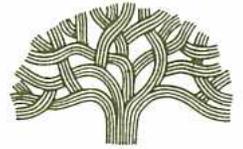


**INITIAL STUDY/
NEGATIVE DECLARATION**

**Elmhurst Creek Sediment Removal and
Maintenance Project**

December 2007

**City of Oakland
File No. ER070012**



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 839-6451

**NOTICE OF INTENT to ADOPT a NEGATIVE DECLARATION ON
THE ELMHURST CREEK SEDIMENT REMOVAL AND MAINTENANCE PROJECT**

PROJECT TITLE: ELMHURST CREEK SEDIMENT REMOVAL AND MAINTENANCE PROJECT
CASE NO. ER07-0012/CP07-061
PROJECT SPONSOR: Monterey Mechanical
PROJECT LOCATION: 8255 SAN LEANDRO ST (APN: 041 -4208-001-00, 041 -4208-002-00, 041 -4208-003-00))

DESCRIPTION OF PROJECT: Stream channel sediment removal, revegetation, and maintenance project for a 550 foot long segment of Elmhurst Creek involving removal of accumulated soil sediments, debris, and non-native nuisance vegetation; minor realignment along the axis of the creek; grading and native riparian plant revegetation for bank stabilization and erosion control protection; and replacement of an existing culvert segment associated with existing road deck above the culvert. The project will stabilize the channel and improve the stormwater conveyance capacity of this section of Elmhurst Creek and substantially reduce the potential for flooding on adjacent properties. The project site and surrounding properties are designated as General Industrial/Transportation in the City of Oakland General Plan and an M-40 Heavy Industrial zoning. The project would be subject to permit approval and conditions including Clean Water Act 401 Water Quality Certification, Army Corp of Engineers 404 General Permit, California Department of Fish and Game #1600 Streambed Alteration Agreement, City of Oakland Municipal Code Section 15.04.780 (for Grading Permits), and Chapter 13.16 (Creek Protection, Stormwater Management and Discharge Control). Properties adjacent to the stream channel include 8255 San Leandro Street which is on the Regional Water Quality Control Board's (RWQCB) Cortese-related LUFT list.

Environmental Review: An application for ER070012 and CP07061 has been filed for review and action by the Director of Planning and Zoning Division of the City of Oakland. Additionally, an environmental Initial Study has been prepared under the requirements of the California Environmental Quality Act (CEQA) for review and action by the Planning and Zoning Division. The Initial Study evaluates the potential environmental impacts of the above-described project. Based on the results of the Initial Study, it has been determined that the project will not have a significant effect on the environment. Therefore, an Environmental Impact Report (EIR) is not required, and a proposed Negative Declaration has been prepared.

The Initial Study and the permit application materials are available for review at the **Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612**. The Initial Study can also be viewed on the web at www.oaklandnet.com under the **Planning and Zoning website link for City Planning Commission and Environmental Impact Reports**.

Any interested party may comment on the Initial Study or permit application within the thirty (30) day comment period. There is no fee for commenting and all comments received will be considered by the City

prior to finalizing the Mitigated Negative Declaration and making a decision on the Creek Protection Permit application. Comments must be received no later than 4:00 p.m. on **January 17, 2008** and should be sent to the **attention of Caesar Quitevis, Planner II, City of Oakland Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 2316, Oakland, CA 94612; 510-238-6538** (fax); or e-mailed to clquitevis@oaklandnet.com. Please reference case number ER07-0012/CP07-061 in all correspondence.

If you wish to be notified of the decision of this case, please indicate the **case number and submit a self-addressed stamped envelope** to the above address. If you challenge the environmental document or design review application in court you may be limited to raising only those issues raised in written correspondence received by the Community and Economic Development Agency on or prior to 4:00 p.m. on **January 17, 2008**. For further information, please contact Caesar Quitevis, Planner II at (510) 238-6343 or at clquitevis@oaklandnet.com.

December 18, 2007

File Number ER07-0012/CP07-061



Claudia Cappio
Director of Development and Environmental
Review Officer

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- Appendix A: Plant Species at the Project Site
- Appendix B: Sensitive Species in Project Vicinity
- Appendix C: Tree Survey

A. INTRODUCTION AND PURPOSE

This Initial Study/Negative Declaration (IS/ND) was prepared pursuant to California Environmental Quality Act (CEQA) requirements and the State CEQA Guidelines (California Code of Regulations Section 15000 *et. seq.*) and in accordance with the regulations and policies of the City of Oakland (City). The Initial Study evaluated the potential environmental impacts of the Elmhurst Creek Sediment Removal and Maintenance Project (Proposed Project) and determined that a Negative Declaration would satisfy CEQA requirements for environmental review for the Proposed Project.

B. PROJECT INFORMATION

1. Project Title:

Elmhurst Creek Sediment Removal and Maintenance Project

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:

Caesar Quitevis
510-238-6343

4. Project Location:

7825, 8255, 8261 San Leandro Street,
Oakland, CA 94603
Assessor Parcel Numbers, respectively: 041-4208-001-00, 041-4208-002-00, and 041-4208-003-00.

5. Project Sponsor's Name and Address:

Monterey Mechanical

6. General Plan Designation:

General Industrial/Transportation

7. Zoning:

Heavy Industrial (M-40)

8. Description of Project

The Proposed Project includes the initial clearance and ongoing maintenance of Elmhurst Creek for the next five years (until 2011) with the intention of restoring the detention and conveyance capacity of the creek and establishing a mature riparian corridor. Initial Project activities include dredging/excavation,

vegetation clearing, including the removal of six trees, bank shaping, minor channel realignment, revegetation of the creek, and replacement of the existing box culvert and overlying bridge at the east end of the Project Site. Ongoing maintenance activities would include removal of refuse, debris, and detritus obstructing the creek channel, clearing of non-native, invasive, or nuisance vegetation, and minor bank shaping.

The Proposed Project is primarily a clearance effort, but would involve minor realignment along the current axis of the creek. Initial dredging/excavation would remove an estimated 2,000 cubic yards of accumulated sediment and vegetation. Ongoing maintenance thereafter is estimated to remove about 50 to 100 cubic yards of accumulated sediment and vegetation annually. The banks of the creek would be reshaped, as needed, to ensure stability immediately following the initial clearance activities. The final bank configuration would be further stabilized with bank stabilizing vegetation and other bioengineering controls. The deteriorated existing bridge at the east end of the Project Site would be replaced with a box culvert and a road deck to accommodate the reshaped banks and to maintain access to the Bay Area Truck Driving School portion of the Saidian Property. Maintenance activities would take place below the Mean High Water Mark in some places (see Figure 1A and 1B).

The intention of the Proposed Project is to reduce water surface elevations during certain types of small and moderate storm events, in particular the 2- and 10-year flood events. The Proposed Project may not reduce water surface elevations during storms equal or larger in magnitude than the 10 year storm as shown in Figure 1C. The Project Site may still be subject to significant flooding during large storm events following completion of the Proposed Project. The water surface elevations shown in Figure 1C for the post-project condition were modeled assuming a post-project channel roughness consistent with that observed in the pre-project conditions. All water surface elevations shown were calculated by running anticipated storm flows against the Mean Higher High Tide projected upstream from the project site from the Oakland Airport tide gauge.

Equipment required for the Proposed Project would include dump trucks, a backhoe, a small bobcat, roller compaction equipment, sump pumps, and temporary dams and piping. Project activities would require the use of two temporary dams (i.e. bags filled with pea gravel or equivalent), located downstream and possibly upstream of the work area. Sump pumps and temporary piping would dewater the work area, as needed. The banks of the creek would be shaped with the excavator and finished with hand tools. An upland staging area would be used for stockpiling the removed materials under approximate site controls. The initial clearance and construction activities would require the work of about six to ten workers for approximately six weeks for the initial maintenance effort. Subsequent ongoing maintenance and monitoring events would occur as needed. Future removal of refuse, debris, and detritus would occur as needed. The total volume of future material to be removed is not expected to exceed 100 cubic yards total per year. Stockpiled materials would be removed from the Project Site using dump trucks, and transported to an appropriate disposal or reuse facility, in accordance with all applicable rules and regulations.

9. Surrounding Land Uses and Setting:

The Project Site is an approximately 550-foot stretch of Elmhurst Creek, which runs through an industrial area of the City of Oakland in Alameda County (see Figure 2). The creek runs through by SF-Oakland Auto Truck Plaza (a truck stop/service station), on the east by Monterey Mechanical (a contractor and metal fabricator), on the south by Bay Area Truck Driving School, on the west by railroad tracks for the Southern Pacific Railroad, and on the west/northwest by the American Brass and Iron (AB&I) Foundry. At the east end of the Project Site, the creek runs under a bridge/culvert. The bridge at the east end of the Project Site allows vehicles to access the truck driving school, and the bridge at the west end of the Project Site provides rail access across the creek (Southern Pacific Railroad). Interstate 880 is located approximately 2,000 feet west of the Project Site. The Bay Area Rapid Transit (BART) aerial track is located approximately 200 feet east of the Project Site.

