

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. **Project Title:** Jack London Square Residential Tower
2. **Lead Agency Name and Address:** City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
3. **Contact Person and Phone Number:** Catherine Payne, Planner IV (510) 238-6168
e-mail: lwarner@oaklandnet.com
4. **Project Location:** 444 Embarcadero West
Southern half of the block bounded by Broadway,
The Embarcadero, and Franklin and Second Streets
APN: 001-0141-01702
5. **Project Sponsor's Name and Address:** Jack London Towers LLC
c/o Lancar Development Inc.
11824 Dublin Blvd.
Pleasanton, California 94588
6. **General Plan Designation:** Mixed-Use Waterfront/ Estuary Plan Area (Retail, Dining, and
Entertainment District 2 within the Estuary Policy Plan)
7. **Zoning:** C-45 Community Shopping Commercial Zone /
S-4 Design Review Combining Zone
8. **Description of Project:**

Project Site. The project site is in the Jack London Square district of downtown Oakland, approximately two blocks north of the Oakland Estuary.¹ The project site consists of the southern half of the block bounded by Broadway, The Embarcadero, and Franklin and Second Streets, and is 30,375 square feet (approximately 0.7 acres) in size (see Figure 1). The site is currently occupied by a four-story hotel, the Jack London Inn.

¹ Following Oakland convention, the East Bay Hills are characterized as northerly in compass orientation and the Bay as southerly; thus Broadway and streets parallel are considered to run north-south, while The Embarcadero and streets parallel are considered to run east-west.

Project Description: The proposed project would include demolition of the existing hotel and construction of a 26-story, approximately 310-foot-tall residential building that would contain about 257 dwelling units and about 7,650 square feet of ground-floor commercial space. The project would be constructed as two asymmetrical towers – one 17 stories tall and the other, 20 stories – above a six-story podium. The towers would be connected by a glass-covered element that would contain elevators and a corridor linking the elevator lobby on each residential level to the towers. The podium would contain the retail space, lobbies and vehicle entrances, building services, and parking spaces at the ground floor, with five levels devoted to parking above. Figure 2, p. 4, shows the proposed site plan and ground floor plan, and Figure 3, p. 5, presents a conceptual diagram of proposed building massing.

Some 55 percent of the residential units would be studios and one-bedroom units, while the remainder would have two or three bedrooms. Ten percent of the units, or 26 units, would be affordable. The dwelling units would generally occupy the entirety of both project towers (with the exception of circulation and mechanical space). The seventh floor, which would be the first occupied level of each tower and the roof of the podium, would include a recreational deck with a swimming pool, common rooms for the use of building residents, and private terraces for the residential units on the north side of the towers. Upper-floor residential units would each have a balcony, as would the south-facing units, overlooking The Embarcadero, on the sixth floor.

The ground floor would include a lobby, fronting The Embarcadero; up to three separate retail storefronts on Broadway and The Embarcadero, totaling 7,650 square feet; an off-street loading space on Franklin Street at the northeast corner of the site; parking garage access in the center of the Franklin Street facade; 16 parking spaces, including nine disabled-accessible spaces; and trash, service, and mechanical rooms. A curb cut in front of the lobby would allow for passenger drop-off. The proposed parking garage would provide a total of 280 parking spaces (including the disabled-accessible spaces). Fifty-one of the spaces would be tandem spaces (for two vehicles, one behind the other), so the total parking capacity would be up to 331 vehicles. Sixteen motorcycle parking spaces would also be provided. Parking access to the garage would be via a two-way driveway on Franklin Street. Nine disabled-accessible parking spaces and about six additional spaces would be included on the ground floor; the remainder of the parking would be in four upper levels of the podium.

The project would total about 260,050 square feet of residential space, about 7,650 square feet of retail space; about 10,350 square feet of common space for building residents; and about 63,250 square feet of other space, including circulation (corridors and stairs) and tenant storage, for a total floor area of about 341,300 square feet. The project floor area ratio (FAR) would be about 11.2, which would be permitted on the site with a Conditional Use Permit, which allows up to 1.5 times the base FAR of 7.0, and the 10 percent bonus given for corner lots, such as the project site. The project's residential density would be approximately one unit for each 118 square feet of lot area.

9. **Surrounding Land Uses and Setting:**

The project is currently occupied by a 110-unit motor hotel, with three floors of guest rooms above the ground floor, which contains the lobby, a coffee shop and bar, and parking. Uses in the project site vicinity include restaurants and bars, other lodging establishments, a multi-screen movie theater, retail sales and wholesale produce vendors, offices, and surface parking. On the northern half of the block that includes the project site are a restaurant (Everett and Jones Barbeque) and two of the many buildings that house Oakland's wholesale produce market. (A bar occupies the ground floor of the building to the northeast of the site, at the corner of Franklin and Second Streets.) The produce market occupies about

four square blocks to the northeast of the project site, with wholesale produce establishments located mostly along Franklin, Second, and Third Streets. Directly east of the site, across Franklin Street, are offices and a medical clinic.

The Jack London Square restaurant, retail, and entertainment area is across The Embarcadero from the project site (and across the Union Pacific Railroad tracks, which run down the center of The Embarcadero). A Barnes and Nobel bookstore occupies the entire south side of The Embarcadero across from the project site. Other uses in Jack London Square include numerous restaurants and retail stores; the Waterfront Plaza Hotel; and a replica of Jack London's log cabin from the Yukon. The Oakland Estuary is two blocks south of the site, and includes uses such as a marina, kayak rentals, ferries and water taxi service, and the former presidential yacht Potomac, open to the public.

To the west of the project site, across Broadway, are more restaurants, nightclubs, and bars; retail stores; and the Jack London Cinema, a multiplex movie theater; as well as offices and a large parking garage. Farther west are industrial and wholesale uses, including those associated with the nearby Port of Oakland. Additional retail stores are located on The Embarcadero, southwest of the project site, and the Port of Oakland offices occupy a multi-story on Water Street, also to the southwest.

East of Broadway, beyond the produce market, there is a mixture of offices, galleries, retail stores and restaurants, and light industrial and wholesale uses. Farther east, along The Embarcadero at Alice Street, is the Oakland Amtrak Station. To the northeast is the growing residential area of Jack London Square, which contains both new residential structures and rehabilitated historic former industrial buildings and warehouses. The closest existing residential or live-work units to the project site are about three blocks away, at Third and Harrison Streets.

The project site is adjacent to the Produce Market District, a City-designated Area of Primary Importance (API), a local historic district that includes the existing buildings on the northern half of the block bounded by Broadway, The Embarcadero, and Franklin and Second Streets. These buildings are all contributors to the Produce Market District. The site is also adjacent (across Broadway) to the Lower Broadway District, an Area of Secondary Importance (ASI).

10. **Other Public Agencies Whose Approval May Be Required:** n/a

11. **Actions for Which This Initial Study May Be Applied without Limitation:**

- Major Conditional Use Permit for a conditionally allowable 50 percent increase in the floor-area ratio for a Residential Facility with more than four stories containing living units (Municipal Code Sec. 17.106.040; 17.56.150(B));
- Minor Conditional Use Permit for a driveway within 75 feet of the front (Embarcadero West) lot line (Sec. 17.56.090);
- Design Review pursuant to the S-4 zone (Sec. 17.80.030) and the C-45 zone (Sec. 17.56.030);
- Minor Encroachment Permit for non-standard sidewalk treatment (Sec. 12.08.030);
- Major Encroachment Permits (potential); and
- Major or Minor Variances (if determined to be required);

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers except “No Impact” answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
I. AESTHETICS, SHADOW, and WIND-- Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Cast shadow on an historic resources, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource’s historical significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local register of historical resources or a historical resource survey form (DPR Form 523) with a rating of 1-5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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j) Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year, for projects 100 or more feet tall and either Downtown or adjacent to a substantial water body?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project would not be located within or near a state scenic highway, therefore it would not damage scenic resources within a state scenic highway. The project EIR will analyze the impacts of the proposed project on visual quality, light, and glare, including shadow and wind impacts.

Source:

Project Description and Plans.
Field Survey.

