

IV. SETTING, IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES

This chapter contains an analysis of the environmental topics relevant to the Creekside Mixed-Use Development Project, and as such constitutes the major portion of this Draft EIR. Sections A through D of this chapter describe the existing setting for each topic relevant to the proposed project, the potential impacts that could result from implementation of the project, relevant City policies and Standard Conditions of Approval that would minimize potential adverse effects that could result from implementation of the project, and mitigation measures necessary to reduce impacts of the project.

The following provides an overview of the scope of the analysis included in this chapter, organization of the sections, the methods for determining what impacts are significant, and the applicability of the City's Uniformly Applied Development Standards (also referred to as Standard Conditions of Approval).

ENVIRONMENTAL TOPICS

The following environmental topics are analyzed in this chapter:

- A. Transportation, Circulation and Parking
- B. Land Use and Density
- C. Visual Quality
- D. Light and Shadow

Topics determined to not be directly relevant to the proposed project are briefly discussed in Chapter VI, under Effects Found Not to Be Significant, and include Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.

FORMAT OF TOPIC SECTIONS

Each environmental topic section generally includes two main subsections: (1) Setting; and (2) Impacts and Mitigation Measures. Identified significant impacts are numbered and shown in bold type, and the corresponding mitigation measures are numbered and indented. Significant impacts and mitigation measures are numbered consecutively within each topic and begin with a shorthand abbreviation for the impact section (e.g., TRANS for Transportation, Circulation and Parking). The following abbreviations are used for individual topics:

- TRANS: Transportation, Circulation and Parking
- LAND: Land Use and Density
- VIS: Visual Quality
- LIGHT: Light and Shadow

DETERMINATION OF SIGNIFICANCE

Under CEQA, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment.⁸ Each impact evaluation in this chapter is prefaced by criteria of significance, which are the thresholds for determining whether an impact is significant.

This criteria of significance utilized in this EIR are from the City of Oakland's Thresholds/Criteria of Significance Guidelines. To help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland, the City has established the Thresholds/Criteria of Significance Guidelines (which have been in general use since at least 2002). The Thresholds are offered as guidance in preparing environmental review documents. The City requires use of its thresholds unless the location of the project or other unique factors warrants the use of different thresholds. The thresholds are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, including Sections 15064, 15064.5, 15065, 15382 and Appendix G, and form the basis of the City's Initial Study and Environmental Review Checklist.

The Thresholds are intended to be used in conjunction with the City's Uniformly Applied Development Standards and Conditions of Approval (see discussion below), which are incorporated into projects as Conditions of Approval regardless of the determination regarding a project's environmental impacts.

UNIFORMLY APPLIED DEVELOPMENT STANDARDS (STANDARD CONDITIONS OF APPROVAL)

The City's Uniformly Applied Development Standards (referred to in the EIR as Standard Conditions of Approval or Conditions of Approval) are incorporated into projects as conditions of approval regardless of a project's environmental determination. As applicable, the Standard Conditions of Approval are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. For the Creekside Mixed-Use Development project, all of the relevant standard conditions have been incorporated as part of the project.

In reviewing project applications, the City determines which Standard Conditions of Approval are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approval(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which Standard Conditions of Approval apply to a specific project; for example, Standard Conditions of Approval related to down-sloping lot landscape requirements will only be applied to projects on down-sloping lots.

Because these Standard Conditions of Approval are mandatory City requirements, the impact analysis assumes that these will be imposed and implemented by the project. If a Standard Condition of Approval would reduce a potentially significant impact to less than significant, the impact will be determined to be less than significant and no mitigation is imposed.

The Standard Conditions of Approval incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection,

⁸ *California Public Resources Code*, Section 21068.

Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code, and Uniform Fire code, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions of Approval, the City will determine whether there are feasible mitigation measures to reduce the impact to less-than-significant levels.

CUMULATIVE ANALYSIS CONTEXT

CEQA defines cumulative as “two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts.”⁹ Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts when the project’s incremental effect is cumulatively considered. “Cumulatively considerable” means that the incremental effects of an individual 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. These impacts can result from a combination of the proposed project together with other projects causing related impacts. “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probably future projects.”¹⁰

The methodology used for assessing cumulative impacts typically varies depending on the specific topic being analyzed. For example, the geographic and temporal (time-related) parameters related to a cumulative analysis of transportation impacts are not necessarily the same as those for a cumulative analysis of light and shadow impacts. This is because the geographic area that relates to transportation impacts is larger and more neighborhood-level in character than the geographic area that could be impacted by potential light and shadow impacts from a proposed project and other cumulative projects / growth. The light and shadow cumulative impacts are more localized than transportation impacts which are more neighborhood-oriented in nature. Accordingly, the parameters of the respective cumulative analyses in this document are determined by the degree to which impacts from this project are likely to occur in combination with other development projects.

Since 2000, the City of Oakland has developed and maintained a cumulative growth scenario and land use database primarily for use in cumulative transportation analyses for Oakland EIRs. Oakland’s growth scenario is developed using a forecast-based approach (i.e., an approach based on regional forecasts of economic activity and demographic trends). The Association of Bay Area Governments (ABAG) projections provide the citywide and regional economic and demographic inputs. The scenario also incorporates extensive local information and input regarding the locations for growth and change within the city including past, present, existing, pending and reasonably foreseeable future development in the area surrounding the project site. The latter provide specificity about growth and development in Oakland for use in allocating growth to subareas and traffic analyses zones (TAZs) within the city. Transportation analyses using the ACCMA’s travel demand model require

⁹ CEQA Guidelines, Section 15355.

¹⁰ *ibid*, Section 15130.

inputs at the TAZ level. The scenario also includes existing development conditions within the baseline and growth projections for adjacent jurisdictions.

This cumulative growth scenario was updated for the Macarthur Transit Village Project (see Appendix E of the Macarthur Transit Village Draft EIR) by Hausrath Economic Group (HEG) and is used as a basis for the cumulative analysis for each topic analyzed in this EIR, with a focus on the geographic area in close proximity to the project site. This area is bounded by 40th street to the south, SR-24 to the north and west, and Miles Avenue and Webster Street to the east.