The City of Oakland stormwater conveyance infrastructure includes several ephemeral creeks, some of which retain unlined sections, including Elmhurst Creek. The Project Site is tidally influenced, unlined, and heavily vegetated. The accumulation of sediment and debris, which originate from the upgradient areas, have reduced the stormwater conveyance capacity of this section of Elmhurst Creek over the years, causing the creek to overflow its banks and flood the adjacent properties. In particular, Monterey Mechanical, adjacent to the Project Site on the east/southeast, is affected by moderate to severe flooding regularly.

Vegetation includes two single trees and four small groups of trees on the Project Site. The creek is vegetated with cattails, tules, and other hydrophytic plants. The creek banks are unreinforced and a chain-link fence runs the length of the creek's southern edge. A retaining wall delineates the eastern boundary between the vegetated stream corridor and the developed hardscape surface of the Saidian property. Overhead electric distribution line poles are located within about 6 feet of the creek's southern bank.

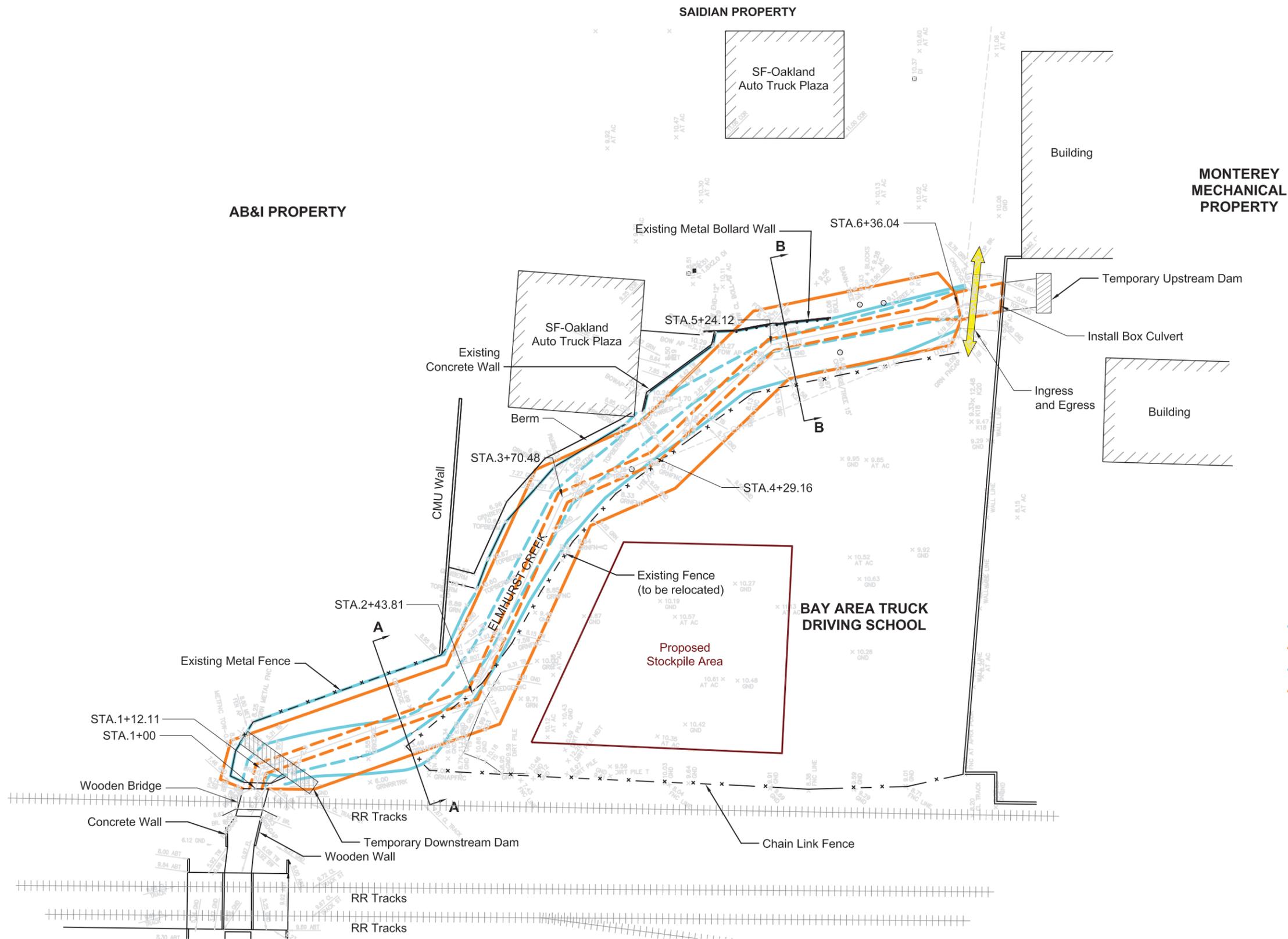
10. Actions/permits which may be required, and for which this document provides CEQA clearance, include without limitation:

The proposed dredging/excavation and minor bank shaping would require a Grading Permit, a Tree Removal Permit and a Category IV Creek Protection Permit. Furthermore, the Project Sponsor must obtain a 404 permit from the U.S. Army Corps of Engineers, a 1600 Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), and a Section 401 Certification from the San Francisco Bay Regional Water Quality Control Board for the Proposed Project.

11. Other Public Agencies Whose Approval May Be Required:

No additional agency permits or approvals are expected to be required for the Proposed Project.

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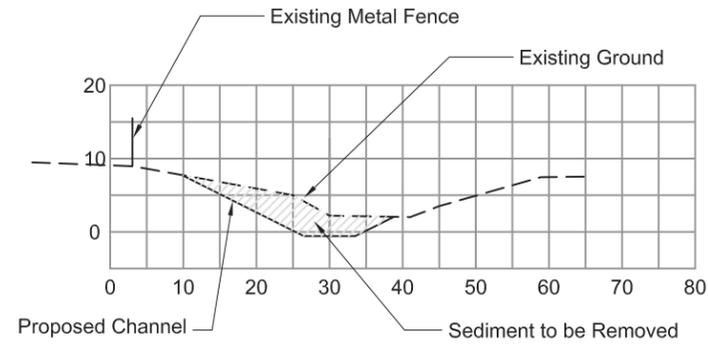


Source: KCA Engineers, Inc. / Northgate Environmental Management, Inc.

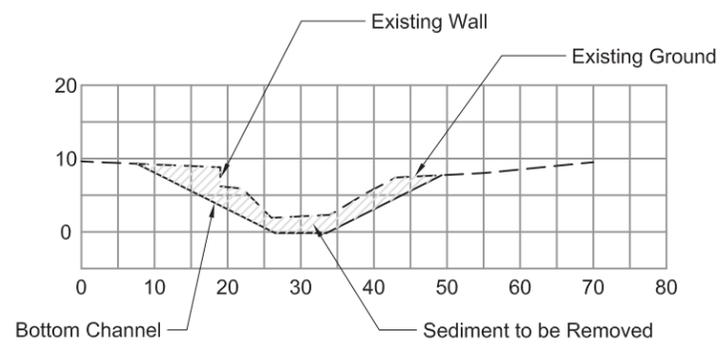


FIGURE 1A
Design Overview

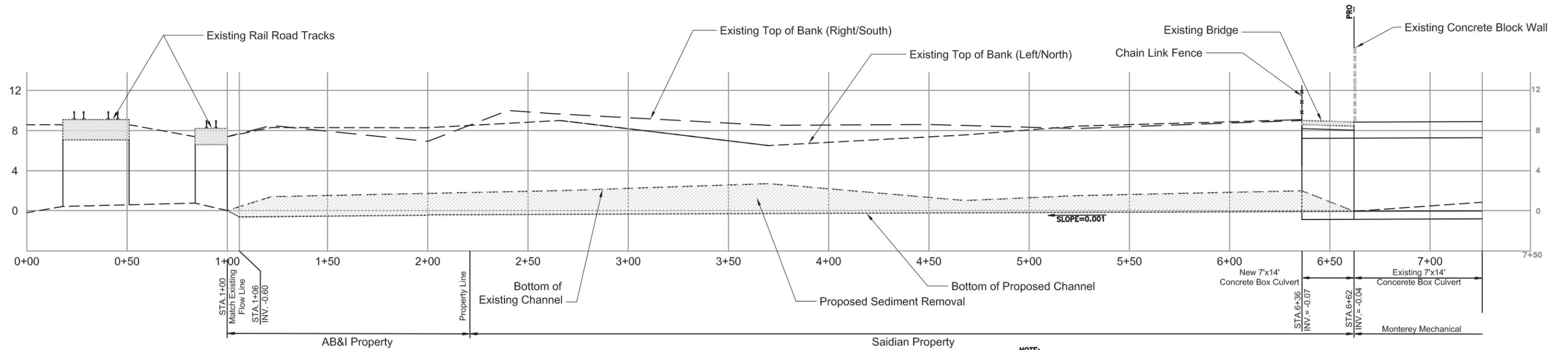
D41259.00



Section A-A
Scale: 1"=25'



