

I. INTRODUCTION

A. PURPOSE OF THE EIR

In compliance with the California Environmental Quality Act (CEQA), this Draft Environmental Impact Report (EIR) describes the environmental consequences of the proposed Uptown Mixed Use Project (Project). This EIR is designed to inform City staff, the Planning Commission, Redevelopment Agency, City Council, other responsible and interested agencies, and the general public of the proposed Project and the potential environmental consequences of Project approval. The City of Oakland (City) is the lead agency for environmental review of the proposed Project.

B. PROPOSED PROJECT

The Project site, which consists of a nine-block area, is located within the Uptown District of Oakland, as shown in Figure I-1. The proposed Project includes the following components: approximately 1,300 residential units; 1,050 student beds and faculty units; and 43,000 feet of commercial space. Associated Project components include a 25,000 square-foot public park; 1,959 parking spaces; and the development of one public street within the Project site. The additional public street is intended to shorten block lengths and provide enhanced access within the Project site. Implementation of the proposed Project would result in the development of a mixed-use neighborhood in the Uptown District. Please refer to Chapter III, Project Description, for more details.

C. EIR SCOPE

This EIR is a focused EIR prepared pursuant to California Environmental Quality Act (CEQA)/Public Resources Code Section 21159.25 (commonly referred to as Assembly Bill 436). The following discussion: 1) defines a focused EIR and discusses the relevant provisions of Section 21159.25; 2) describes the approach the EIR's authors have used in preparing a focused EIR that is consistent with the provisions of Section 21159.25; and 3) summarizes the environmental topics that are addressed in the EIR.

1. Focused EIR

This EIR is a focused EIR as authorized by State of California Public Resources Code Section 21159.25 (commonly referred to as Assembly Bill 436) and authorized by Oakland City Council Resolution No. 76896 (included in Appendix A). Pursuant to Section 21159.25, focused EIRs may be prepared for projects located in specified areas of downtown Oakland (including the Uptown area) where the proposed project consists of multiple-family residential development, or residential and retail mixed-use development where less than 25 percent of the total floor area of the project will be used for retail uses. In such an EIR, no discussion is required of alternatives to the project, cumulative impacts of the project or growth inducing impacts of the project. Assembly Bill 436, which allows the use of focused EIRs in specific areas of downtown Oakland, was approved by the

Figure I-1: Location Map

8x11 B&W

California State Legislature in September 2001, signed by the Governor in October 2001 and is now codified in the Public Resources Code, in Section 21159.25. Subsequently, the City Council adopted Resolution No. 76896 which authorizes the use of focused EIRs for four target areas within downtown Oakland where housing is encouraged. Resolution No. 76896, as adopted by the City Council, states that the Council authorizes the Planning Commission, at its sole discretion, to conduct a public hearing in the intent to use AB 436 (Public Resources Code Section 21159.25) for a specific project. The Planning Commission held such a hearing on March 19, 2003, and adopted a Notice of Intent to Use AB 436 for the Uptown Project. Table I-1 lists the criteria for use of a focused EIR and summarizes applicable findings adopted by the Planning Commission.

The EIR, which was prepared and certified for the Land Use and Transportation Element (LUTE) of the Oakland General Plan, is used as one of the bases for this environmental review. Cumulative impacts and growth-inducing impacts in downtown Oakland have been analyzed in the General Plan LUTE EIR, and repeatedly in numerous EIRs completed for projects in the downtown area. The analysis included in Chapter IV.B, Population, Employment and Housing, of this EIR provides a confirmation that the proposed Uptown Project falls within the City's employment and population projections to the year 2025. Similarly, the LUTE EIR contained an analysis of alternatives and, pursuant to Public Resources Code Section 21159.25, no further consideration of alternatives is required. Both the LUTE EIR and this EIR identify mitigation measures to reduce or eliminate potentially significant environmental impacts. The LUTE EIR, which was certified by the Oakland City Council in 1998, is hereby incorporated by reference into this EIR.¹ In addition, to ensure a comprehensive analysis, this focused EIR includes a cumulative analysis.

