

VI. CEQA REQUIRED ASSESSMENT CONCLUSIONS

As required by the California Environmental Quality Act (CEQA), this chapter discusses the following types of impacts that could result from implementation of the project components authorized and funded by Measure DD: growth-inducing impacts; significant irreversible changes; unavoidable significant environmental impacts; cumulative impacts; and effects found not to be significant.

A. GROWTH-INDUCING IMPACTS

A project is considered growth inducing if it would directly or indirectly foster economic or population growth or the construction of additional housing.¹ Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped.

The Measure DD Project includes four component groups: (1) improvements to Lake Merritt and Lake Merritt Channel; (2) Waterfront Trail improvements; (3) renovation of Studio One and the construction of the East Oakland Sports Complex; and (4) City-wide creek improvements. With the exception of the East Oakland Sports Complex, none of the components within these groups would construct new major structures. The Lake Merritt and Lake Merritt Channel group and the Waterfront Trail group would result in renovation or creation of new recreational amenities, changes in existing roadways, or measures to improve water quality. The City-wide Creeks group would involve improvements to creek segments within the City of Oakland. Except for the creek components, all improvements associated with Measure DD would occur within urban and developed areas of the city. None of the project components would involve the construction of additional housing, require the expansion of an infrastructure system, or result in growth-inducing impacts.

B. SIGNIFICANT IRREVERSIBLE CHANGES

An EIR must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.² The *CEQA Guidelines* describe three distinct categories of significant irreversible changes: 1) changes in land use which would commit future generations; 2) irreversible changes from environmental actions; and 3) consumption of non-renewable resources.

¹ *CEQA Guidelines*, 2005, Section 15162.2 (d).

² *CEQA Guidelines*, 2003. § 15126.2(c).

1. Changes in Land Use Which Commit Future Generations

The majority of the Measure DD components would renovate or improve existing structures, recreational facilities, roadways, and creeks within the City of Oakland. New land uses would include roadway and park changes associated with Lake Merritt, the creation of new parks and installation of the trail connections associated with the Waterfront Trail, and the construction of the East Oakland Sports Complex. Measure DD would commit future generations to the development of these new land uses. However, future generations could eventually redevelop these sites to other land uses than those presently proposed should these proposed uses become obsolete.

2. Irreversible Damage from Environmental Accidents

Implementation of Measure DD components would result in the renovation of existing structures, construction of a new sports facilities, recreation improvements, roadway improvements, installation of components of the Waterfront Trail, soil remediation activities, water quality improvements, and creek restoration/acquisition activities. No significant irreversible environmental damage, such as what would occur as a result of an accidental spill or explosion of hazardous materials, is anticipated due to implementation of the proposed project. Compliance with federal, State and local regulations identified in Section IV.4-J, Hazards and Hazardous Materials, would reduce the possibility that hazardous substances within the project site would cause significant environmental damage.

3. Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes conversion of agricultural lands, loss of access to mining reserves, and use of non-renewable energy sources. Except for some of the creek improvements, the Measure DD components are located within urbanized areas of the City of Oakland. No agricultural lands would be converted to non-agricultural uses. In addition, the component sites do not contain known mineral resources and do not serve as a mining reserve; thus, implementation of Measure DD would not result in the loss of access to mining reserves.

Construction of the Measure DD components would require the use of energy, including energy produced from non-renewable resources. Energy consumption would also occur during the use of structures renovated/constructed under Measure DD. Energy would also be used for lighting of non-structure components of Measure DD. Structures constructed under Measure DD would incorporate energy-conserving features, as required by the Uniform Building Code. The proposed project would not substantially deplete non-renewable fuel supplies.

C. UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS

After mitigation, the proposed project would result in three unavoidable significant impacts associated with the Lake Merritt and Lake Merritt Channel (Group 1) project components, as follows:

- **Impact TRANS-5 (Group 1):** Under Cumulative Plus Project Conditions, the Santa Clara Avenue/Grand Avenue intersection would degrade to LOS F during the PM peak hour.
- **Impact TRANS-6 (Group 1):** Under the Cumulative Plus Project Conditions, the MacArthur Boulevard/Grand Avenue intersection would degrade to LOS F during the PM peak hour.
- **Impact TRANS-7 (Group 1):** Under the Cumulative Plus Project Conditions, the Lake Park Avenue/Lakeshore Avenue intersection would degrade to LOS F during the AM peak hour.

One other impact associated with the Group 1 would be reduced to a less-than-significant level by the City's Standard and Uniformly Applied Conditions of Approval. However, implementation of noise-reducing measures may not be feasible in all cases and, if not, the impact would be significant and unavoidable. The impact is as follows:

- **Impact NOISE-1 (Group 1):** Pile driving would generate noise levels that exceed the City's long-term construction noise standards.

D. CUMULATIVE IMPACTS

CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited, but cumulatively significant. These impacts can result from the proposed project alone or together with other projects.