Section B-B
Scale: 1"=25'



Horizontal Scale: 1"=50'
Vertical Scale: 1"=10'

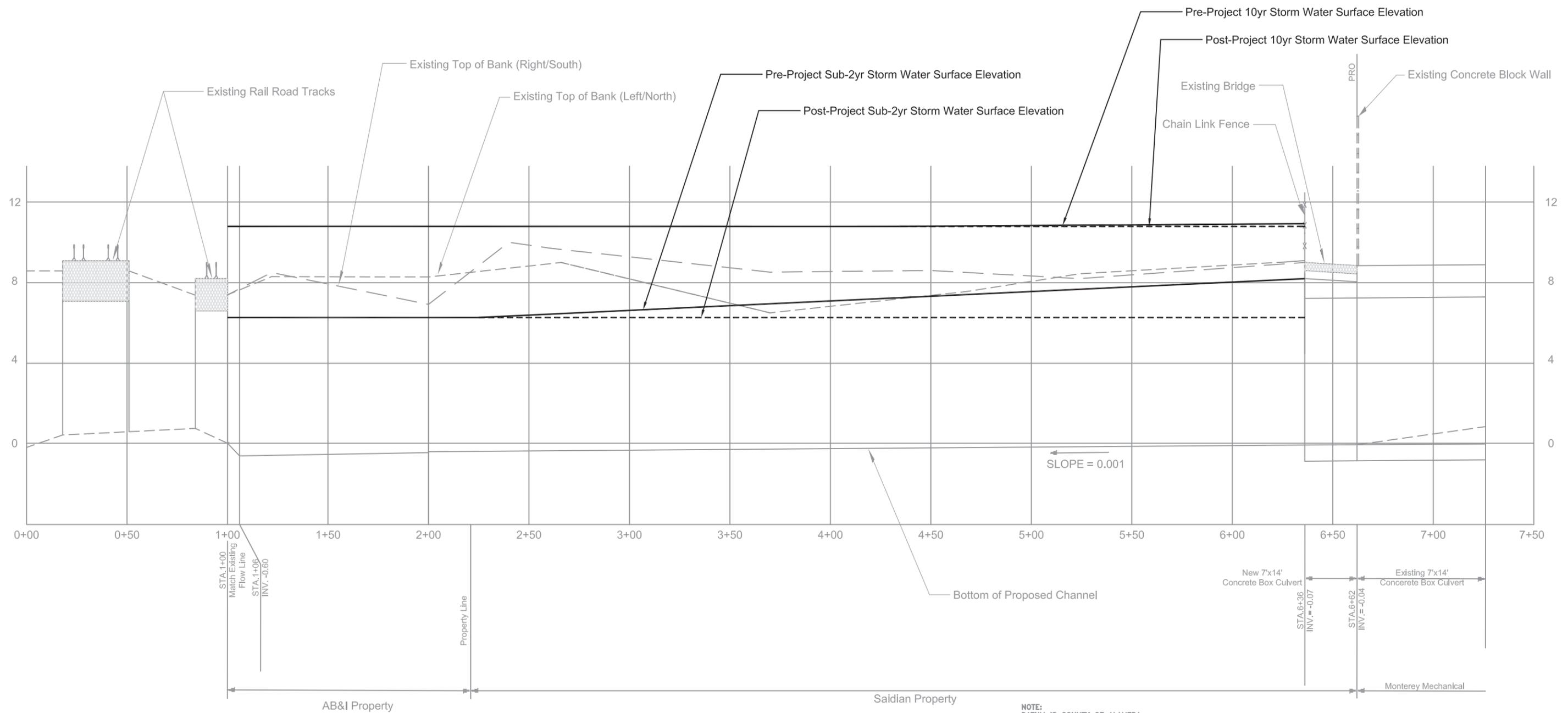
NOTE:
DATUM IS COUNTY OF ALAMEDA
DATUM = 1929 NGVD

Source: KCA Engineers, Inc. / Northgate Environmental Management, Inc.



**FIGURE 1B
Design Cross Sections**

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NOTE:
 DATUM IS COUNTY OF ALAMEDA
 DATUM = 1929 NGVD

Horizontal Scale: 1"=50'

Vertical Scale: 1"=5'

All Water Surface Elevations Calculated for Mean Higher High Tide

Source: Northgate Environmental Management, Inc.



FIGURE 1C
Water Surface Elevations for 2- and 10-Year Storms

A Division of **PBSJ**

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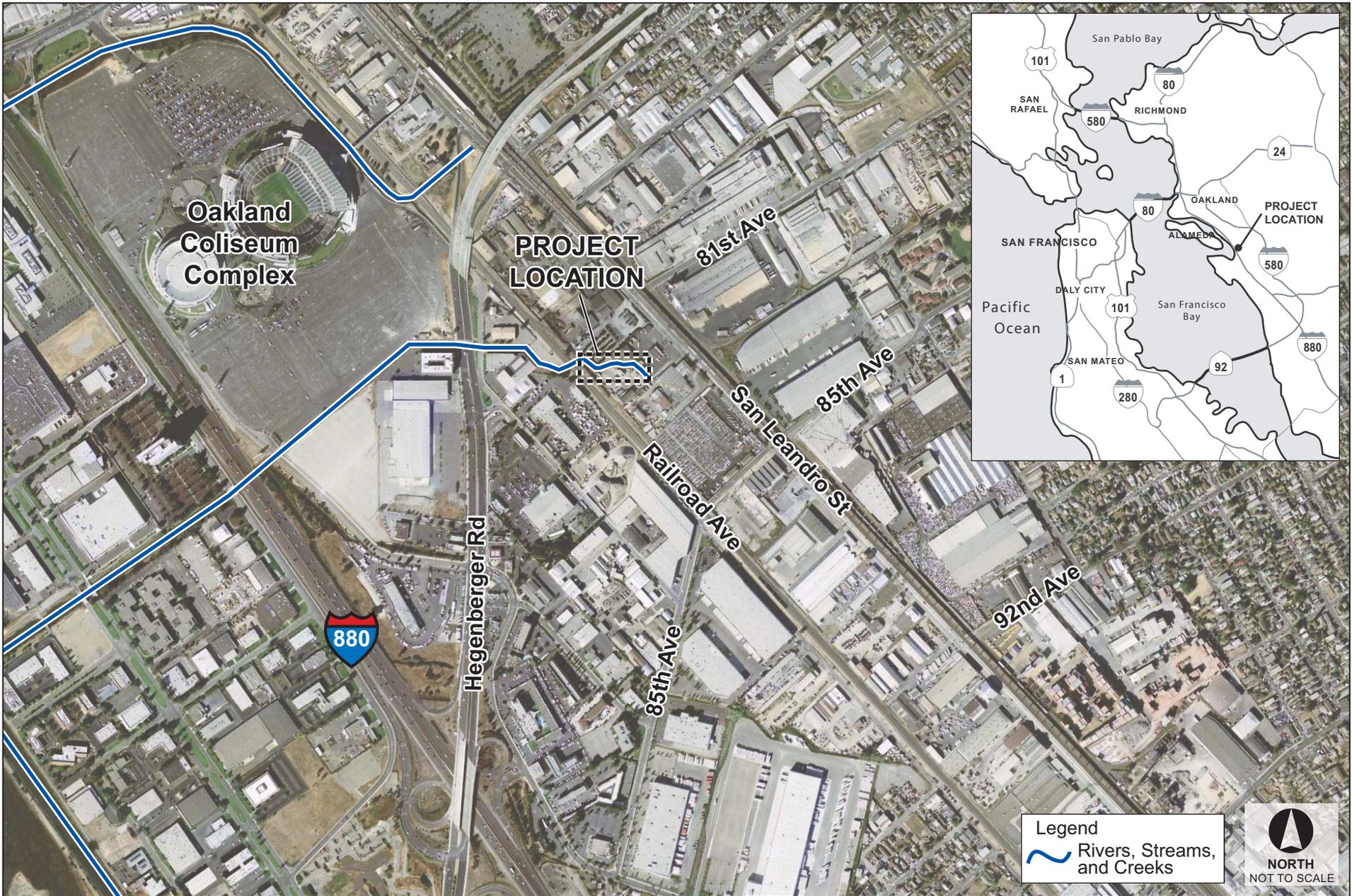


FIGURE 2
Project Location

Source: Google Earth, 2007.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

Environmental factors which may be affected by the Proposed Project are listed alphabetically, below.