2. Scope of the Focused EIR

The City circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared using Section 21159.25 and indicating the environmental topics that were anticipated to be addressed in this EIR. The NOP and Initial Study were published on February 26, 2003, and mailed to public agencies, organizations, and individuals likely to be interested in the potential impacts of the Project. Comments on the NOP were received by the City and considered during the preparation of the EIR. A copy of the NOP and each comment letter received is provided in Appendix A of this EIR. Comments were received from the following agencies and organizations: 1) Regional Water Quality Control Board; 2) City of Alameda; 3) Friends of the Oakland Fox; 4) State of California Department of Transportation (Caltrans); 5) Bay Area Air Quality Management District; 6) Oakland Heritage Alliance; 7) Alameda County Congestion Management Agency; and 8) East Bay Municipal Utility District. Comments were received from the following individuals: 1) Christopher Pederson; and 2) Joyce Roy.

The following topics are addressed as separate sections in Chapter IV of this EIR:

- Land Use
- Population, Employment and Housing
- Hydrology and Water Quality
- Transportation, Circulation and Parking

¹ The LUTE EIR is available for review at 250 Frank Ogawa Plaza, Suite 3330, Oakland, CA 94612. A summary of the LUTE EIR impacts and mitigation measures is provided in Appendix A of this EIR.

Table I-1: Public Resources Code Section 21159.25 Criteria

Criteria	Applicability to Uptown Project
The project consists of multiple-family residential development, or residential and retail mixed-use development where less than 25 percent of the total floor area of the project will be used as retail space.	The Project consists of mixed-use development where less than 25 percent of the total floor area of the Project will be used for retail. Per the submitted application, 43,000 square feet of the Project will be built as retail space while over 1 million square feet of residential space will be built for the +1,300 residential units plus the student housing. This amount of residential space excludes parking structures. Therefore, less than 25 percent of the total floor area will be used for retail space.
The City has an average population density of at least 5,000 persons per square mile.	Based on the 2000 U.S. Census and the City of Oakland statistical profile, the average population density of Oakland is approximately 7,425 persons per square mile which exceeds 5,000 persons per square mile.
The project is consistent with the general plan, any applicable specific plan and community plan, and zoning ordinance, including any variance that is properly granted pursuant to that zoning ordinance, an environmental impact report was prepared for the general plan, and the application for the project is deemed complete pursuant to Section 65943 of the Government Code within three years of the date this section is effective.	The Project is consistent with numerous objectives and policies of the General Plan. The Project supports the vision and goals for the Downtown Showcase District, particularly by promoting the role of Downtown as a mixture of vibrant and unique districts, increasing both the daytime and nighttime population of Downtown through new housing opportunities and encouraging housing that is located within walking distance of BART and other transit facilities. The General Plan contains numerous policies that pertain to the residential and retail development in the Uptown area. City staff made a determination that the proposed Project is consistent with numerous policies of the land use and transportation element General Plan as part of their March 19, 2003 staff report. Analysis for consistency with the other elements of the General Plan is included in Section IV.A, Land Use, of this EIR. Additionally, as part of Resolution No. 76896, the City Council adopted a finding that the Oakland General Plan, Zoning Ordinance and related policies are consistent with the principals that encourage compact development. An environmental impact report was previously prepared and certified for the General Plan Land Use and Transportation Element, and the application for environmental review for the Uptown Project was deemed complete on March 12, 2003.
The lead agency cannot make the finding described in subdivision (c) of Section 21157.1, a negative declaration or mitigated negative declaration cannot be prepared pursuant to Section 21080, 21157.5, or 21158, and Section 21166 does not apply.	The City of Oakland as the lead agency has determined that an environmental impact report shall be prepared for the proposed Project because potentially significant environmental impacts resulting from the proposed Project have been identified and it is uncertain whether there are feasible mitigation measures to reduce these impacts to a less than significant level.
The project meets one or both of the following conditions: (A) The parcel on which the project is to be developed is surrounded by immediately contiguous urban development. (B) The parcel on which the project is to be developed is, or has been previously, developed with urban uses.	The site of the proposed Project is surrounded by urban development that is immediately contiguous to the Project site.
The density of the project is at least 40 units per net acre.	The Project proposes 1,300 dwelling units plus 1,050 students beds/faculty units. Even excluding the student housing the Project proposes over 73 units per net acre.
The parcel on which the project is to be developed is within one-half mile of an existing rail transit station.	The 19 th Street BART station is located approximately one block (800 feet) from the nearest part of the Project site, and