List of Officially Designated State Scenic Highways, Caltrans website, accessed January 14, 2006, at <http://www.dot.ca.gov/hq/LandArch/scenic/schwy1.html>.

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II. AGRICULTURAL RESOURCES -- Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project would be located in a built-out urban area, and there are no agricultural or farmland uses within or adjacent to the project site. Therefore, the proposed project would not affect any agricultural resources.

Source:

Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, October 1995.

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III. AIR QUALITY -- Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Frequently create substantial objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Result in total emissions of ROG, NOx, or PM10 of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Result in a potential to expose persons to substantial levels of Toxic Air Contaminants (TAC) such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Result in ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Result in a substantial increase in diesel emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

CONSTRUCTION IMPACTS

During construction, the project would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. Project-related construction activities would include demolition, site preparation, earthmoving and general construction activities. Emissions generated from these activities include dust (including PM-10 and PM-2.5)² primarily from “fugitive” sources, such as soil disturbance; combustion emissions of criteria air pollutants (reactive organic

² Particles that are 10 microns or less in diameter and 2.5 microns or less in diameter, respectively

gases [ROG], nitrogen oxides [NOx], carbon monoxide [CO], sulfur oxides [SOx], and PM-10) primarily from operation of construction equipment and from worker vehicles; and evaporative emissions (ROG) from asphalt paving and architectural coating applications.

Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines recognize that construction equipment emits ozone precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans. Therefore, construction emissions of ROG and NOx are not expected to impede attainment or maintenance of ozone standards in the Bay Area. The impact of construction equipment exhaust emissions would therefore be less than significant.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and as a result, local visibility and PM-10 and PM-2.5 concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM-10, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts. The BAAQMD's approach to analyses of fugitive dust emissions from construction is to emphasize implementation of effective and comprehensive dust control measures rather than detailed quantification of emissions. The District considers any project's construction related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. In the case of this project, residential land uses are located as close as 100 feet from the boundaries of the project site. Since the existing hospital will be in operation during construction, patients of the existing hospital would be the most affected receptors. The proposed project would be subject to the measures recommended by the BAAQMD (listed below), which are uniformly applied by the City as standard conditions of approval, and which would reduce the impact of fugitive dust emissions to less than significant.

Standard Condition AQ-1: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for sites larger than four acres. These include:

- **Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.**
- **Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).**
- **Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.**
- **Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.**
- **Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.**
- **Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).**

- **Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).**
- **Limit traffic speeds on unpaved roads to 15 miles per hour.**
- **Limit the amount of the disturbed area at any one time, where feasible.**
- **Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.**
- **Replant vegetation in disturbed areas as quickly as feasible.**
- **Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.**
- **Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.**

As required for all development projects involving demolition of existing buildings, the project applicant would be required to implement and comply with the following uniformly-applied standard conditions of approval, which would help reduce the potential for public health hazards associated with airborne asbestos fibers or lead dust to a less than significant level:

Demolition may also result in airborne entrainment of asbestos, a toxic air contaminant, particularly where structures built prior to 1980—like the existing building on the project site—are being demolished.

Standard Condition AQ-2: If asbestos were found to be present in building materials to be removed, demolition and disposal would be required to be conducted in accordance with procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD’s regulations.

Significance after Implementation of Standard Conditions: Less than Significant.

OPERATIONAL IMPACTS

Once complete and occupied, the proposed project would generate emissions of criteria air pollutants, primarily as a result of increased motor vehicle traffic. However, based on analysis of the proposed project using the URBEMIS air quality model, project vehicle traffic would generate levels of criteria pollutants far below the significance criteria in Item III.g (80 lbs./day), which are the thresholds identified by the BAAQMD. Maximum emissions of reactive organic gases (ROG), nitrogen oxides (NO_x), and fine particulate (PM-10) would be approximately 20 pounds per day, 27 pounds per day, and 15 pounds per day, respectively, even without accounting for a reduction in auto travel due to transit access. Therefore, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

The project would also affect localized carbon monoxide (CO) concentrations at nearby intersections. However, CO levels have been declining for a number of years and are expected to continue to do so in the future, and the relatively small number of vehicle trips that the project would generate (fewer than 150 vehicle trips in the p.m. peak hour, even when not subtracting existing trips generated by the motel currently

operating on the project site) would be unlikely to result in violation of the state CO standard at any local intersections, particularly given that the nearby heavily trafficked intersections of Fifth Street and Broadway is substantially below the state standard and is anticipated to remain so in the future.³ Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations.

Concerning Item III.e, as a primarily residential development, the project would not be expected to result in odor impacts.

Concerning Items III.h., I, and j, as a primarily residential development, the project would generate a limited number of truck trips, and would not be expected to result in a substantial increase in emissions of diesel particulate, identified by the California Air Resources Board as a toxic air contaminant. No other toxic substantial emissions of air contaminants would typically result from a project such as that proposed.

In light of the above, project operation impacts on air quality would be less than significant.

Concerning Item III.c, the Bay Area is currently in non-attainment for state standards for PM-10 and PM-2.5, and for state and federal ozone standards.⁴ However, because population growth in Oakland, including that from the proposed project, is accounted for in the recently adopted *2005 Bay Area Ozone Strategy*, because the Oakland General Plan is consistent with the *Ozone Strategy*, and because the project would be consistent with the General Plan, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment, and therefore cumulative impacts on air quality would be less than significant.

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IV. BIOLOGICAL RESOURCES - - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

³ City of Oakland, *Jack London Square Redevelopment Draft EIR* (ER 03-0004), September 8, 2003; p. IV.C-19.

⁴ Ozone is not emitted directly into the atmosphere, but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving ROG and NOx. ROG and NOx are known as ozone precursors.

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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Fundamentally conflict with any local policies or ordinances protecting biological resources, such as the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances and/or the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Fundamentally conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project site is an in-fill site located in a developed area where 150 years of urban development has replaced any former natural biotic habitats and natural vegetation. The project site is currently occupied by a hotel; there is no vegetation on the site other than incidental landscaping around parts of the building exterior. Given the existence of substantial commercial development, including truck traffic supporting the nearby produce market and motor vehicle traffic that has occurred for more than 90 years in the area, the site is unlikely to be a part of an established native resident or migratory wildlife corridor, and is unlikely to be located within a designated habitat area.

There are no trees on the project site, however there are street trees along both the Broadway and Embarcadero frontages of the project site. In accordance with standard city practices, any removal of “protected” trees as a result of the proposed project would be subject to the Oakland Tree Preservation Ordinance and standard city tree protection/removal permit procedures. A “protected” tree includes “on any property, *Quercus agrifolia* (California or Coast Live Oak) measuring four inches diameter at breast height or larger, and any other tree measuring nine inches diameter at breast height or larger except Eucalyptus and *Pinus radiata* (Monterey Pine).” It is likely that the existing street trees would be removed during construction of the proposed project, and some of the existing street trees have a breast-height diameter of approximately eight to nine inches, meaning that some of the trees may be “protected” trees subject to the Oakland Tree Preservation Ordinance. The proposed project proposes new street trees along the perimeter of the site, and such trees shall be selected and installed in accordance with the allowances prescribed by the Oakland Parks and Recreation Department, Tree Section. Acquisition of a Tree Removal Permit and adherence to its terms and conditions, as well as consultation with the City on any street tree planting would ensure that the project does not conflict with any local ordinances, plans or policies. Therefore, the project would not pose a significant impact to biological resources.

Source:

Oakland Municipal Code Title 12, Chapter 12.36 (Oakland Tree Ordinance).
 Oakland General Plan: Open Space, Conservation and Recreation Element, June 1996.
 Field Survey.

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V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Comments:

There is a single existing building on the project site, a hotel known as the Jack London Inn. According to the Oakland Cultural Heritage Survey (OCHS), the structure was built in 1963. The existing building is four stories tall, and rectangular in plan. It was built in a contemporary style. The building is not identified as a historical resource by the OCHS, nor is it listed as a historical resource in the State Office of Historic Preservation’ Directory of Properties (an inventory of properties listed on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest). Absent extraordinary circumstances, buildings less than 50 years old are normally presumed not to be historical resources. The Jack London Inn building does not have any unique design features or other known characteristics that would warrant its consideration as a historical resource under CEQA. The building is not within a historic district (although it is adjacent to the Produce Market District, a City of Oakland Area of Primary Importance, or API, and to the Lower Broadway District, an Area of Secondary Importance, or ASI). Therefore, demolition of the building would not result in a significant impact.