Factors marked with a filled-in block (■) have been determined to be potentially affected by the Project. There are no “Potentially Significant Impacts” as indicated by the checklist on the following pages.

Unmarked factors (□) were determined to be either not significantly affected by the Proposed Project or fully mitigated through the implementation of Standard Conditions of Approval adopted by the City of Oakland and would be applicable to the Proposed Project if approved, and would not require further CEQA documentation.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of | |

DETERMINATION

On the basis of this initial evaluation:

- I find that the Proposed Project **COULD NOT** have a significant effect on the environment with the incorporation of the City of Oakland’s Standard Conditions of Approval, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures and Uniformly Applied Development Standards have been imposed on the Proposed Project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the Proposed Project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required that will further study. No other environmental factors will be further studied.

- I find that the Proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

Caesar Quitevis

Signature

Caesar Quitevis, Planner II

Planner Name
Title

December 19, 2007

Date

Scott Miller

For Claudia Cappio
Development Director

D. EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, less than significant with development standards, or less than significant. As defined here, a “Potentially Significant Impact” is appropriate if the significant effect is considered to have a substantial or potentially substantial adverse effect on the environment. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

A “Less than Significant with Mitigation” answer applies where incorporation of a mitigation measure has reduced an effect from a “Potentially Significant Impact to a “Less than Significant Impact” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

A “Less than Significant with Development Standard” answer applies where incorporation of a development standard has reduced an effect from a “Potentially Significant Impact to a “Less than Significant Impact.” The City’s Uniformly Applied Development Standards are incorporated into projects as conditions of approval regardless of a project’s environmental determination. As applicable, the Uniformly Applied Development Standards 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. In reviewing project applications, the City determines which of the standard conditions are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the city will determine which Development Standards apply to each project; for example, Development Standards related to creek protection permits will only be applied projects on creekside properties.

The Development Standards incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, 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 Development Standards, the City will determine whether there are feasible mitigation measures to reduce the impact to less than significant levels in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

A “Less than Significant Impact” answer applies where the project creates no substantial or potentially substantial adverse effect on the environment.

A “No Impact” answer applies where a project does not create any impact in that category. A “No Impact” answer needs to be adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact answer is adequately supported if the referenced information sources show that the impact simply doesn’t apply to projects like the one under involved. A “No Impact” answer should be explained where it is based on project –specific factors as well as general standards.

I. AESTHETICS, SHADOW, AND WIND

1. Setting

The Project Site is a 550-foot stretch of Elmhurst Creek which is surrounded on all sides by industrial land uses. The banks of the creek are within approximately five feet of various commercial/industrial buildings and a truck/bus parking area. Consequently, views of the Project Site are blocked on all sides from any appreciable distance. Existing vegetation at the Project Site includes approximately five- to six-foot tall cattails, tules, and other aquatic plants; four small groups of trees and two single stems range in height from 8 to 15 feet. The creek is currently littered with trash and other debris.¹ Figures 3 and 4 show views of the Project Site.

2. Environmental Checklist

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Introduce landscape that now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Cast shadows that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ Site Visits September 12 and 19, 2006, Revegetation Plan.



A. Existing view of Elmhurst Creek looking northwest, with the Saidian property to the east.



B. Existing view of Elmhurst Creek looking southeast toward Monterey Mechanical.

Source: EIP Associates, a division of PBS&J, September 2006.



A. East end of Project Site, with bridge and Monterey Mechanical property in background.



B. Existing view of Elmhurst Creek looking west.

Source: EIP Associates, a division of PBS&J, September 2006.

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
h) Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's historic 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 Historic Resources or a historical resource survey form (DPR Form 523) with a rating of 1-5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or b) the project is located in Downtown? ²	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments to Questions Ia and Ic: The Proposed Project would clear vegetation and debris from the Project Site and reshape the creek's banks, which would require removal of the existing trees on the Project Site. This would result in a visual change to the Project Site. However, there are virtually no viewers of the Project Site. Further, it is not in the vicinity of a designated scenic highway, and it does not contain significant visual resources. Therefore, the Proposed Project would have a less than significant impact on the visual quality of the Project Site.

Comment to Question Ib: As discussed above, four small groups of trees and two single stems would be removed as part of the Proposed Project. Given that the project includes an extensive revegetation plan, including planting native species, the removal of these trees would not be a significant visual impact. Further, as viewing of the Project Site is extremely limited, the Proposed Project is not in the vicinity of a designated scenic highway, and revegetation efforts would include the planting of several willow trees, impacts to scenic resources would be less than significant.

² Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south and I-980/Brush Street to the west.

Comment to Question Id: The Proposed Project does not include any new sources of light or glare and therefore would not impact day or nighttime views in the area.

Comments to Questions Ie-i: The Proposed Project’s re-vegetation plan does include landscaping efforts; however, it largely includes low-lying vegetation. Further, there are no existing solar collectors historic resources, or public open spaces in the Project vicinity. Additionally, the Proposed Project has no lighting requirements and thus no significant light and shadow impacts would result from the Proposed Project.

Comment to Question Ij: The Proposed Project would not include any structures that would impede wind, nor is it located on a water body or Downtown, therefore no wind analysis is needed and the Proposed Project is not expected to have a significant impact related to wind.

4. Conclusion

The Proposed Project would not impact scenic vistas or visual resources along a state scenic highway or result in significant or have potentially-significant impacts related to temporary degradation of visual character, light and glare, and conflict with lighting policies and regulations.

II. AGRICULTURE

1. Setting

The Project Site is a tidally influenced creek corridor that is unlined and heavily vegetated. Based on site visits and the history of development in the area, there are no agricultural resources located on or near the Project Site.

2. Environmental Checklist

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments to Questions IIa-c: The Proposed Project would not have any impacts on agricultural resources because the site proposed for development is located in an urban, industrialized area and does not include any agricultural uses.³ The Project area does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency within the Proposed Project Site.⁴ Also, the site is not zoned for agriculture or under a Williamson Act contract. Thus, there would be no impact due to conversion of farmlands.

4. Conclusion

The Proposed Project is located in an industrialized area and would have no impacts related to agricultural resources.

III. AIR QUALITY

1. Setting

Air quality is monitored, evaluated, and regulated by federal, state, and regional regulatory agencies, including the United States Environmental Protection Agency (EPA); the California Air Resources Board (CARB); and the Bay Area Air Quality Management District (BAAQMD), a state agency charged with implementing state and federal air quality standards in the San Francisco Bay Area. Elmhurst Creek is located within the jurisdiction of the BAAQMD.

The nine-county San Francisco Bay Area Air Basin has a history of recorded violations of federal and state ambient air quality standards for ozone, carbon monoxide, and inhalable particulate matter. Since the early 1970s, the Bay Area has made progress toward controlling these pollutants. This progress has led the area to attain all federal standards and all state standards except for ozone and PM₁₀. The Bay Area is an ozone non-attainment area for state and federal purposes. However, in 2003, the EPA proposed a finding of attainment for the federal one-hour ozone standard in the San Francisco Bay Area. Although the Bay Area does not meet the state standard for PM₁₀, it meets the federal standard.

The BAAQMD has adopted a number of air quality plans and rules and regulations to achieve the federal and state air quality standards and meet other air quality obligations. In its most recent air quality planning actions, on November 16, 2005, the BAAQMD adopted its Particulate Matter Implementation Schedule, pursuant to California Senate Bill 656, to implement further feasible measures to control emissions of particulate matter. On January 4, 2006, the BAAQMD adopted the

³ Site Visits September 12 and 19, 2006.

⁴ California, State of. Department of Conservation, Office of Land Conservation., California Farmland mapping and Monitoring Program, <http://www.consrv.ca.gov/DLRP/fmmp/index.htm>, website accessed on May 16, 2007.

2005 Ozone Strategy to identify further steps needed to continue reducing the public's exposure to unhealthy levels of ozone.

The Proposed Project would utilize the following equipment, which would generate air quality emissions: a Backhoe Cat 235 or equivalent; a small dozer Bobcat or equivalent; a roller compactor; and a sump pump and temporary piping. Sensitive receptors near the Project Site include two daycare centers, are both located approximately 2,000 feet (0.38 miles) away from the site (northeast and north). Two schools are located about 3,250 feet (0.62 miles) to the northeast.

