

CHAPTER I

INTRODUCTION

A. ENVIRONMENTAL REVIEW

The project sponsor, Signature Properties, has submitted an environmental review application for the construction of a mixed-use residential and commercial project on most of two city blocks at the northwest corner of Broadway and West Grand Avenue, immediately north of downtown Oakland at the south end of the Broadway Auto Row.

The California Environmental Quality Act (CEQA) requires that, before approving a project with potentially significant environmental effects, an environmental impact report (EIR) must be prepared that fully describes the environmental effects of the project. The EIR is a public information document for use by governmental agencies and the public to identify and evaluate potential environmental consequences of a proposed project, to recommend mitigation measures to lessen or eliminate adverse impacts, and to examine feasible alternatives to the project. The information contained in the EIR is reviewed and considered by the governing agency prior to the ultimate decision to approve, disapprove, or modify the proposed project.

CEQA states that the Lead Agency (in this case the City of Oakland) shall not “approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...” (Section 21002). Among the EIR’s key purposes is to identify mitigation measures or alternatives that will substantially lessen or avoid significant adverse environmental effects. If the Lead Agency approves the project despite residual significant adverse impacts that cannot be mitigated to less than significant levels, the agency must adopt a “Statement of Overriding Considerations” stating the reasons for its action in writing.

To determine the environmental potentially significant environmental effects of the project, the City prepared an Initial Study that identified environmental issues that should be addressed in the EIR and environmental issues that could be excluded from further analysis. Issues fully analyzed in the Initial Study and determined to result in less-than-significant effects, in some cases with mitigation identified in the Initial Study, are briefly summarized below. The complete Initial Study is included in Appendix A.

Agricultural Resources: The project would not convert farmland to non-agricultural use, would not conflict with existing zoning for agricultural use, or conflict with a Williamson Act contract, and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use.

Biological Resources: The project would not adversely affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species, would not adversely affect any riparian habitat or other sensitive natural community, would not adversely affect any federally protected wetlands, would not interfere with the movement of any resident species, would not conflict with local policies protecting biological resources, and would not conflict with any adopted habitat conservation plan.

Geology and Soils: The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, strong seismic ground shaking, seismic-related ground failure, or landslides; nor would the project result in substantial soil erosion or the loss of topsoil, or be located on unstable or expansive soil, creating substantial risks to life or property.

Hazards and Hazardous Materials: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and the project would not 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. The project is not within an airport land use plan or within two miles of a public airport, nor is it within the vicinity of a private airstrip. (Issues related to creation of a hazard through transport, use, or disposal of hazardous materials or accident are discussed in the EIR.)

Hydrology and Water Quality: The project would not violate any water quality standards or waste discharge requirements, would not substantially deplete groundwater supplies or interfere with groundwater recharge, would not substantially alter drainage patterns, would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and would not otherwise substantially degrade water quality. The project would not place housing or other structures within a 100-year flood hazard area or 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 or result in inundation by seiche, tsunami, or mudflow.

Land Use and Planning: The project would not physically divide an established community, would not conflict with applicable land use plans or policies adopted for the purpose of avoiding or mitigating environmental effects, and would not conflict with any habitat conservation plan.

Mineral Resources: The project would have no effect on known valuable mineral resources.

Population and Housing: The project would not result in any adverse effect resulting from direct or indirect inducement of population growth, nor would it displace substantial numbers of existing housing units or people. Additionally, based on the 1998 Land Use and Transportation Element (LUTE) of the General Plan, which is incorporated here by reference, and the subsequent General Plan Housing Element (and Negative Declaration) adopted by the Oakland City Council on June 15, 2004, the project would not result in adverse effects on population or housing. The project would not induce population growth beyond that anticipated by the General Plan, and

given the adequate amount and distribution of existing vacant land located within zoning classifications that allow residential development throughout the city, the project would not contribute to a substantial displacement of existing housing units or people.

Public Services: The project would not result in substantial adverse physical impacts associated with the provision of or need for governmental facilities or services. The EIR prepared for the 1998 Land Use and Transportation Element (LUTE) of the General Plan, which is incorporated here by reference, assumed a type and intensity of development that is generally consistent with the proposed project. Specifically, that EIR adequately analyzed cumulative impacts on public services and the City's ability to meet the demands of Oakland residents with the proposed level of development considered.