The adjacent Produce Market District API (see Figure 4) is a historical resource under CEQA. While the project would not result in any direct physical impacts to the structures in the district, construction of the proposed 25-story-tall project would alter the physical context. To be considered a historical resource, a property or district must include a sufficient degree of physical integrity to convey the significance of the resource. Integrity consists of seven aspects: location, design, setting, materials, workmanship, feeling, and association.

The construction of the proposed project would have an effect on the physical context of the Produce Market District, but would not involve construction within or modifications to any contributors within the district. Thus, the integrity of the district’s location, design, materials, and workmanship would not be impaired. The integrity of the district’s setting, feeling, and association would be affected by the project, but not to a degree that would result in a substantial adverse effect on the district.⁵ The project would visually dominate the district’s much smaller (one- to four-story) buildings in views that include the project’s towers. Nevertheless, the project would be constructed at the edge of the district, not within it, and therefore would not affect any internal aspects of the district’s integrity. The majority of the district’s character-defining elements – particularly including the 1916–1917 complex of one-story, canopied, screen-fronted market buildings – would not be impaired by the project. The change in setting, feeling, and association would thus not be readily apparent to an observer within the district except as a peripheral element in the background in mid- and long-range views. From within the produce district, an observer would continue to perceive that the district is a distinctive area comprising centered around the historic produce market surrounded by complimentary three- and four-story buildings, all within a larger warehouse and industrial area. Except for

⁵ A “substantial adverse change” is defined in Section 15064.5(b)(1) of the CEQA *Guidelines* as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The significance of a historical resource is “materially impaired,” according to *Guidelines* Section 15064(b)(2), when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that (among other conditions) account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution, such as is the case for an Area of Primary Importance.

the partial change in setting, feeling, and association described above, the remaining character-defining elements of the Produce Market District would remain intact. Thus, although the district’s integrity would be moderately impaired by the proposed project, the Produce Market District API would retain its overall integrity and ability to convey its historic significance, and would continue to qualify for listing in the local register. Therefore, the project would not result in a significant impact on the Produce Market District.

The Lower Broadway ASI (see Figure 4, p. 167), is not a historical resource under CEQA.⁶ Nevertheless, this district is discussed here for informational purposes. The Lower Broadway ASI covers portions of five city block on both sides of Broadway between The Embarcadero and 4th Street; it does not extend to the project side of Broadway south of 2nd Street, and therefore excludes the project site. The Lower Broadway ASI is adjacent to the Produce Market ASI between 2nd and 4th Streets. The area was historically used for commercial, railroad, and light industry. The ASI includes nearly 20 structures, almost all in commercial use, among which are some of the oldest buildings in Oakland. Buildings in the ASI vary in size, age, and design, including Victorian-era buildings on the west side of Broadway that are one and two stories in height, with tall vertical windows and straight parapets. Other structures include early 20th-century commercial buildings, typically of brick with large multiple-sash industrial windows. Effects of the proposed project on the Lower Broadway ASI would be similar to those on the Produce Market, although more attenuated because the ASI is separated from the project site by the four-lane width of Broadway. As with the Produce Market API, the Lower Broadway ASI would be indirectly affected as to setting, feeling, and association, but not to a degree that would be expected to impair the ASI’s overall integrity.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>	Less Than Significant w/Standard Conditions of <u>Approval</u>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

A records search of all pertinent survey and site data was conducted at the Northwest Information Center at Sonoma State University. There are no recorded prehistoric or historic-period archaeological resources listed with the Northwest Information Center within the footprint of the proposed alignment. Although no extant cultural resources within the project area have been documented, no intensive survey with subsurface testing has been conducted. Moreover, heavily paved, urbanized environment throughout the project area precluded adequate surface examination. Therefore, the nonexistence of subsurface cultural resources cannot be demonstrated and unidentified, buried archaeological remains could be present along the corridor. Buried archaeological remains such as prehistoric midden deposits, flaked and ground stone artifacts, bone, shell, building foundations and walls, and other buried cultural resource materials could be damaged during grading, trenching, and other construction related activities. The project would involve limited excavation for foundations and elevator pits, but the building would have no subsurface floor levels, which would further reduce the potential for inadvertent disturbance of buried cultural resources. Nevertheless, the potential for exists for such disturbance, including of archaeological resources (as identified in CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g)), which could cause substantial adverse changes to the significance of such resources, thereby resulting in a significant impact. Accordingly, the following standard condition would be implemented by the project sponsor and included as a condition of approval by the City. Implementation of this standard condition would reduce the impact from potential discovery of subsurface cultural resources to a less-than-significant level.

⁶ The General Plan Historic Preservation Element (Policy 3.8) identifies the City’s “Local Register of Historical Resources,” for purposes of CEQA review, as including all “Designated Historic Properties” and “Potential Designated Historic Properties” with an OCHS rating of “A” or “B” or located within an Area of Primary Importance, as well as Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties. Areas of Secondary Importance are not included in the Local Register of Historical Resources.

Standard Condition Cul-1: In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the City shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be significant, representatives of City and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the CEDA Development Director. All significant cultural materials recovered shall be, as necessary, subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontologic resources are the fossilized evidence of past life found in the geologic record. Despite the tremendous volume of sedimentary rock deposits preserved worldwide, and the enormous number of organisms that have lived through time, preservation of plant or animal remains as fossils is an extremely rare occurrence. Because of the infrequency of fossil preservation, fossils – particularly vertebrate fossils – are considered to be nonrenewable resources. Because of their rarity, and the scientific information they can provide, fossils are highly significant records of ancient life.

The majority of the project area contains recent surface and artificial fill material. These types of sediments have been known to yield significant paleontologic remains because they are formations considered as fossil-bearing rock units. Because the proposed project would result in minimal excavation, significant paleontologic discovery would be unlikely. However, significant fossil discoveries can be made even in areas of supposed low sensitivity, and could result from the excavation activities related to the proposed project, resulting in a significant effect. Accordingly, the following standard condition would be implemented by the project sponsor and included as a condition of approval by the City. Implementation of this standard condition would reduce the impact from potential discovery of paleontological resources to a less-than-significant level.

Standard Condition Cul-2: In the event of unanticipated discoveries paleontologic discoveries, the project sponsor shall notify a qualified paleontologist who shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. In the event of an unanticipated discovery of a brea (a seep of natural petroleum that preserved and fossilized remains of trapped animals) or of fossils during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified

paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995). The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval by the Director of Development.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is no indication that a particular site has been used for burial purposes in the recent or distant past along the transmission corridor. Thus, it is unlikely that human remains would be encountered during project construction. However, in the event of the accidental discovery of any human remains, including those interred outside of formal cemeteries, during project construction, the following standard condition, which would be included as a condition of approval by the City, would be implemented by the project sponsor, and reduce the impact from accidental discovery of human remains to a less-than-significant level.

Standard Condition Cul-3: In the event that human skeletal remains are uncovered during construction activities for the Proposed Project, the project contractor shall immediately halt work, contact the Alameda County Coroner to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, City shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease until appropriate arrangements are made.

Source:

Project Description and Plans
 OCHS information
 Northwest Information Center, Sonoma State University
 Historic Property Data File for Alameda County (National Register of Historic Places, as of January 2006; California Register of Historic Resources, as of November 2004; California Inventory of Historic Resources [1976]; California Historical Landmarks [1996]; California Points of Historical Interest [1992]; and General Land Office maps).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 and 117 and PRC Section 2690.
- ii) Strong seismic ground shaking?
- iii) Seismic-related ground failure, including liquefaction?