1. Methodology

When evaluating cumulative impacts, CEQA allows the use of either a list of past, present or reasonably anticipated relevant projects (including projects outside the control of the lead agency) or a summary of the projections in an adopted planning document. This cumulative impacts analysis considered development that is likely to occur under the build-out of the City of Oakland General Plan.

2. Cumulative Effects of the Measure DD Project

The following analysis examines the cumulative effects of the proposed project. The potential cumulative effects of the proposed project are summarized below for each of the environmental topics that are analyzed in Chapter IV of the EIR.

a. Land Use. The majority of the Measure DD components would renovate or improve existing structures, recreational facilities, roadways, and creeks within the City of Oakland. New land uses would include roadway and park changes associated with Lake Merritt, the creation of new parks and installation of the new trail connections associated with the Waterfront Trail, and the construction of the East Oakland Sports Complex. The proposed land uses associated with the project would be compatible with surrounding land use. One potential land use conflict was identified for the Waterfront Trail group, which would be reduced to a less-than-significant level with implementation of the identified mitigation measure. This site-specific impact would not have a cumulative effect when considered with other projects and implementation of Measure DD would not result in any cumulatively significant land use impacts.

b. Transportation, Circulation and Parking. A detailed analysis was conducted for the purposes of assessing cumulative environmental impacts to the transportation system as described in Section IV.C. The cumulative analysis identified five significant cumulative impacts related to transportation (TRAF-5 through TRAF-9), three of which are identified as significant and unavoidable because they may not be reduced to less-than-significant levels. The impacts and mitigation are discussed in detail in Section IV.C. No significant impacts were identified for

alternative modes of transportation. The project would not fundamentally conflict with adopted policies, plans, or programs supporting pedestrian and bicycle transportation or transit use. The project would improve both pedestrian mobility and bicycle transportation. Although travel times would increase as a result of the project and affect some transit routes, travel times for other motor vehicles would increase by a similar amount, and travelers would not be discouraged from using transit as a result of the project. Thus, the project would not fundamentally conflict with adopted policies, plans, or programs supporting transit use and would not have a significant cumulative impact.

c. Air Quality. The Measure DD components would not have significant operational air quality impacts, therefore a determination of the cumulative impacts would be based on an evaluation of the consistency of the project with the City of Oakland's General Plan and of the General Plan with the regional air quality plan. The City of Oakland's General Plan is consistent with the 2005 Ozone Attainment Plan and the project is consistent with the General Plan; therefore the project would not have a significant cumulative impact.

d. Noise. The project components are primarily recreational facilities and water quality improvements that would not produce substantial noise during their operation and would not contribute substantially to the cumulative noise environment. Cumulative traffic noise impacts for all project components, as shown in Tables IV.E-12 and IV.E-13 and in the discussion under Section IV.E.2.b, include other planned projects within the City of Oakland. The analysis demonstrates that the cumulative noise impacts from traffic would be less than significant for noise sensitive receptors within the City of Oakland.

There would be temporary construction noise impacts that would be significant if noise-reducing measures specified in the City's Standard and Uniformly Applied Conditions of Approval are not feasible. However, these impacts would be site-specific and limited to the duration of construction period. Thus, cumulative construction noise and operational noise impacts would be less than significant.

e. Biological Resources. Project activities are not anticipated to have a cumulative impact on biological resources. The project would generally be conducted in an urbanized area and would increase open space and improve water quality, which would benefit wildlife. Potential temporary impacts to wildlife, such as nesting raptors and songbirds, during construction of some project components were identified, but these would be mitigated by the mitigation measures recommended in this EIR. It is anticipated that other cumulative projects within the City of Oakland would be required to undergo the same protective measures for biological resources and would not result in cumulative adverse impacts to wildlife. With implementation of the mitigation measures the potential impacts to biological resources would be fully mitigated and no cumulative effects to biological resources would result from this project.

f. Cultural Resources. Project activities are not anticipated to have a cumulative impact on historical (archaeological and architectural) resources. Archaeological resources are valued for scientific information. Should such resources be encountered, such information shall be retrieved and preserved. An example of a cumulative impact on a historical resource would be demolition of a building that is a contributor to a National Register historic district or an Area of Primary Importance. The project as currently planned would not result in such impacts. In fact, the project's proposed

historical restorations of the East 18th Street Pier, the Cleveland Cascade, and the Sailboat House in the Lake Merritt and Lake Merritt Channel group will likely have a beneficial impact on the Lake Merritt District by restoring these features' integrity.

If human remains are encountered, they will be treated in accordance with Section 7050.5 of the California Health and Safety Code. Cumulative impacts are not anticipated.

g. Hydrology and Water Quality. The majority of Measure DD components would be constructed in an urbanized area of Oakland and would not significantly increase impervious surface coverage or result in flood hazards within the component sites. In fact, several Measure DD Project components would include measures to improve water quality.