2. Environmental Checklist

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Frequently create substantial objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour. Pursuant to BAAQMD, localized carbon monoxide concentrations should be estimated for projects in which (1) vehicle emissions of CO would exceed 550 lb/day; (2) intersections or roadway links would decline to LOS E or F; (3) intersections operating at LOS E or F will have reduced LOS; or (4) traffic volume increase on nearby roadways by 10% or more unless the increase in traffic volume is less than 100 vehicles per hour?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Result in total emissions of ROG, NO _x , or PM ₁₀ of 15 tons per year or greater, or 80 pounds (36 kilograms) per day or greater. The Port of Oakland maintains PM10 and PM2.5 monitoring stations in West Oakland and data from these stations should be obtained and used?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
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 type="checkbox"/>	<input checked="" 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"/>
k) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project results in any individually significant impact; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan? When the general plan fundamentally conflicts with the regional air quality plan, then if the contribution of the proposed project is cumulatively considerable when analyzed the impact to air quality should be considered significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments to Questions IIIa-c, f, and g: The Proposed Project would be consistent with Oakland General Plan Policies (see Section I, Land Use, below) and would not conflict with the BAAQMD Clean Air Plan. Implementation of the Proposed Project could involve localized impacts from dust generated by dredging and excavation activities, vegetation clearing, bank shaping, or construction activities, as well as vehicle emissions. During Proposed Project construction, heavy machinery such as excavation equipment would generate fine particulates (PM₁₀ and PM_{2.5}) (i.e., fugitive dust, diesel emissions). Although these emissions would be temporary in duration (six weeks), the BAAQMD urges that all feasible control measures be implemented.⁵

In accordance with BAAQMD standards, the City of Oakland has developed the following Uniformly Applied Development Standards for air quality management, these standards will be applied to the Proposed (both initial and ongoing maintenance activities) Project and are imposed as Standard Conditions of Approval:

SCA-1: Dust Control Measures

- a) 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.

⁵ http://www.baaqmd.gov/pln/ceqa/ceqa_guide.pdf

- b) 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).
- c) 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.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets daily (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) Pave all roadways, driveways, sidewalks, etc. as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as is feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.)
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

SCA-2: Asbestos Removal in Soil

Prior to issuance of a demolition, grading, or building permit

To minimize the release of naturally occurring asbestos in the soil during construction, the project applicant shall require the construction contractor to demonstrate compliance with Bay Area Air Quality Management District's (BAAQMD) Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying and Surface Mining Operations (implementing CCR section 93105) for activities that disturb the soil, such as grading, etc.

SCA-3: General Air Quality Management

Minimum Requirements where area to be disturbed with Construction Grading Operations is 1 acre or less

Administrative Requirements

- a) No notification required to the BAAQMD office; unless

- b) Upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock the project applicant must notify the BAAQMD's Air Pollution Control Officer (APCO) by the next business day.

Dust Control Requirements

- a) Vehicle speed shall be ≤ 15 mph
- b) Sufficient water shall be applied to the area prior to disturbance to prevent visible emissions from crossing project boundaries.
- c) Areas to be graded or excavated shall be kept adequately wetted to prevent visible emissions from crossing project boundaries.
- d) Storage piles kept shall be adequately wetted, treated with dust suppressant, or covered when the material is not being added or removed.
- e) Equipment must be washed down before moving from the property onto the paved roadway.
- f) Visible track-out on paved public road must be cleaned using wet sweeping or High Efficiency Particulate Air (HEPA) filter equipped vacuum device within 24 hours.
- g) Implement the preceding dust control measures within 24 hours upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock.

The BAAQMD has established screening methods to determine whether development projects could exceed significance thresholds for air quality impacts of project operations and therefore require a detailed air quality analysis. The BAAQMD generally does not recommend a detailed air quality analysis for projects generating fewer than 2,000 vehicle trips per day. The number of trips the Proposed Project would generate is well below this number. Therefore, the increase in vehicle emissions has been determined to result in less than significant impacts on air quality and would not exceed State or Federal standards for carbon monoxide, ozone precursors, or fine particulates.

Comments to Questions III d and h-j: The Proposed Project would generate dust from dredging, excavation, and channel shaping activities but the Proposed Project is of short duration, located in a heavily industrial area and the nearest sensitive receptors are located approximately 2,000 feet away from the site (northeast and north). The Proposed Project would not utilize large numbers of trucks or other diesel-powered vehicles, only three pieces of large equipment are expected to be used. The City of Oakland requires the following Uniformly Applied Development Standard to address construction equipment emissions:

SCA-4: Construction Equipment Emissions

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with the Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirement) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g. gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the “CAPCOA Portable Equipment Registration Rule” or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NO_x tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

Given compliance with these Standard Conditions of Approval, the Proposed Project would not expose sensitive receptors to substantial pollutant emissions or contribute substantially to emissions of toxic air contaminants. Therefore, the impact to the public and the environment would be less than significant with Standard Conditions of Approval.

Comment on Question IIIe: Dredging and excavation activities could produce occasional odors from diesel equipment exhaust and from riparian vegetation removal. Decomposing vegetation can cause odors and removing such vegetation and associated sediments from the creek could expose the Project area to objectionable odors; however, the Proposed Project would be of short duration and given the industrial nature of the area these potential odors are not expected to frequently or significantly affect local populations.

IV. BIOLOGICAL RESOURCES

1. Setting

The Project Site was assessed for its potential to support sensitive biological resources. The upland portions of the Project Site are at an elevation of approximately 10 feet above mean sea level (msl). Reconnaissance-level field surveys of the Project Site were conducted by EIP/PBS&J biologists Chris Bronny and Demian Ebert on September 12 and 19, 2006, respectively. All portions of the Project Site were surveyed by walking the stream corridor to identify and map vegetation types, assess habitat suitability for special status species, and record observed wildlife species. Prior to the field survey and again in preparation of this ND, the California Department of Fish and Game’s *Natural Diversity Data Base* (CNDDDB)⁶ and California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants*⁷ was queried for any recorded observations of special-status plant or wildlife species in the

⁶ California Natural Diversity Database, commercial version 3.1.0. Information dated April 28, 2007. California Department of Fish and Game, Wildlife and Data Habitat Branch.

⁷ CNPS Inventory of Rare and Endangered Plants, v7-07b. Available online at: <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>

vicinity of the Project Site. The following discussion is a summary of the results of this 2006 survey and analysis,⁸ updated as appropriate for the current project description.

A search of the CNDDDB and CNPS Electronic Inventory for the 9, USGS 7.5-minute quadrangles (San Leandro) containing and surrounding the Project Site listed 48 plant (CNPS List 1 and 2 only), 52 animal, and 4 sensitive natural community types as occurring within the 9-quadrangle vicinity of the Project Site. The CNDDDB query was then narrowed to those species reported within a 2-mile radius of the Project Site. This query generated reports for occurrences of 7 plant, 13 animal, and a single sensitive natural community type.

Survey Results. Elmhurst Creek has a defined bed, bank, and channel, and is about 25 feet wide throughout the survey area. The channel itself is relatively incised with the water surface approximately 2 to 4 feet below the top of bank. Surface water was present at the time of both field surveys, with an estimated flow of about 0.5 cubic feet per second (0.5 cfs). Tides from San Francisco Bay likely influence the Project Site, resulting in brackish water (i.e., a mix of fresh and saltwater). Overall water quality appears poor; the presence of dense vegetation and surface algae throughout most of the Project Site may create high biochemical oxygen demand as this plant material decomposes. Water depth varied from approximately 3 inches at the eastern upstream end, to approximately 2 feet at the downstream western end.

Vegetation present within the Project Site consisted of wetland and upland vegetation. Wetland vegetation was present either within the channel as emergent vegetation, or along the bottom sides of the channel where soils remained saturated. Hydrophytic (i.e., water-loving) plant species observed in the channel included cattail (*Typha* sp.) and tule (*Schoenoplectus acutus* var. *occidentalis*). Both species formed nearly pure stands along the bottom of the channel. Vegetation observed below the top of bank included tall flatsedge (*Cyperus eragrostis*), robust bulrush (*Schoenoplectus robustus*), seaside arrowgrass (*Triglochin maritima*), bristly ox-tongue (*Picris echioides*), common plantain (*Plantago major*), wild radish (*Raphanus sativus*), spearscale (*Atriplex triangularis*), clammy cudweed (*Gnaphalium luteo-album*), lady's thumb (*Polygonum persicaria*), perennial pepperweed (*Lepidium latifolium*), Dallis grass (*Paspalum dilitatum*), Kentucky bluegrass (*Poa pratensis*), rescue grass (*Bromus catharticus*), annual beardgrass (*Polypogon monspeliensis*), and Bermuda grass (*Cynodon dactylon*).