Comments:

The project site is not located within a Fault-Rupture Hazard Zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act of 1972, and no known active faults have been mapped on or in the immediate vicinity.⁷ The closest active fault is the Hayward fault, located approximately 3 miles northeast. Other notable active faults include the San Andreas fault (15 miles southwest), the Calaveras fault (15 miles east), and the Rodgers Creek fault (20 miles north). As the site is not located on an active or potentially active fault, potential for surface fault rupture is low and the impact is considered less than significant.

The San Francisco Bay Area is considered a seismically-active region. The project site is located in an area subject to “violent” groundshaking (Modified Mercalli Intensity IX) from a characteristic earthquake along the Hayward Fault, according to the Association of Bay Area Governments (ABAG).⁸ Groundshaking can result in significant structural damage or structural failure in the absence of appropriate seismic design. Seismic shaking can also trigger ground-failures caused by liquefaction.

The California Seismic Hazards Mapping Act was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction,⁹ landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. The proposed project site is just outside an area designated by the California Division of Geological as a “Seismic Hazard Zone.” A geotechnical investigation performed for the proposed project identified the potential for both liquefaction and lateral spreading¹⁰ as relatively high because of the sandy nature and the

⁷ California Geological Survey (CGS), formerly the California State Department of Conservation, Division of Mines and Geology (CDMG) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*, [http://www.consrv.ca.gov], November 16, 1998, and CDMG, *Fault Rupture Hazard Zones in California Alquist Priolo Earthquake Zoning Act*, Special Publication 42, Revised 1997

⁸ Available on ABAG website (viewed January 15, 2006) at: <http://www.abag.ca.gov/bayarea/eqmaps/mapsba.html>.

⁹ Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

¹⁰ Lateral spreading involves sliding of the earth on gentle slopes, and occurs as a result of liquefaction, when the soil becomes fluid like and moves rapidly in a large block.

density of the upper approximately 25 feet of soil underlying the project site. Accordingly, the geotechnical investigation recommended that, if a conventional spread footing or mat foundation is to be employed, that ground improvement be undertaken first, either by strengthening the potentially liquefiable soil through pressurized grouting or by the placement of “geopiers,” which involve backfilling drilled holes with compacted gravel. A thicker concrete mat foundation could also be used with tiedowns to prevent upward movement of the mat due to differential soil settlement. Alternatively, the geotechnical investigation recommended that the project could be developed upon a deep foundation system, such as drilled, cast-in-place reinforced concrete piers, that would be supported by non-liquefiable soils.¹¹ Compliance with the recommendations of the geotechnical investigation would reduce the potential seismic effects of liquefaction and lateral spreading to a less-than-significant level.

The project sponsor has indicated that it is likely that drilled piers will be employed as the foundation system, to support a concrete slab. A final decision on the project foundation would be made in conjunction with the project civil engineer. The project structures would be designed and constructed to meet the 1997 Unified Building Code (UBC) standards which require a seismic evaluation and particular seismic design criteria to reduce ground-shaking effects in structures. Although the potential for injury and damage from seismic ground shaking cannot be eliminated, adherence to the recommendations in the geotechnical investigation, the UBC and other applicable local construction codes would reduce the potential impact to a less-than-significant level.

In accordance with standard City practices, complying with the UBC standards, and incorporating a foundation design intended to minimize effects of ground shaking and seismically related ground failures, the applicant shall be required to submit an engineering analysis along with detailed engineering drawings to the Oakland Building Services Division prior to excavation, grading, or construction activities on the site. This is consistent with standard City of Oakland practices to ensure that all buildings are designed and built in conformance with the seismic requirements of the City of Oakland Building Code. The project sponsor will be required to submit an engineering analysis report along with detailed engineering drawings and relevant grading or construction activities on the project site to address constraints and incorporate recommendations identified in the geotechnical investigations. In addition, the required submittals would ensure that the buildings are designed and constructed in conformance with the requirements of all applicable building code regulations, pursuant to standard City procedures. Considering that the proposed project would be constructed in conformance with the UBC and the City of Oakland Building Code, the risks of injury and structural damage from a known earthquake fault, ground shaking, or seismic-related ground failure would be reduced and the impacts would be less than significant.

Source:

State of California Seismic Hazard Zones Map, Oakland West Quadrangle, February 13, 2003
Terrasearch Inc, *Geotechnical Investigation on Proposed Residential Development, Jack London Towers, 444 Embarcadero West, Oakland, California*. Prepared for Jack London Towers LLC, August 16, 2005.

¹¹ Driven piles were not judged suitable because of the potential to damage nearby buildings.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site is relatively level and is not located on or adjacent to a hillside. In addition, the proposed project site is not located within an area designated by the California Division of Mines and Geology (CDMG) Seismic Hazards Mapping Act as a “Seismic Hazard Zone” for earthquake-induced landslides. Potential impacts associated with landslides are not significant.

Source:

State of California Seismic Hazard Zones Map, Oakland West Quadrangle, February 13, 2003

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site is currently completely occupied by the existing building, and with development of the proposed project, would similarly be fully occupied by the proposed structure. No subsurface construction is proposed, with the exception of the foundation slab. Therefore, excavation would be relatively limited, to a maximum depth of approximately five feet. To minimize wind or water erosion on the site during construction, the applicant shall be required in accordance with standard City practices, to submit a construction period erosion control plan to the Building Services Division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations. In addition, the following standard measures shall be implemented as conditions of approval to avoid adverse long-term erosion impacts:

- Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and
- Final project landscaping plans shall be submitted to the Planning Director for review and approval.

Thus, the proposed project would not result in significant impacts with respect to erosion or loss of topsoil.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Landsliding (section VI.a.iv), liquefaction ground failures including lateral spreading (Section VI.a.i through iii), soil subsidence, and soil collapse have been determined to be less than significant because the project design would incorporate foundation recommendations of the project geotechnical evaluation, comply with applicable City regulations, be constructed to applicable UBC standards, adhere to, where appropriate, guidelines of the CDMG Special Publication 117, and would incorporate the proposed measure to address potential liquefaction hazards.

According to the U.S.D.A. Natural Resource Conservation Service soils classification, the soils in the project area are characterized as Urban Land-Baywood complex, which have few limitations for urban development. Depth to groundwater is between about 4.5 feet and 8.5 feet, according to a Phase II environmental site assessment prepared for the project. Historically, groundwater was reported at between about 10 feet and 15 feet below ground surface, with the difference likely the result of variations in seasonal rainfall or tidal influence.¹² Borings taken around the perimeter of the site as part of a geotechnical investigation prepared for the project site revealed that soils underlying the site consist predominantly of medium dense silty sand to a depth of about 27 feet, with about 40 feet of dense to very dense clayey sand underlain by very stiff to hard silty clay with occasional sand lenses (to the maximum depth explored of 81.5 feet). According to the geotechnical investigation, similar soils were reported in borings taken on the site in 1962, prior to construction of the existing hotel.

As noted above, in the discussion under Section VI.a.i—iii, the geotechnical investigation identified various options for foundation systems would be feasible at the project site, and the project sponsor has indicated that it is likely that drilled piers will be used to support a concrete slab. The presence of expansive soils was not identified in the geotechnical investigation.

In accordance with standard City practices, and in conformance with current codes and regulations, the project sponsor shall be required to submit detailed engineering drawings and materials to the Building Services Division prior to excavation, grading, or construction on the site. This measure would ensure that the building is designed and built in conformance with the requirements of the City of Oakland Building Code and the applicable provisions of the UBC. Therefore, the proposed project would not result in substantial risks to life or property due to unstable or expansive soil.

Source:

- Oakland General Plan, Environmental Hazards Element, September 1974.
- Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
- Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.

¹² Groundwater depth was not reported in the current geotechnical investigation because of the type of borings employed.

Terrasearch Inc, *Geotechnical Investigation on Proposed Residential Development, Jack London Towers, 444 Embarcadero West, Oakland, California.* Prepared for Jack London Towers LLC, April 27, 2005.
 Terrasearch Inc, *Phase II Environmental Site Assessment on Jack London Inn, 444 Embarcadero West, Oakland, California.* Prepared for Jack London Towers LLC, April 27, 2005.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
e) Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is not located on a site subject to the conditions identified in Item VI.e, nor is it located on a current or former known landfill.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
g) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Because the project site is located in an urban area and has been previously developed, the proposed project would be able to connect to the existing central sewer system, which provides wastewater collection service for the City of Oakland. Therefore, the project would not result in any significant impacts due to soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems since neither septic tanks nor alternative wastewater disposal are found in this part of Oakland.

