be removed as part of the revisions to the proposed Project. However, the 50-foot-wide area immediately to the west of the Fox Theater would be retained for future loading and unloading activities.

B. POTENTIAL ENVIRONMENTAL IMPACTS OF DEVELOPMENT ON BLOCK 8A

The following discussion describes the environmental impacts that could occur as a result of the inclusion of Block 8a into the proposed Project. No adverse environmental impacts would result from the exclusion of Block 9 from the Project site. As noted previously, this change to the proposed Project could only result in a change in location of the Sears Auto Center (the Sears Auto Center could be relocated to Block 8a); the overall buildout scenario, including the total amount of commercial space developed as part of the Project, would not change as a result of these changes to the proposed Project. This discussion is divided into the environmental topics that were addressed in detail in the Draft EIR.

1. Land Use

The types of land use impacts (all of which are less than significant) that would occur as a result of revisions to the proposed Project are already addressed in the Draft EIR. Development of the Sears Auto Center on Block 8a would not impair travel from one side of the community to another or remove an existing means of access to public or private streets. Therefore, the inclusion of Block 8a into the Project site would not physically divide an existing community. No physical characteristics that would be associated with the auto center, such as car traffic and moderate levels of noise resulting from vehicle repair, would represent a fundamental conflict with surrounding land uses, including the Paramount Theater. The Paramount Theater is located in an urban mixed-use neighborhood and is surrounded by a variety of land uses. The auto center would not diminish the function of the Paramount Theater as an arts and entertainment venue. Auto-related uses are conditionally permitted within Block 8a, which is designated as Central Business District in the City of Oakland General Plan and Central Core Commercial (C-55) and Downtown Residential Space Combining Zone in the City of Oakland Planning Code. The development of an auto center on the site would not conflict with any land use plans or regulations.

2. Population, Employment and Housing

Similar to the proposed Project as discussed in the Draft EIR, the inclusion of Block 8a into the Project site would not result in the development of housing and associated population growth. No housing units or permanent residents are currently located within the block. Therefore, revisions to the proposed Project would not displace housing units or people.

3. Hydrology and Water Quality

Construction of the Sears Auto Center on Block 8a could result in environmental impacts that have already been identified in the Draft EIR, including degradation of water quality and extraction of contaminated dewatering effluent. The hydrology and water quality impacts resulting from the development of Block 8a would not be more severe than impacts associated with development of the auto center on Block 8. Block 8a is covered with impervious surfaces. Therefore, development of the auto center on the site would not interfere with groundwater recharge, alter flood patterns, or cause water-related erosion or siltation.

4. Transportation, Circulation and Parking

Vehicular traffic and new bus and rail users that would be generated by the Sears Auto Center are already identified in the traffic and transit analysis included in the Draft EIR. Development of the Sears Auto Center on Block 8a would not result in more vehicle or transit trips, or in different traffic circulation patterns, than would be associated with the construction of the auto center on other portions of the Project site. In addition, construction on Block 8a would not create design hazards associated with a design feature. Standards for egress and ingress on the Project site would be subject to the same City standards as development on Block 8 and would not pose a safety risk to motor vehicles, pedestrians, or bicyclists.

5. Air Quality

Moving the Sears Auto Center to Block 8a would not alter the air quality impacts associated with the proposed Project, which are discussed in the Draft EIR. As noted above, this change to the proposed Project would not increase the number of anticipated vehicular trips, nor would related construction-period air emissions vary from the proposed Project. Therefore, the development of the auto center on Block 8a would not result in the emission of additional pollutants that were not accounted for in the Draft EIR.

6. Noise

Construction-period and operational noise impacts that could result from the development of the Sears Auto Center on Block 8a are already addressed in the Draft EIR. This revision to the proposed Project would not expose sensitive receptors to unacceptable levels of noise. Noise generated by the Sears Auto Center on Block 8a is anticipated to be similar to noise generated at other auto-oriented businesses in Downtown Oakland. In general, such businesses result in moderate daytime noise levels associated with the movement of motor vehicles and mechanical work on vehicles. These moderate noise levels would not affect the functioning of the Paramount Theater as a performing arts venue. The Paramount Theater contains interior insulation to reduce exterior noise, and generally hosts events during the evening, after operations at the auto center would cease for the day.