Upland vegetation is comprised mainly of ruderal (weedy) species. Upland vegetation observed above the top of the channel included asthmaweed (*Conyza bonariensis*), horseweed (*Conyza canadensis*), black nightshade (*Solanum americanum*), redroot pigweed (*Amaranthus retroflexus*), tomatillo (*Physalis philadelphica*), sweet fennel (*Foeniculum vulgare*), field bindweed (*Convolvulus arvensis*), Italian thistle (*Carduus pycnocephalus*), prickly lettuce (*Lactuca serriola*), common knotweed (*Polygonum arenastrum*), white sweet-clover (*Melilotus alba*), annual fireweed (*Epilobium brachycarpum*), wild oat (*Avena fatua*), and perennial ryegrass (*Lolium perenne*).

⁸ Parker, G., D. Ebert, and C. Bronny. 2006. Technical Memorandum to Delphine Prévost, Northgate Environmental Management, *Elmhurst Creek Biological Resources Assessment*.

Four small groups of trees and two single stems were observed along the stream corridor as documented in Appendix C. Three groups of Oregon ash (*Fraxinus latifolia*) were observed on the western bank, one at the south end of the Project Site and the others where the creek bends to the west opposite the truck stop. The diameter of groups of multi-stemmed trees is calculated by adding the diameter of each of the trees together. The multi-stemmed groups of Oregon ash (*Fraxinus latifolia*) include: 22.2 inch, 46 inch and 20.1 inch diameter at breast height (dbh) groups. A four-stemmed Pacific willow (*Salix lucida* spp. *lansiandra*) 24.9 inches dbh was observed on the east bank about 40 feet from the southern end of the Project Site. In addition, a single-stemmed pine 4.3 inches in diameter was observed on the Project Site. All of these trees would be removed as part of the Proposed Project. A Tree Removal Permit would be required as described on p. 27.

There is a low diversity of wildlife species that utilize this stream corridor as habitat, although it may provide some roosting and nesting habitat for some species within the immediate area. Wildlife species observed at the time of the September 2006 survey included dragonflies (Order *Odonata*), cabbage white butterfly (*Pieris rapae*), mosquito fish (*Gambusia affinis*), western fence lizard (*Sceloporus occidentalis*), rock pigeon (*Columbia livia*), California towhee (*Pipilo crissalis*), and green heron (*Butorides virescens*). Several rats, likely Norway rats (*Rattus norvegicus*) were observed on the September 19 site visit. Anecdotal information obtained from a local employee who works next to Elmhurst Creek included observations of great egret (*Ardea alba*) and mallard (*Anas platyrhynchos*).

2. Environmental Checklist

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
e) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Fundamentally conflict with the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances? Factors to be considered in determining significance include: The number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees. Protected trees include the following: <i>Quercus agrifolia</i> (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and <i>pinus radiata</i> (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological 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 riparian and aquatic habitat through: (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comment to Question IVa:

Plants. No special-status plant species were observed during the field surveys. In general, the highly modified habitats of the Project Site do not support habitat suitable for sensitive plant species. Most of the sensitive plant species reported within 2 miles of the Project Site have relatively specific requirements for soil (serpentine, sandy, or alkaline) or habitats such as woodlands, chaparral, salt marsh, or vernal pools. None of these habitats are present within the Project Site. The only two species for which suitable habitats and soils exist on the Project Site are Point Reyes birds-beak (*Cordylanthus maritimus* ssp. *palustris*), a CNPS List 1B.1 species; and California seablight (*Suaeda californica*), a

federally endangered and CNPS List 1B.1 species. Both of these species are found in coastal salt marsh. However, neither was observed during surveys of the Project Site, which occurred during normal blooming period for these two plant species. For these reasons, neither is expected to be found within the Project Site. Therefore, the Proposed Project will not impact any sensitive plant species.

Wildlife. In general, the Project Site does not provide suitable habitat for special-status animal species and no special-status animals were observed during the field surveys. The aquatic habitat of Elmhurst Creek appears to be highly degraded within the Project Site. Instream vegetation is limited to stands of tules and cattails with small areas of open water. In the areas of open water, the water is choked by thick growths of algae. The upland areas are covered almost entirely with dense stands of weedy species of grass. Neither the aquatic or upland habitat is of suitable quality or extent to support sensitive animal species.

Most of the species reported by the CNDDDB within 2 miles of the Project Site are either found in salt marsh, grasslands, or sandy beaches. Although the tules may be considered marsh habitat, most of those species that use these areas such as salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*), and black rail (*Laterallus jamaicensis coturniculus*) typically use marshes dominated by pickleweed (*Salicornia virginica*), which is not found within the Project Site. Habitat is also lacking for species that use grasslands for all or some of their life cycles like tiger salamanders or burrowing owls (*Athene cunicularia*).

There are two sensitive species with a low likelihood of occurrence, saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) and Alameda song sparrow (*Melospiza melodia pusillula*). Both of these species are most commonly found on coastal salt marsh habitats along the periphery of San Francisco Bay. Both nest in scrubby vegetation within or immediately adjacent to marsh habitats. The vegetation within and adjacent to the Project Site is not considered quality nesting habitat for these species. There are two reasons for this. First, the areas of suitable habitat are relatively small and provide little cover and escape habitat. Secondly, the presence of a relatively robust rat population would lead to increased predation of any bird nests potentially located on the Project Site. When all these elements are combined, both of these species are given a low probability of occurring within the Project Site. The Proposed Project will remove existing low-quality nesting habitat. However, the proposed revegetation plan includes native trees, shrubs, and fruiting species such as toyon (*Heteromeles arbutifolia*), California coffeeberry (*Rhamnus californica*), and California blackberry (*Rubus ursinus*). Overall, this would create higher quality nesting and foraging habitat once the Proposed Project is complete. Therefore, because these two species have not been observed on the site and are unlikely to use the existing habitat, the Proposed Project's impacts to sensitive animal species is considered less than significant.

Comment to Question IVb: Riparian habitat is typically that area of vegetation growing along the banks of a stream and under the hydrologic influence of the stream. Most frequently the term is used to apply to an ecosystem comprised of trees, shrubs, and understory plants that combine to form a complex habitat along the edges of a stream. While there is vegetation on the creek banks of the Project Site, it is almost all non-native weedy species. There are only four groups of trees within the Project Site; three Oregon ash, a group of Pacific willow, a single Oregon ash and a single Pine. Trees are a

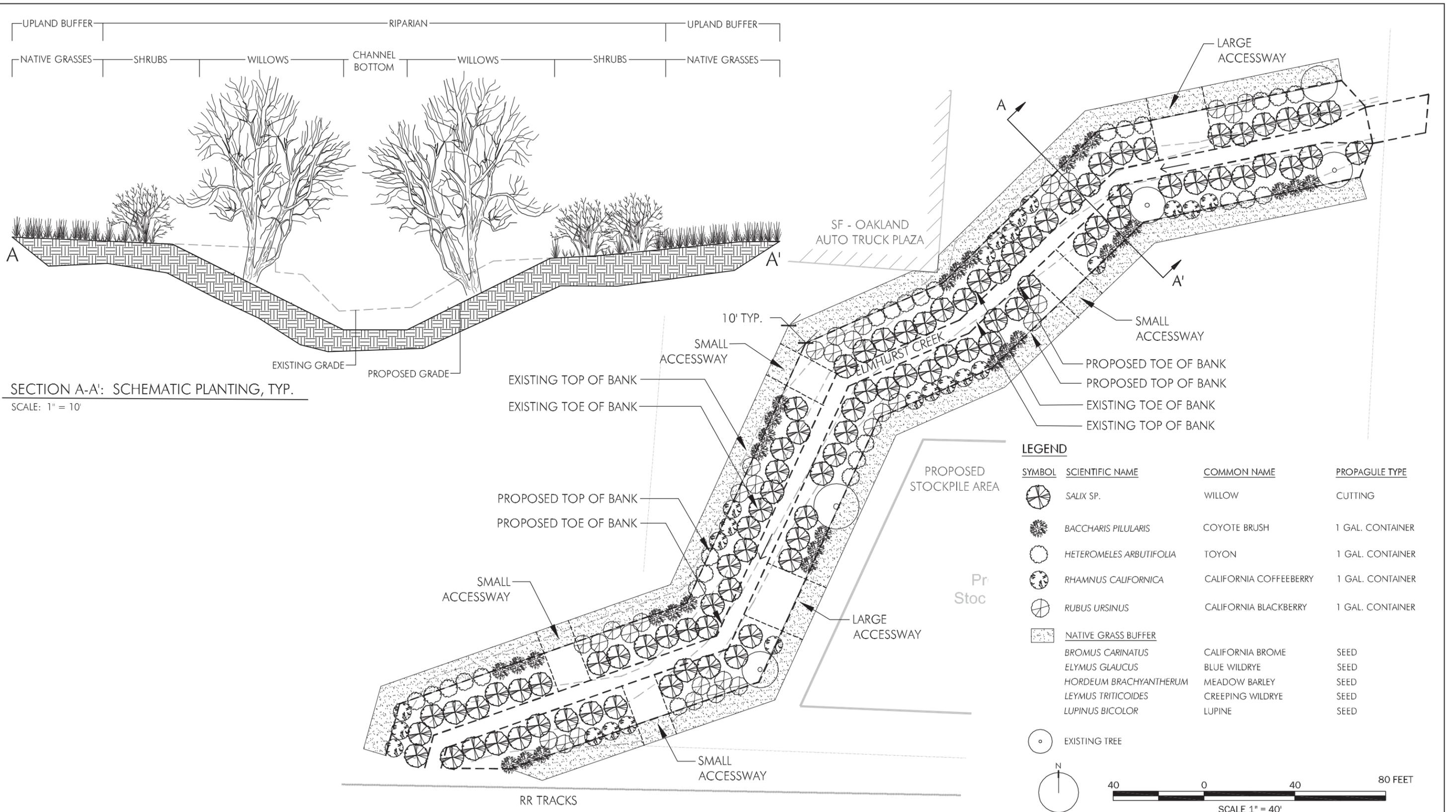
vital component of any functional riparian ecosystem, however the Project Site does not support any riparian habitat. There are no other sensitive vegetation communities within the project area. For these reasons, the Proposed Project will not impact riparian habitat or any other sensitive vegetation community.