Source:

Site Observation.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>	Less Than Significant w/Standard Conditions of <u>Approval</u>
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VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments:

The project, as a residential development would not involve the transport, use, storage, or disposal of hazardous materials, other than routine use of minor quantities of household cleaning products, commercial products used in cleaning and maintenance of the building, and, potentially, pesticides and fertilizers for care of on-site landscaping. These materials would not pose a significant hazard to the public. The project would not produce emissions other than from natural gas for space and water heating. The project site is not within one-quarter mile of a school.

A Phase I Environmental Site Assessment prepared for the project site identified no specific sources of potential soil or groundwater contamination, other than historic land uses. The site has been occupied by the existing hotel building for approximately the last 40 years. Prior uses, based on review of historic Sanborn fire insurance maps, included residences and lumber yard and mill (from 1889 or earlier to around 1905) and a rail passenger station (from about 1910 to 1960). Railroad tracks have existed adjacent to the site, along what is now The Embarcadero, since at least 1889. No likely off-site sources of contamination were identified, nor was any evidence noted of the existence of underground storage tanks at the site. Based upon historic uses of the site (prior to the hotel), the Phase I report recommended that borings be drilled on the site and that soil and groundwater be sampled the presence of petroleum compounds, other volatile organics, and various metals.

A limited Phase II Site Assessment was conducted in April 2005. The assessment included the collection of six subsurface soil samples and three grab groundwater samples from three borings on the project site. The results of the laboratory analyses indicated that total extractable petroleum hydrocarbons as diesel and motor oil were detected in two of the groundwater samples. The detections were above environmental screening levels (ESLs) set by the Regional Water Quality Control Board (RWQCB). Arsenic was also detected in one of the groundwater samples above the ESL. The soil samples from these borings did not contain detectable levels of these constituents (with the exception of various metals at background concentrations). Low concentrations of tetrachloroethylene and dichlorodifluoromethane (volatile organic compounds) were also detected. It should be noted that the presence of chemical concentrations above ESLs do not necessarily indicate a human health risk, but that further evaluation may be necessary. The Phase II assessment postulated that the low levels of VOCs

and the pattern of detected petroleum hydrocarbons “indicate an off-site source migrating ... toward the San Francisco Bay.” Accordingly, the following standard conditions would be implemented by the project sponsor and included as conditions of approval by the City. Implementation of these standard conditions would reduce the impact from potential exposure of construction workers and the public to soil and/or groundwater contamination to a less-than-significant level.

Standard Condition HAZ-1: The project applicant shall develop and implement a project-specific worker Health and Safety Plan (HSP). The HSP shall identify the following, but not be limited to:

- Description of contamination,
- Decontamination procedures,
- Nearest hospital with directions, and
- Emergency notification procedures.

Standard Condition HAZ-2: Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner, and sampled prior to reuse or disposal at an appropriate facility. Specific sampling and handling procedures for reuse or disposal shall be in accordance with applicable laws and policies of the City of Oakland and the Alameda County Department of Environmental Health.

Standard Condition HAZ-3: The project sponsor shall submit any and all applicable documentation and plans required by the Regional Water Quality Control Board and the Alameda County Department of Environmental Health (ACDEH) regarding contaminated soil and/or groundwater that may be encountered on the site. These documents and plans shall demonstrate to the satisfaction of each agency with jurisdiction that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit. If warranted, the project sponsor must develop and submit for review by the ACDEH a Soil and Groundwater Management Plan for construction and development activities at the site. The plan shall include, as required, any special health and safety precautions to mitigate worker exposure to contaminated soils, dust control measures to prevent the generation of dust that could migrate off-site, stormwater runoff controls to minimize migration of soils to storm drains, measures to ensure the proper treatment and disposal of groundwater during dewatering activities, steps for ensuring compliance with applicable state and federal regulations governing the transportation and disposal of hazardous wastes, and general protocol for addressing any unexpected hazardous materials conditions in the subsurface encountered during construction.

The Phase I site assessment also noted the likelihood that asbestos-containing building materials and lead-based paint are likely present in the existing structure, given its age. Both of these material could be harmful to construction workers and the public if treated improperly during demolition of the existing building. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Because of the likelihood that asbestos and lead-based paint are present in the existing building, the following standard conditions would be implemented by the project sponsor and included as conditions of approval by

the City. Implementation of these standard conditions would reduce the impact from potential exposure of construction workers and the public to asbestos and lead-based paint to a less-than-significant level.

Standard Condition HAZ-4: The project sponsor shall ensure that a pre-demolition survey for asbestos-containing materials (ACMs) is performed by a state-certified asbestos consultant prior to demolition of any of the structures located on the project site. The survey shall include sampling and analysis of suspected ACMs. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.

Standard Condition HAZ-5: The project sponsor shall implement a lead-based paint abatement plan, prepared by a qualified consultant, which shall include the following components:

- **A pre-demolition lead-based paint survey for all structures proposed for demolition at the project site. The survey shall include sampling and identification of suspected materials containing lead-based paint.**
- **Development of an abatement specification plan which shall be based on survey work and detail proposed abatement work areas and procedures.**
- **A site Health and Safety Plan,.**
- **Containment of all abatement work areas to prohibit offsite migration of paint chip debris.**
- **Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.**
- **Appropriately remove paint chips by vacuum or other approved method.**
- **Collection, segregation, and profiling waste for disposal determination.**
- **Appropriate disposal of all hazardous and non-hazardous waste.**

Source:

Project Description and Plans

Terrasearch Inc, *Phase I Environmental Site Assessment on Jack London Inn, 444 Embarcadero West, Oakland, California*. Prepared for Lancar Development, March 4, 2005.

Terrasearch Inc, *Phase II Environmental Site Assessment on Jack London Inn, 444 Embarcadero West, Oakland, California*. Prepared for Jack London Towers LLC, April 27, 2005.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The project is not located within two miles of a public airport, and there are no private airstrips in the vicinity. Therefore the project would not result in any significant safety hazards for people residing or working in the project area.

Source:

Oakland General Plan, Land Use and Transportation Element, March 1998.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Upon review of the City of Oakland’s Multi-Hazard Functional Plan, (“City Emergency Plan”), the proposed project would not significantly interfere with emergency response plans or evacuation plans. The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. Standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any city streets. Specifically, the job site supervisor is required to call the Fire Department’s dispatch center any day construction vehicles would partially or completely block a city street during the construction process. Therefore, assuming compliance with the City’s notification requirements, project construction would not significantly interfere with emergency response plans or evacuation plans, nor adversely affect the City’s response and operational procedures in the event of a large scale disaster or emergency.

Source:

Draft Multi-Hazard Functional Plan, City of Oakland, 1993.
Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
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h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments:

The project site is within downtown Oakland and not located adjacent to wildlands. Any new structures built on the site would be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Source:

Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

The proposed project would not increase the amount of impervious surface, since the site is currently entirely covered by the existing structure. Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease, and petroleum hydrocarbons. Storage and use of hazardous materials at the project site during construction activities would comply with best management practices (BMPs) as specified in the required Stormwater Pollution Prevention Plan, which would reduce potential impacts to groundwater quality associated with spills or leaks of hazardous materials and stormwater quality during construction to a less than significant level.

Following the completion of construction activities, the application of pesticides and herbicides related to landscape maintenance are potential sources of polluted stormwater runoff. However, on-site landscaping would be minimal, and the proposed project would not significantly increase the use of pesticides or herbicides, compared to existing conditions. The proposed project would be required to comply with the City of Oakland and Alameda County stormwater quality protection requirements. Potential groundwater quality impacts associated with the proposed project are therefore considered less than significant.