Recreation: The project would not 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, nor would it include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Utilities and Service Systems: The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; would not result in a shortfall in water supply or wastewater treatment capacity or overburden landfill(s); and would comply with federal, state, and local statutes related to solid waste. The square footage of the proposed project is within the anticipated growth allowances for the relevant storm water sub-basin 52.05. Additionally, an existing, funded City Project will rehabilitate sub-basin 52.05 and install an additional relief line in Grand Avenue as part of the City's Inflow and Infiltration Reduction and Compliance Program (City Project C227210 scheduled for construction in 2004). Therefore, the proposed project will not require or result in the construction of new water or wastewater treatment or storm water drainage facilities or expansion of existing facilities as a result of its development.

On March 5, 2004, the City sent a Notice of Preparation (NOP) to governmental agencies, and organizations and persons interested in the project. The NOP and the Initial Study Checklist are included as Appendix A of this document. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify the relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment, and copies of responses to the NOP are included in Appendix A of this document. This Draft EIR addresses those responses to the NOP that involved environmental issues associated with the project site and proposed project. Where appropriate, environmental issues raised in the responses to the NOP and addressed in the Initial Study, but not further in this Draft EIR, are discussed above under the applicable environmental topics (i.e., Population and Housing; Utilities and Service Systems). NOP responses pertaining to project characteristics that are not pertinent to the environmental analysis, and/or that are more appropriately and typically addressed during the City's consideration of the discretionary permits required for the project, are not addressed in this Draft EIR.

The Draft EIR is available for public review for the period identified on the notice inside the front cover, during which time written comments on the adequacy of the Draft EIR may be submitted to the City of Oakland Community and Economic Development Agency, Planning Division, at the address indicated on the notice. Responses to all substantive comments received on the adequacy of the Draft EIR and submitted within the specified review period will be prepared and included in the Final EIR. The Oakland City Planning Commission will then review and consider the Final EIR for certification based on its fulfillment of CEQA requirements. Prior to approval of the project, the City must certify the Final EIR.

B. ORGANIZATION OF THE DRAFT EIR

This environmental impact report is organized so as to allow the reader to quickly and logically review a summary of the analysis, review the recommended mitigation measures, and identify the residual environmental impacts after mitigation, if any. Those readers who wish to read the Draft EIR in greater detail are directed to the main body of the document.

The Draft EIR begins with this Introduction (Chapter I), followed by a Summary (Chapter II), which describes the proposed project, its environmental effects, and alternatives to the project (including the No Project alternative), as well as known areas of controversy. The Summary culminates with Table II-1, Summary of Environmental Impacts and Mitigation Measures. This table lists each identified environmental impact, mitigation measures identified, and the level of significance following mitigation. The summary table is divided into three sections, identifying significant impacts that cannot be mitigated to a less-than-significant level (if any), significant but mitigable impacts, and less-than-significant impacts.

Following the Summary, the Project Description (Chapter III) includes the project location, project sponsor's objectives, a description of the proposed project, construction details, and an outline of the approval process.

Chapter IV contains a discussion of the setting (existing conditions), the environmental impacts that could result from the proposed project, and the mitigation measures that would reduce or eliminate the adverse impacts identified. Except as otherwise stated, all mitigation measures are identified in this report and are not currently proposed as part of the project. The criteria used to assess the significance of adverse environmental effects are identified, and the significance of the impact both prior to and following mitigation(s) is reported.

Chapter V contains a discussion of alternatives to the proposed project. The alternatives include the No Project Alternative, which is required by CEQA for all EIRs; a Full Preservation Alternative, and a Partial Preservation Alternative. (Both the Full Preservation and the Partial-Preservation Alternatives are essential reduced-density alternatives as well.) Chapter V describes each alternative and compares the potential environmental impacts of each to those of the proposed project and to each of the other alternatives, and as a result, an environmentally superior alternative is identified.

Chapter VI, Impact Overview, reviews the significant, unavoidable impacts of the project; summarizes cumulative impacts; and discusses growth-inducing impacts. The report authors and persons and documents consulted during EIR preparation are listed in Chapter VII. Appendices that include the Initial Study and NOP, as well as background and supporting documents and technical information for the impact analyses, are presented in Chapter VIII.