Comment to Question IVc: It is expected that all area below MHW would be considered a jurisdictional wetland by the Corps. The Proposed Project will impact of about 0.37 acre below the MHW line. Therefore, the Proposed Project would impact about 0.37 acre of potentially jurisdictional wetlands; most of it would be impacted by dredging. While jurisdictional, the existing channel is degraded and does not provide functional wildlife habitat.

The only area or wetland habitat permanently lost, is where a box-culvert would be installed at the upstream end of the project area. The box culvert would replace the existing structure. This culvert is 26-feet long, but only a small portion of it actually extends past the existing structure. This “new” area amounts to about 55 square-feet and is the only portion of the Proposed Project that would result in a permanent, additional loss of wetland habitat. This is not considered a substantial adverse effect on state or federally-protected wetlands and is therefore a less than significant impact.

As has been discussed, the Proposed Project involves removing accumulated sediment and re-grading the channel banks. The channel would continue to convey streamflows following project completion. Therefore, most impacts to wetlands from this project are considered temporary. It is estimated that there would be about 0.37 acre of wetland area within the new channel following completion of the Proposed Project. It is likely that because of the change in bank configuration in some areas from near vertical to 2:1, the Proposed Project may actually place more area below MHW than currently exists. This indicates that overall, the Proposed Project would not result in a net loss of wetlands. In addition, revegetation of the new channel banks is included within the Proposed Project. The conceptual planting plan (Figure 5) indicates that willows would be planted along the new channel slopes. The revegetation plan includes success criteria, annual evaluation, and routine maintenance of the planted areas with the goal of developing a mature riparian corridor. Currently, there is no riparian habitat within the Project Site (see discussion D.2). Establishment of a riparian corridor would be a beneficial feature of the Proposed Project.

If for some reason, the revegetation plan fails to meet its success criteria, the channel would be rapidly re-colonized by cattails, tules, and non-native upland plant species. Under these conditions the post-project channel would be expected to have wetland acreage and habitat values very similar to the existing channel. Therefore, even if the revegetation plan were to fail, the Proposed Project would not have substantially, permanently altered the wetland features of the channel. Therefore, the Proposed Project is considered to have a less than significant impact on wetlands protected under state or federal regulations.



Source: WRA, Environmental Consultants, May 2007.



FIGURE 5
Revegetation Plan

D41259.00

Comment to Question IVd: Within urban settings, creeks often function as wildlife movement corridors because they can connect areas of naturalistic habitats that are otherwise fragmented by urbanization. The Project Site, does not connect areas of habitat suitable for wildlife use in part because most of the creek upstream of here is underground, including the 800 feet immediately upstream. The Proposed Project calls for the removal of vegetation, dredging of the channel, and revegetation of the new streambanks. The end result would be a creek channel that would continue to allow for movement, should such movement be occurring. In part because of the poor habitat quality and large rat population, the site does not function as nursery habitat for any native wildlife species. As a result, the Proposed Project would not impact local or migratory wildlife movement nor interfere with the use of any nursery areas. Therefore the Proposed Project is not considered to have an impact on these resources.

Comment to Question IVe: The Proposed Project will not conflict with any habitat conservation plans or natural community conservation plans because there are no plans that include the project area. Therefore, the Proposed Project will have no impact on proposed or approved conservation plans.

Comment to Question IVf: There are only four small groups of trees within the Project Site and two single stems, all of these trees would be removed as part of the Proposed Project. As described previously, these are Oregon ash, pine and Pacific willow. The four groups of trees have diameters which exceed the 9 inch threshold promulgated under the City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code (OMC) Chapter 12.36), therefore a Tree Removal Permit is required. In addition, one of the trees, a 12-stemmed Oregon ash, has a combined stem diameter of 46 inches, which exceed the “Protected Tree” threshold of 36 inches promulgated by the City of Oakland. Therefore the following Standard Conditions of Approval are incorporated:

SCA-31: Tree Removal Permit on Creekside Properties

Prior to issuance of a final inspection of the building permit

Prior to removal of any tree located on the project site which is identified as a creekside property, the project applicant must secure the applicable creek protection permit, and abide by the conditions of that permit.

SCA-33: Tree Removal Permit

Prior to the issuance of a demolition, grading or building permit.

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit and abide by the conditions of that permit.

SCA-34: Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit.

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- A) No tree replacement shall be required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- B) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- C) Replacement trees shall be of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- D) Minimum planting areas must be available on site as follows:
 - For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - For all other species listed in #2 above, seven hundred (700) square feet per tree.
- E) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- F) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

Adherence to these Standard Conditions of Approval and the terms of the Tree Removal Permit would preclude conflict with the City's Ordinance, therefore there is no impact from the Proposed Project.

Comment to Question IVg: The City's Creek Protection Ordinance (OMC 3.16) regulates activities near and within creek channels. Overall, the goals of the ordinance are to eliminate pollution, protect creeks in natural functioning states, enhance beneficial uses, and protect public health and safety. There are no specific evaluation criteria against which a project can be compared to determine if it is in conflict with the Ordinance. For this discussion, the factors evaluated include those listed in the standards of significance as well as the context of the project within the general vicinity of the Project Site. The Proposed Project would remove about 2,000 cubic-yards of material from the creek channel. At the same time, the creek banks would be re-graded to create a sloped configuration increasing flood flow capacity. The Proposed Project would not discharge pollutants into the water nor modify the natural flow of water. The Proposed Project would involve minor re-configuration of the stream channel, but it would remain an open, earthen-sided channel configured such that it would be stable and not erode. The Proposed Project would not negatively impact riparian habitat (see discussion for D.2), and would, as part of the channel revegetation plan, establish a functional riparian corridor. For these reasons, the Proposed Project does not fundamentally conflict with the City's Creek Protection Ordinance and therefore, the Proposed Project has no impact in relation to these regulations.

V. CULTURAL RESOURCES

1. Setting

The cultural resources investigation completed for the Proposed Project included an archival records and literature search by the California Historical Resources Information System, Northwest Information Center (CHRIS/NWIC). The records search⁹ included a review of data maps, historic-period maps, and literature for Alameda County. The search indicated that the Project Site contains no recorded Native American or historic-period archaeological resources. A review of historical literature and maps gives no indication of any historic-period archaeological resources within the Project Site. In addition, state and federal inventories list no historic properties within or adjacent to the Project Site. Therefore, there is a low possibility of identifying historic-period archaeological resources in the Project Site.