As noted in Section VI, Geology, the depth to groundwater is between about 4.5 feet and 8.5 feet, according to a Phase II environmental site assessment prepared for the project. Therefore, the proposed project design does not anticipate substantial dewatering, because there would be no subsurface construction with the exception of the foundation slab and elevator pits. However, if dewatering is required, the water generated may contain petroleum contaminants and/or chlorinated volatile hydrocarbons, apparently originating from an upgradient source, according to the Phase II site assessment. Depending on discharge requirements, this water may be discharged into the City of Oakland sanitary sewer system or be temporarily stored and then transported to an appropriate disposal facility. A permanent dewatering system is not expected to be required.

Water quality requirements associated with required permits would require treatment of contaminated groundwater prior to discharge. Considering the permitting requirements for treatment and discharge of groundwater generated during temporary or ongoing dewatering, the project would not violate any water quality or waste discharge standards.

The shallow groundwater in the project area is not considered potable and is not used as a public drinking water supply. Temporary dewatering, as discussed above, may result in short-term lowering of the groundwater table. However, once the pumping ceases, the water table would be expected to recover to pre-pumping levels. No permanent dewatering is anticipated.

In accordance with standard City practices, the project sponsor shall be required to comply with all applicable regulatory standards and regulations pertaining to potential contaminants and to project-related grading and excavation prior to issuance of grading and building permits, consistent with standard City practices (see Section VI. Geology and Soils). Therefore, the project would not result in significant impacts on water quality or on groundwater supplies.

Source:

Terrasearch Inc, *Phase II Environmental Site Assessment on Jack London Inn, 444 Embarcadero West, Oakland, California*. Prepared for Jack London Towers LLC, April 27, 2005.

Terrasearch Inc, *Geotechnical Investigation on Proposed Residential Development, Jack London Towers, 444 Embarcadero West, Oakland, California*. Prepared for Jack London Towers LLC, August 16, 2005.

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The project site currently is occupied by an existing building. There are no known streams or rivers on the project site or in the vicinity. Completion of the proposed project would not require the alteration of a stream or river course.

The site is currently fully developed with impervious surfaces and, therefore, the proposed project would not alter the volume of surface runoff, compared to existing conditions. The proposed project would be connected to the City of Oakland’s stormwater drain system. Because the site is currently developed, the stormwater discharges are not expected to increase due to the project. Thus, the proposed project would no effect on the amount of runoff, and would not result in flooding on- or off-site.

In accordance with standard City practices, and in order to minimize any short-term (construction-related) or long-term impacts on surface water quantity (i.e. stormwater) or quality, the applicant shall be required to comply with applicable standards and regulations of the City of Oakland. In addition, the following standard measures shall be implemented to avoid impacts related to stormwater or water quality:

- The applicant shall be required to pay fees to compensate the City for the cost of any system upgrades required to accommodate increased runoff from the proposed project; and
- The applicant shall be required to grade unpaved areas to control surface drainage and redirect surface water away from areas of activity during excavation and construction; and
- The applicant shall be required to comply with provisions of the Clean Water Act, if applicable, with regard to preparing a storm water discharge plan.

Considering the above discussion, the proposed project would not result in significant impacts with respect to erosion, flooding, stormwater drainage system capacity, surface water quality or quantity.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
 Oakland Community Services Analysis, Technical Report #5, October 1995.
 Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project site is located in Zone C, as shown on the Federal Emergency Management Agency Flood Insurance Rate Map. This zone is located in neither a 100-year nor in a 500-year flood boundary and is therefore considered a zone at minimal risk for flooding hazards. The project site is not located near a levee

or a dam. Therefore, the project would not result in significant impacts by exposing people or structures to risk of flooding.

Source:

- Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
- Oakland Community Services Analysis, Technical Report #5, October 1995.
- Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
- Flood Insurance Rate Map, Federal Emergency Management Administration.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Although seiches and tsunamis can occur and cause tidal surges in the San Francisco Bay, these events are extremely rare, and within the Oakland Inner Harbor, would not result in wave run-up capable of causing flood damage. The potential for mudslides to occur is low due to the developed urbanized nature of the surrounding area and the lack of exposed slopes. Regardless, the project sponsor would be required to comply with applicable City regulations and standards to address potential geologic and seismic impacts prior to the issuance of grading or building permits, consistent with standard City practices (also see Section VI. Geology and Soils). Therefore, the project would not result in significant impacts with respect to seismic-related flood hazards or unstable soils that result in mudflows.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
k) Fundamentally conflict with the elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No creek is located on or near the project site, and the project would not affect any creeks.

Source:

- Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
- Oakland Environmental Factors Analysis, Technical Report #6, October 1995.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
IX. LAND USE AND PLANNING -- Would the project:					
a) Physically divide an established community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a fundamental conflict between adjacent or nearby land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Fundamentally conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project site is located in an area that is not governed by any habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan affecting the area. Project consistency with adjacent and nearby land uses will be analyzed in the EIR, as will the project’s potential to divide an established community. The EIR will also evaluate the project’s consistency with applicable land use plans, policies and regulations.

Source:

Oakland General Plan, Land Use and Transportation Element, March 1998.
 Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
 Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
X. MINERAL RESOURCES -- Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project would be located on an urban in-fill site and would replace an existing building with new construction. The project site has no known existing mineral resources. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resource. Therefore, the project would not impact any mineral resources.

Source:

Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995.
Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
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XI. NOISE -- Would the project result in:

a) Expose persons to or generate noise levels in excess of standards established in the Oakland General Plan or other agencies (e.g., OSHA)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Generate interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (Source: State of California, Governor’s Office of Planning and Research, General Plan Guidelines, 2003)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Existing noise levels in the project vicinity are primarily the result of motor vehicle traffic on surrounding streets, punctuated by periodic increases in noise due to passing freight and passenger trains on the rail line that extends in both directions along The Embarcadero. Noise measurements taken in the project vicinity indicate that the environment is relatively noisy: an overall day-night noise level of approximately 72-73 dBA, Leq,¹³¹⁴ was recorded near the railroad tracks, while a short-term reading of approximately 69 dBA, Leq,¹⁵ was noted during the afternoon at 2nd and Broadway.

¹³ City of Oakland, *Jack London Square Redevelopment Draft EIR* (ER 03-0004), September 8, 2003; p. IV.D-6.

¹⁴ Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is “weighted” to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA). The L_{eq} is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the

Given the measured exterior noise levels in the vicinity of the project site, the interior noise levels within the project’s residential units could exceed DNL 45 dBA, the interior noise standard for dwelling units according to the City of Oakland General Plan Noise Element. In order to meet the interior noise standard of 45 DNL dBA, building construction would need to reduce exterior noise levels by as much as 28 dBA from the external facades of the building. Conventional contemporary building construction methods and materials decrease outdoor noise by 12-18 dB (with partially open windows) which would not be adequate to meet the City’s interior noise standard. Therefore, the following standard condition would be applicable:

Standard Condition NOISE-1: To comply with the interior noise requirements of the City of Oakland’s General Plan Noise Element and achieve an interior noise level of less than 45 dBA, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

Implementation of Standard Condition of Approval NOISE-1 would reduce interior noise levels to an acceptable level, and would render noise impacts less than significant.

In terms of project-generated traffic noise, generally, traffic must double in volume to produce a noticeable increase in noise levels. Based on standard trip generation factors published by the Institute of Transportation Engineers (described in Section III, Air Quality), the project would generate fewer than 150 vehicle trips in the p.m. peak hour, which would likely not result in a doubling of traffic volumes on any streets as a result of the project. If this volume of traffic were to result in a doubling of existing traffic volumes at any particular locations, existing volumes would be very low, and even with the increased number of vehicles, total noise levels generated by traffic would not be substantial. Therefore, traffic noise impacts would not be significant.

Building operations would not be expected to result in unusual or noticeably loud noises. The project EIR will evaluate traffic noise impacts.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
f) Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.130.050) regarding construction noise, except if an acoustical analysis is performed and all feasible mitigation measures imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Violate the City of Oakland Noise Ordinance (Oakland Municipal Code Section 8.18.020) regarding nuisance of persistent construction-related noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

given time period).The day-night noise level (DNL) is an average 24-hour noise level that accounts for the greater sensitivity of most people to nighttime noise by giving greater weight to nighttime noise.