7. Hazards and Hazardous Materials

It is anticipated that Block 8a contains soil and groundwater contamination that could pose a threat to construction workers and the general public. In addition, the existing buildings on the Block were built prior to 1980 and are expected to contain lead and asbestos. Therefore, development of the Sears Auto Center on Block 8a could release hazardous materials into the environment. However, these same impacts and associated mitigation measures are addressed in the Draft EIR. The

implementation of mitigation measures in the Draft EIR would reduce hazards-related impacts from development of Block 8a to a less-than-significant level.

8. Utilities and Infrastructure

Construction of the Sears Auto Center on Block 8a would not increase the amount of commercial space or parking that would be developed as part of the proposed Project. Therefore, no additional water and energy consumption or wastewater and solid waste generation would occur as a result of changes to the proposed Project. The utilities and infrastructure impact analysis in the Draft EIR is unchanged by the addition to the Project site of Block 8a. The utility lines that would serve Block 8a have adequate capacity to accommodate wastewater and water needs associated with the auto center.

9. Historic Architectural, Archaeological and Paleontological Resources

The two buildings within Block 8a are not listed on the City of Oakland's Local Register of Historic Resources and are not considered historic resources pursuant to CEQA because they do not meet the applicable criteria. The two buildings within the block are located at the following addresses: 2022 Telegraph Avenue and 2040 Telegraph Avenue. The one-story structure located at 2022 Telegraph Avenue was constructed in 1948 and has not been rated by the Oakland Cultural Heritage Survey (OCHS). Although this building is older than 50 years old, staff from the OCHS has indicated that the structure does not meet the standards for historic resources, pursuant to *CEQA Guidelines* section 15064.5.¹ The two-story building located at 2040 Telegraph Avenue was constructed in 1960 and also does not meet CEQA criteria for a significant historic resource. Therefore, the demolition of these buildings would not adversely affect historic architectural resources. Similar to the rest of the Project site, ground-disturbing activities associated with construction of the Sears Auto Center on Block 8a could adversely affect unidentified cultural resources. However, this impact is addressed in the Draft EIR. Mitigation measures recommended in the Draft EIR would reduce this potential impact to a less-than-significant level. The surroundings of the Paramount Theater have been substantially altered since its construction. Therefore, although development of the auto center on Block 8a would alter the architectural context of the Paramount Theater, it would not substantially affect the historic integrity of the theater or the theater's eligibility for listing on the California Register of Historic Resources.

10. Aesthetic Resources

Revisions to the proposed Project would not result in new aesthetic resources-related impacts that are not already addressed in the Draft EIR. Block 8a contains no scenic vistas or scenic resources. The block is currently characterized by surface parking and commercial land uses. The development of the auto center and ancillary parking would result in the construction of land uses that are similar to those that currently exist within the block. Therefore, this revision to the proposed Project would not result in a substantial adverse impact to the visual character of the site. Implementation of Mitigation Measures AES-1 and AES-2 in the Draft EIR would ensure that the visual quality of the auto center is consistent with surrounding uses, and that the building would not generate a substantial amount of light and glare.

¹ Marvin, Betty, 2003. Planner III, City of Oakland Community and Economic Development Agency. Personal communication with LSA Associates, Inc. December 19.

11. Wind

The Sears Auto Center is expected to be approximately one story high and would therefore not substantially increase wind speeds in Downtown Oakland. No new wind-related impacts would result beyond those already addressed in the Draft EIR.

12. Shade and Shadow

Because the Sears Auto Center is expected to be approximately one story high, it would not cast new shadow on the Paramount Theater or other surrounding uses. The theater is already subject to shadow from the two existing buildings within Block 8a. No new shade and shadow-related impacts would result beyond those already addressed in the Draft EIR.

C. SUMMARY

The inclusion of Block 8a into the Project site, and the potential use of this block for the relocation of the Sears Auto Center, would not result in new or more severe significant environmental impacts that have not been addressed in the Draft EIR. The block contains no identified historic resources or other environmental factors that could be substantially damaged by development activities. The Sears Auto Center is already accounted for in the buildout scenario of the proposed Project. Therefore, this revision to the proposed Project would not increase the amount of development that would occur as part of Project implementation. Similarly, the removal of Block 9 would not lead to any adverse effects.