Table I-1 *continued*

Criteria	Applicability to Uptown Project
	approximately four blocks (2,200 feet) from the farthest part of the Project site. Hence, all portions of the Project site are located within a ½-mile of an existing rail transit station.
The project can be adequately served by existing utilities and municipal services, and there will be adequate capacity for infrastructure, utilities, and services to serve other projects approved and proposed in the service area.	Existing utilities and municipal services adequately serve the Project site. Additionally, there is adequate capacity for infrastructure, utilities and services to serve other projects approved and proposed in the service area based on the adopted General Plan and EIR that was certified for the General Plan. (Refer to General Plan Land Use and Transportation Element, Volume 2, Supporting Information.)
The project does not include a single level building that exceeds 100,000 square feet.	The Project contains multiple-story buildings and does not include a single-level building that exceeds 100,000 square feet based on the current Project description.
The project is located in one of the following central business district housing target areas: (A) The Valdez cluster, which is ... (B) The Uptown cluster, which is bounded on the west by Castro Street, on the south by 14th Street from Castro Street to Jefferson Street and 16th Street and Broadway from 16th Street to 22nd Street, and on the north by 22nd Street. (C) The 11th Street cluster, which is ... (D) The Old Oakland cluster, which is	The site of the proposed Project is located within the Uptown cluster target area.

Source: City of Oakland staff, 2003.

- Air Quality
- Noise
- Hazards and Hazardous Materials
- Utilities and Infrastructure
- Historic Architectural, Archaeological and Paleontological Resources
- Aesthetic Resources
- Wind
- Shade and Shadow

Potential adverse environmental impacts related to the topics listed below were determined to be less-than-significant on the basis of environmental evaluation in the Initial Study. No comments that were received on the NOP provided any information that would affect the analysis and conclusions in the Initial Study with respect to these topics.

- Agricultural Resources
- Biological Resources
- Geology and Soils
- Mineral Resources

- Public Services
- Recreation

D. REPORT ORGANIZATION

This EIR is organized into the following chapters:

- *Chapter I – Introduction:* Discusses the overall EIR purpose; provides a summary of the proposed action and environmental review process; identifies potentially significant issues and concerns; and summarizes the organization of the EIR.
- *Chapter II – Summary:* Provides a summary of the impacts that would result from implementation of the proposed Project, and describes mitigation measures recommended to reduce or avoid significant impacts.
- *Chapter III – Project Description:* Provides a description of the Project site, site development history, Project objectives, required approval process, and details of the Project itself.
- *Chapter IV – Setting, Impacts and Mitigation Measures:* Describes the following for each environmental technical topic: existing conditions (setting); potential environmental impacts and their level of significance; and mitigation measures recommended to address identified impacts. Potential adverse impacts are identified by levels of significance, as follows: less-than-significant impact (LTS), significant impact (S), and significant and unavoidable impact (SU). The significance of each impact is categorized before and after implementation of any recommended mitigation measure(s).
- *Chapter V – Report Preparation:* Identifies staff involved in preparation of the EIR, references used, and persons and organizations contacted.