¹⁵ City of Oakland, 200-228 Broadway Mixed-Use Project Draft EIR, February 2002; p. 3F-3.

Comments:

Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. During the construction period, a wide variety of construction and demolition equipment would be used, and material would be transported to and from the site by truck. These activities would intermittently and temporarily increase ambient noise levels in the project vicinity over the duration of construction. Construction-related noise levels at and near locations on the project site would fluctuate depending on the particular type, number, and duration of use of various pieces of construction equipment. The effect of construction noise would depend upon the level of construction activity on a given day and the related noise generated by that activity, the distance between construction activities and the nearest noise-sensitive uses, and the existing noise levels at those uses. The noisiest phase of construction would be likely during boring for cast concrete piers, which could generate noise levels of up to 95 L_{eq} at 50 feet (pile-driving is not proposed).

Noise from construction activity generally attenuates (decreases) at a rate of 6 to 7.5 dBA per doubling of distance. Because the closest existing residential or live-work units to the project site are about three blocks away, at Third and Harrison Streets, construction noise would be unlikely to result in substantial disturbance to sensitive receptors.

As would be required for all construction projects in Oakland, the project applicant will be required to implement and comply with the following uniformly-applied City Standard Conditions of Approval throughout the duration of construction activity:

Standard Condition NOISE-2: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays.

Standard Condition NOISE-3: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:

- **Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).**
- **Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.**
- **Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.**

- **If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance.**

Standard Condition NOISE-4: To further mitigate potential pier drilling, pile driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- **Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;**
- **Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;**
- **Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;**
- **Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and**
- **Monitor the effectiveness of noise attenuation measures by taking noise measurements.**

Standard Condition NOISE-5: Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- **A procedure for notifying the City Building Division staff and Oakland Police Department;**
- **A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;**
- **A listing of telephone numbers (during regular construction hours and off-hours);**
- **The designation of an on-site construction complaint manager for the project;**
- **Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and**
- **A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.**

Based on the significance criteria used by the City of Oakland, compliance with the Noise Ordinance is achieved if the above measures are implemented.

Implementation of Standard Conditions of Approval NOISE-2 through NOISE-5 would reduce the construction noise levels from the project to the extent feasible, and thus project construction impacts would be considered less than significant.

Source:

Oakland Noise Ordinance
Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
h) Create a vibration which is perceptible without instruments by the average person at or beyond any lot line containing vibration-causing activities not associated with motor vehicles, trains, and temporary construction or demolition work, except activities located within the (a) M-40 zone or (b) M-30 zone more than 400 feet from any legally occupied residential property (Oakland Planning Code Section 17.120.060)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Project construction activities could result in some vibration, but these impacts would not be expected to be substantial, because pile-driving is not proposed as part of the project. (See VI., Geology and Soils, above.)

In terms of operational impacts, as a residential project, the project would not result in substantial vibration perceptible at nearby locations.

Source:

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
i) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project site is not located within two miles of a public airport, or in the vicinity of a private airstrip. The Metropolitan Oakland International Airport is located approximately six miles south of the project site, and the San Francisco International Airport is located approximately 20 miles southwest of the project site. Therefore, the project would not expose persons residing at the project site to excessive noise levels as a result of proximity to an airport or land strip.

Source:

Oakland General Plan, Land Use and Transportation Element, March 1998.
 Project Description and Plans.
 Field Survey.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation Incorporated	Less Than Significant <u>Impact</u>	No <u>Impact</u>	Less Than Significant w/Standard Conditions of <u>Approval</u>
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XII. POPULATION AND HOUSING -- Would the project:

- | | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Induce substantial population growth in a matter not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments:

The proposed project would provide about 260 one-, two, and three-bedroom residential units. The project also proposes up to 7,000 square feet of commercial floor area. The project would result in both additional residents and workers to the area.

There are no residential units on the project site, and therefore no residents would be displaced by the proposed project.

The proposed project is consistent with many policies in the General Plan Land Use and Transportation Element (LUTE). Specifically, the General Plan encourages additional in-fill urban housing opportunities in an effort to provide new housing opportunities in close proximity to the downtown and alternative transportation options.

According to the US Census, the City of Oakland's population in 2000 was approximately 400,000 persons. Based on the City projections, population in Oakland is anticipated to increase by approximately 13 percent, to about 453,000, by 2025.¹⁶ The population increase generated by the project's proposed 260 new residential units and 7,000 square feet of new commercial space would not result in a substantial contribution to this anticipated population growth. The population increase from the project would be an incremental portion of the anticipated new growth in persons and housing, therefore, the project would not result in any significant impacts related to population and housing.

¹⁶ City of Oakland, *Oak to Ninth Mixed Use Development Draft EIR*, September 1, 2005. Case No. ER 04-0009 (State Clearinghouse Number 2004062013); p., IV.J-22. Available for review on the internet at <http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/oaktoninth.html>.

Source:

Oakland General Plan, Land Use and Transportation Element, March 1998.
 Oakland General Plan Land Use and Transportation Element, Final Addendum to Draft EIR, February 1998.
 US Census 2000
 Association of Bay Area of Bay Area Government (ABAG) projections, 2002
 Project Description and Plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Less Than Significant w/Standard Conditions of Approval
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XIII. PUBLIC SERVICES - - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

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

Comments:

The project site is located in a developed urban area already served by public services. Fire protection and emergency medical response services would be provided by the Oakland Fire Department. The Department has 25 engine companies and 7 truck companies, each generally staffed with four personnel (some trucks carry five firefighters). Total sworn personnel is just under 500, and some 100 firefighters are also trained as paramedics (City of Oakland, 2005; p. IV.L-3). (The Fire Department does not provide medical transport, which is handled under contract to Alameda County by American Medical Response.) The two nearest fire stations are Station 12, at 822 Alice Street (11 blocks northeast), and Station 1, at 1605 Martin Luther King Jr. Way (19 blocks northwest). The response time to the project site is normally less than the 90-percent response goal of seven minutes established by the City of Oakland. In accordance with standard City practices, the proposed project would be designed in compliance with Oakland’s Building Code, and the Fire Department would review the project plans at the time of building permit issuance to ensure that adequate fire and life safety measures are designed into the project and in compliance with all applicable state and city fire safety requirements. In particular, as a residential high-rise structure, the project would be required to be of fire-resistive construction and fully sprinklered, and to have a firefighters’ control room to allow responding crews to monitor building alarms and override elevator controls. The proposed project, with about 260 residential units, would replace an existing hotel that has 110 rooms. The increased population would be expected to result in an incremental increase in the number of emergency medical calls at the project site. The project-generated increase in traffic to and from the site could also incrementally increase the number of motor vehicle accidents requiring Fire Department response. However, neither increase would be anticipated to be substantial in the context of existing development and response patterns, because the project would result in relatively little growth in the context of the greater downtown. Assuming compliance

with building codes, the number of fire responses could be expected to show a slight, but not substantial, increase. Therefore, there would not be any significant impacts on fire services.

Police protection services would be provided to the project site by the Oakland Police Department, headquartered in downtown Oakland at 455 Seventh Street, about six blocks from the project site. The Police Department has more than 700 officers and more than 300 civilian staff (City of Oakland, 2005; p. IV.L-1). As with fire and EMS services, the proposed project could incrementally increase the demand for police services, but the increased demand generated by 260 residential units, compared to the existing 110-room hotel, would not be substantial, and therefore, the project is not anticipated to affect police response time or result in a significant impact on police services. The Police Department recommends that preventative design measures, such as landscaping, lighting, and security alarms and door locks be incorporated into final project designs for new development projects. As part of standard development practices, project plans would be reviewed by the Police Department, and the project applicant would be required to incorporate the Department's recommendations into the final project design. To ensure that the project would not adversely affect the ability of the Oakland Police Department to deliver adequate services to the project area and vicinity, the project sponsor would incorporate a number of design features and standards (in addition to compliance with the Uniform Building Code) into project plans. These would include appropriate security lighting for buildings, walkways, parking facilities, as well as a construction-period security plan. These features and standards would be required as part of the City's conditions of approval for the project and would require review and approval by the Oakland Police Department prior to construction.