Construction and operational-period impacts to stormwater that would result from implementation of the Measure DD Project would be minimized through compliance with the Water Board's regulations and implementation of the City's Standard Conditions of Approval. It is anticipated that other cumulative projects within the City of Oakland would be required to undergo the same water quality maintenance measures and would not result in cumulative adverse impacts to water quality. Therefore, implementation of the proposed project would not result in significant cumulative hydrology and water quality impacts.

h. Geology, Soils and Seismicity. The geologic, seismicity, and soils conditions of this site are specific to the individual component sites. Other sites in the vicinity may have similar issues and concerns regarding geological conditions and hazards. For geologic, seismicity, and soils issues, the proposed development does not influence or degrade conditions in the area, as long as the impacts of the individual components are reduced to a less than significant level. There are no cumulative effects.

i. Hazards and Hazardous Materials. The hazards and hazardous materials issues for the proposed project are specific to the individual component sites and would not lead to any cumulative impacts related to hazards. Most components of Measure DD would not store or use substantial quantities of hazardous materials and would, at some sites, help ensure that potential chemical hazards in soil or groundwater are remediated and the risk from these hazards is reduced. Some hazardous materials would be stored for maintenance and disinfection purposes at the proposed East Oakland Sport Complex. As all such storage and use in the City of Oakland must comply with State and local regulations for hazardous materials, this would not have a significant cumulative impact.

j. Public Services and Recreation. Development of the proposed Measure DD Implementation Project, in conjunction with planned future development as anticipated by the City's General Plan, would incrementally increase demand for public facilities and services. However, none of the public facilities or services analyzed would experience significant impacts or create demand beyond that anticipated in the General Plan. Buildout of the cumulative projects would not result in cumulative impacts related to physical capacities, service levels or funding availability, particularly because the increased demand for services has, in many cases, been anticipated in planning and policy documents and would be shared across service areas within the City. As a result, no significant cumulative impacts would result.

k. Utilities and Infrastructure. The proposed Measure DD Implementation Project is located in areas already served by utilities and the incremental increase in demand for services would not require the expansion or construction of new facilities. The cumulative increase demand on the utility providers and infrastructure in the City resulting from implementation of Measure DD, in combination with other reasonably foreseeable projects in Oakland, is anticipated within the General Plan as well as within plans prepared by each of the utility providers to address projected growth. Therefore, no significant cumulative impacts would result.

l. Aesthetic Resources. Implementation of the proposed project would result in numerous visual changes throughout Oakland, including changes associated with the renovation of open space around Lake Merritt, the restoration of historic landmarks, improvements to water quality, the construction of formal trails along shoreline areas, and the restoration of creeks with native vegetation. All of these changes would result in beneficial impacts to the visual quality of Oakland. The projects that would be developed as part of General Plan build-out would also change the visual landscape of Oakland through the development of infill sites, the introduction of more activity to urban areas, and the creation of new open space. Many of these projects are expected to benefit the visual environment of Oakland. However, some of these projects could have adverse aesthetic effects, including impacts to scenic resources (such as historic buildings and trees) and scenic views. The proposed Measure DD Implementation Project would not contribute to these adverse impacts. Therefore, the proposed project would not make a significant cumulative contribution to aesthetic impacts in Oakland and the region.

E. EFFECTS FOUND NOT TO BE SIGNIFICANT

Meetings were held among representatives of City of Oakland departments involved in the project planning and consultants for the City to preliminarily determine the scope of the EIR. In addition to these meetings, a Notice of Preparation (NOP) was circulated on December 8, 2006 and a public scoping meeting was held on January 3, 2007 to solicit comments from the public about the scope of this EIR. Written comments received on the NOP and public comments received during the scoping meeting were considered in the preparation of the final scope for this document and evaluation of the proposed project. The environmental topics analyzed in Chapter IV, Setting, Impacts, and Mitigation Measures, represent those topics which generated the greatest potential controversy and expectation of adverse impacts.

Based on consultation with City staff, visits to the project site, and preliminary research, the proposed project is not expected to result in significant impacts related to the following topics, which are not further evaluated in the EIR.

1. Agricultural Resources

The majority of the Measure DD components are located within the urban environment of the City of Oakland. Those component sites not located within an urban environment are associated with the creek restoration and acquisition. The sites for these creek projects are within park, residential, or resource conservation areas. No agricultural uses or farmland are present within or adjacent to the Measure DD component sites.

2. Mineral Resources

No known mineral resources are located within or near the Measure DD component sites. Mineral resource extraction activities have not taken place within or around the component sites during recent history.

3. Population and Housing

The proposed project does not involve the construction or demolition of housing units. Implementation of Measure DD would have no impact on population and housing within the City of Oakland.

4. Schools

The proposed project does not involve the construction or demolition of housing units. As such, this project would have no impact on the school system.