The Oakland Unified School District (OUSD) operates public schools within the vicinity of the project site. The project site lies within the boundaries serviced by Lincoln Elementary School located to the northeast on 11th Street. The project site also lies within the boundaries of Westlake Middle/Junior High School and Oakland Technical High School located on Harrison Street and Broadway and 42nd Street, respectively. The project would develop about 260 residential units, slightly more than half of which would be studios and one-bedroom units. Therefore, there would likely be a relatively smaller number of families with children than would be the case for larger, especially detached, units. School enrollment generated by the project could be expected to be approximately 70 students, based on 2000 Census data for the project area and surrounding census tracts. The project impact would be less than significant with respect to schools. In addition, prior to issuance of building permits, the project sponsor would be required to pay school impact fees of \$2.14 per square foot for residential space and \$0.34 per square foot for commercial space to offset any impacts to school facilities from the proposed project. The project would not interfere with the operations of existing schools.

The project site is located in an urban area of downtown Oakland that is served by a number of existing parks, including Jefferson Square and Chinese Garden Park, both just north of the I-880 freeway, as well as the largest and most widely appreciated urban park, Lake Merritt, about a mile northeast. In addition, the recreational opportunities of Jack London Square are immediately across The Embarcadero. The proposed project would include recreational facilities on-site for project residents, including a swimming pool. Therefore, there would not be significant impacts on park facilities.

Lastly, the Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services. Thus, the proposed project is not anticipated to result in significant impacts on public services.

Source:

City of Oakland, *Oak to Ninth Avenue Project Draft EIR* (ER04-0009), August 2005.

Oakland General Plan Land Use and Transportation Element, Final Addendum to Draft EIR, February 1998.

Oakland Community Services Analysis, Technical Report #5, October 1995.

Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>	Less Than Significant w/Standard Conditions of <u>Approval</u>
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XIV. RECREATION - - Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

As noted above, the project would include on-site recreational facilities for project residents: the seventh floor, which would be the first level of each residential tower and the roof of the podium, would include a recreational deck with a swimming pool, common rooms for the use of building residents. In addition, the project is located in a developed urban area that is served by existing parks, including parkland around Lake Merritt which includes Children’s Fairyland, a boat house, a bird sanctuary and other recreational facilities. Therefore, the proposed project is not anticipated to result in significant impacts related to recreation. See also comments provided above in Section XIII., Public Services.

Source:

City of Oakland, Life Enrichment Agency, Parks and Recreation Division.
 General Plan: Open Space, Conservation, and Recreation Element, June 1996.
 Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>	Less Than Significant w/Standard Conditions of <u>Approval</u>
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XV. TRANSPORTATION/TRAFFIC - - Would the project:

- | | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) or change the condition of an existing street (i.e., street closures, changing direction of travel) in a manner that would substantially impact access or traffic load and capacity of the street system? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase in V/C ratio by more than three (3) percent for a roadway segment that would operate at LOS F without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety?

- d) Substantially increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards or incompatible uses (e.g., farm equipment)?

- e) Result in less than two emergency access routes for streets exceeding 600 feet in length?

- f) Fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle routes)?

- g) Generate added transit ridership that would increase the average ridership on AC Transit lines by three (3) percent at bus stops where the average load factor with the project in place would exceed 125% over a peak thirty minute period; increase the peak hour average ridership on BART by three(3) percent where the passenger volume would exceed the standing capacity of BART trains; or increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute?

Comments:

The project EIR will address the project’s potential transportation impacts, including transit impacts and (non-CEQA) parking impacts.

Regarding Item XV.c, the project would result in no change in air traffic patterns.

Regarding Items XV.d and e, the project would not result unusual design features that could result in traffic hazards, nor would the project result in less than two emergency access routes.

Regarding Item XV.f, the project would not fundamentally conflict with adopted policies supporting alternative transportation, as the project would be infill development on a site served by existing transit (AC Transit bus service and ferry service at Jack London Square).

Source:

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Less Than Significant w/Standard Conditions of Approval</u>
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:					
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in the construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Violate applicable federal, state, and local statutes and regulations relating to energy standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments and require or result in construction on new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed project site is located in an urban area already served by utilities and service systems. The Community Services Analysis prepared for the Land Use and Transportation Element (LUTE) of the General

Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to exceed the capacity of existing utilities and service systems.

With a proposed development of approximately 260 residential units, the project does not exceed the threshold for requiring a water supply assessment from the East Bay Municipal Utility District (EBMUD) per State Senate Bill 610 (which requires a water supply assessment for larger projects, including a 500-unit threshold for residential projects). The net increase in water consumption is estimated at between about 50,000 and 60,000 gallons per day, after subtracting existing demand from the hotel and restaurant/bar on the project site. This increase would be negligible in the context of existing and projected future water demand in Oakland. Similarly, with regard to wastewater treatment, the increased demand would also be negligible. However, if sufficient local distribution capacity in existing water, wastewater, and storm water drainage facilities is not available to serve the proposed project, the project sponsor would be required to provide any infrastructure improvements and pay required installation and hookup fees to the affected service providers to ensure provision of adequate service, prior to service connection. The project site currently generates demand for both potable water and for wastewater treatment, as a result of the existing hotel, along with the ground-floor restaurant and bar. Because the proposed project would result in an increase of more than 20 percent in wastewater generation over existing conditions, and because the project site is within a wastewater sub-basin where the growth allowance is 20 percent above existing conditions, the project sponsor would be required to pay for relief sanitary sewers in the basin or be required to upgrade any of the existing sewer lines from the project site to the interceptor. Improving the system elsewhere would reduce flows and is a methodology approved by the Oakland Public Works Agency for accommodating local growth in wastewater flow such as would occur with the project. Such improvements as would be required to be funded by the project sponsor would have relatively minor local construction impacts, typical of local utility improvements, and would not be expected to result in any significant environmental impact as defined by CEQA. In light of the above, the proposed project would not result in significant impacts related to the utilization of water supplies or wastewater treatment facilities. There would be little or no impact to storm water drainage facilities, because the project site would remain virtually entirely covered with impervious surfaces, as it is under existing conditions.

Assembly Bill 939 requires that all cities divert 50 percent of their solid waste from landfills by December 31, 2000. The waste diversion rate in the City of Oakland was 51 percent as of January 2003. However, the project sponsor still shall be required to comply with the City's construction and demolition debris recycling ordinance, which requires submittal of a plan to divert at least 50 percent of the construction waste generated by the project from landfill disposal. Compliance with this ordinance would result in less-than-significant short-term impacts on solid waste. In addition, the following standard measure shall be implemented as a condition of project approval to avoid adverse long-term solid waste disposal impacts:

- The project sponsor shall submit a plan which demonstrates a good faith effort to divert at least 50 percent of the solid waste generated by operation of the project from landfill disposal.

The above measure would reduce the potential long-term impacts of the proposed project on solid waste disposal to a less-than-significant level.

The project would increase energy consumption at the project site, but not to a degree that would require construction of new facilities. The project demand would be typical for a project of this scope and nature and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the City of Oakland through its building permit review process.

Source:

Oakland General Plan Land Use and Transportation Element, Final Addendum to the Draft EIR, February 1998.
 Oakland Community Services Analysis, Technical Report #5, October 1995.
 City of Oakland, Public Works Agency, Design and Construction Division, March 6, 2006.
 California State Water Code

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>	Less Than Significant w/Standard Conditions of <u>Approval</u>
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XVII.MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Comment:

As explained above, the proposed project would not affect natural habitat or fish or wildlife populations, threaten or otherwise restrict plant or animal communities or species. The project EIR will analyze impacts related to cultural resources.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Comment:

Potential cumulative impacts of the proposed project with respect to air quality, transportation, and noise will be analyzed in the project EIR.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comments:

As described in the various analyses above, the project would not result in any direct or indirect effects that would result in substantial adverse effect on human beings.