However, the NWIC search identified at least one Native American resource within 600 feet of the Project Site referenced in the ethnographic literature (Shellmound #321). Also, Native American cultural resources in this part of Alameda County have been found adjacent to seasonal and perennial waterways. This correlation with the Project Site indicates a moderate likelihood that unrecorded Native American cultural resources exist in the vicinity. Thus, there is a low to moderate possibility of identifying Native American sites in the Project Site. The Native American Heritage Commission (NAHC) in Sacramento was also contacted in writing to request a listing of local, interested Native American representatives, and information on traditional or sacred lands within the Project Site and vicinity. A records search performed by the NAHC of the sacred land file did not identify the presence of

⁹ Guldenbrein, Jillian E., NWIC, letter correspondence with EIP Associates, a Division of PBS&J, September 15, 2006.

recorded Native American sacred sites within the Project Site, although the absence of site-specific information does not indicate the absence of cultural resources in any Project area.¹⁰

No archaeological or paleontological resources (including Native American human remains) are known to exist within the Project Site. However, such resources could be identified during Proposed Project maintenance activities, particularly creek sediment excavation. Indicators of prehistoric use and/or occupation in this area include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nail; and refuse deposits or bottle dumps.

2. Environmental Checklist and Discussion

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of an historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹⁰ Pilas-Treadway, Debbie, Environmental Specialist III, Native American Heritage Commission, letter correspondence with EIP Associates, a Division of PBS&J, September 26, 2006.

3. Discussion

Comment to Questions Va-d: The record search indicated that the Project Site contains no recorded Native American or historic-period archaeological resources and a review of historical literature and maps gives no indication of any historic-period archaeological resources within the Project Site. In addition, state and federal inventories list no historic properties within or adjacent to the Project Site. Therefore, there is a low possibility of identifying historic-period archaeological resources in the Project Site.

However, unrecorded Native American cultural resources could exist in the vicinity. If such resources are identified, the Project Sponsor and the maintenance contractor would adhere to the protocol established by the City for the protection of archaeological resources and Native American human remains as a standard condition of Project approval

SCA- 6: Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, 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 project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant 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 unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist

shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.

SCA-7: Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following 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, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

SCA-8: Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource 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 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. 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.

Adherence to the Standard Conditions of Approval described above would reduce impacts to unknown cultural resources at the Project Site to less than significant.

4. Conclusion

There are no known historic, archaeological, or paleontological resources, or human remains at the Project Site; however, unknown cultural resources could also exist at the Project Site. Adherence to the City of Oakland's Standard Conditions of Approval, described above, would reduce impacts to unidentified subsurface cultural resources to less than significant.

VI. GEOLOGY AND SOILS

1. Setting

Faults. The Project Site lies within the San Andreas fault system, the largest one in California and the one with potential for strong earthquakes. The closest "branch" fault to the Project Site is the Hayward fault, which runs along the southwestern base of the East Bay hills and parallels Highway 13, approximately two miles west of the Project Site. The Hayward fault is believed to be one of the faults in the region most likely to generate a large earthquake. In fact, the fault is one of the most hazardous in the world because of its high "slip rate;" its demonstrated ability to generate large, surface-rupturing earthquakes; and, most importantly, its location through a heavily urbanized area.¹¹

Seismicity. Alameda County and the rest of the Bay Area are in one of the most active seismic regions in the United States. Each year, low and moderate magnitude earthquakes occurring in or near the Bay Area are felt by residents of the County. Since the mid-nineteenth century, there have been about 45 destructive earthquakes in California, of which about a dozen have affected the County. The April 1906 earthquake on the San Andreas fault, estimated at about Moment Magnitude (M_w) 7.9 (M8.3 on the Richter scale), was the largest regional seismic event felt in Oakland. Most recently, the M_w 6.9 (M7.1) Loma Prieta earthquake of October 1989 on the Santa Cruz Mountains segment of the San Andreas fault caused severe damage throughout the Bay Area, including about \$1.5 billion of property damage throughout Alameda County.

Soils. Northgate Environmental Management, Inc. completed an initial geotechnical survey of the Project Site. Exploratory borings drilled at the existing bridge (at the boundary with Monterey Mechanical, at the east end of Project Site) encountered the following conditions:

- 3 to 5 feet of stiff and very stiff silty clay fill;
- At the east end of the existing bridge, 5 feet of soft and medium stiff silty clay (Bay Mud) was encountered below the fill. No Bay mud was encountered at the west end of the bridge;
- Beneath the Bay Mud and the fill at the west end of the bridge, generally stiff and very stiff and sandy clays were found that extended 27 feet below the ground surface (bgs);
- Dense gravelly and silty sands were encountered in both boring at 27 feet bgs and extended to the bottom of the borings at 27.5 and 29.5 feet bgs; and

¹¹ City of Oakland. General Plan Safety Element: Geologic Hazards.
<http://www.oaklandnet.com/government/SE/Chapter3.pdf>

- Groundwater was encountered in both borings at depths ranging from 6 to 7 feet bgs.

2. Environmental Checklist

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Expose people or structures to substantial 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 or Seismic Hazards 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 Publications 42 and 117 and PRC 2690 et. Seq.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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 type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comment to Question VIa: The Proposed Project is located outside of the Special Studies Zone Boundaries for the Hayward Fault.¹² Therefore, the provisions of the Alquist-Priolo Earthquake Fault Zoning Act do not apply to the Proposed Project. Alameda County is, however, a seismically active

¹² California Division of Mines and Geology. January 1, 1982. State of California, Special Studies Zones, San Leandro.

region and recent studies by the United States Geological Survey (USGS) indicate that there is a 62 percent likelihood of a $M_w6.7$ or higher earthquake occurring in the Bay Area within the next 30 years, and a 27 percent chance that one or more earthquakes of $M_w6.7$ or greater will occur on the Hayward fault within the same timeframe.¹³ The Project Site could experience a range of groundshaking effects during an earthquake on a Bay Area fault, particularly the Hayward fault which is about a mile east of the Project Site. Although the potential for seismic groundshaking to occur at the site is unavoidable, the risk of excessive, permanent damage to the bridges and culverts is anticipated to be relatively minor because the structural design would be required to adhere to the Building Codes' standards. Therefore, groundshaking hazards are considered less than significant.

Because the Project Site is in a seismically active region, there is potential for seismic-related ground failure. The ABAG Earthquake Liquefaction Hazard Maps show that the general potential for liquefaction at the Project Site is moderate to high.¹⁴ As such, before construction on the Project Site can begin, the Building Codes require a site-specific soils report that identifies any potentially unsuitable soil conditions (such as expansive, liquefiable, or compressive soils) and contains appropriate recommendations for foundation type and design criteria, including provisions to reduce the effects of expansive soils. Other types of seismically-induced ground failure such as lateral spreading, subsidence, or collapse are treated similarly in the site-specific soils investigation. The recommendations made in the soils report for ground preparation and earthwork are required to be incorporated in the construction design. The soils evaluations must be conducted by registered soil professionals, and the measures to eliminate inappropriate soil conditions must be applied.¹⁵ Compliance with applicable Building Codes would reduce the hazard of liquefaction, lateral spreading, subsidence, or collapse at the Project Site to less than significant.

The Project Site and the surrounding area is relatively flat and is not at risk for landslide or adjacent to at-risk areas.¹⁶ Compliance with the Building Codes would reduce the hazard of liquefaction, lateral spreading, subsidence, or collapse at the Project Site to less than significant.

Comment to Question VIb: Soil to be removed during Proposed Project implementation could create the potential for wind- and water-borne erosion by exposing and removing soil from the Project Site. To minimize erosion or excess sedimentation, the Proposed Project would: (a) use two temporary dams that would isolate the work area from upstream and downstream segments of the creek; (b) use a winged-culvert design that would minimize erosion immediately downstream of the culvert; and (c) berm the stockpile area to contain sediment within the stockpile area, and stockpile the sediments on visqueen. Straw waddle and silt fencing would be installed directly outside the berms to further

¹³ Working Group on California Earthquake Probabilities, *Earthquake Probabilities in the San Francisco Bay Region: 2003 to 2032 - A Summary of Findings*, United States Geological Survey, Open File Report 03-214, Online Version updated 17 May 2005.

¹⁴ ABAG, Liquefaction Hazard Map, www.abag.ca.gov/bayarea/eqmaps/liquefac/liquefac.html, last edited March 2007.

¹⁵ Guidance for conduct of the seismic-related portions of the investigations is contained in California Geological Survey, Special Publication 117, *Guidelines for Evaluation and Mitigating Seismic Hazards in California*, 1997.

¹⁶ ABAG Landslide Hazard Maps and Information. Earthquake Induced HAZARD Maps. <http://www.abag.ca.gov/bayarea/eqmaps/landslide/index.html>

minimize erosion. Further, a revegetation plan would minimize long-term erosion by ensuring revegetation and soil stabilization of the Project Site.

Comment to Question VIc: Based on the above subsurface conditions, the proposed box culvert would be supported on stiff and very stiff silty and sandy clays. These soils should be capable of supporting the culvert on a mat-type foundation without bearing capacity or settlement concerns. The proposed maintenance activities would not be impacted by the soil conditions or geology of the Project Site.¹⁷

Comment to Question VIId: The Proposed Project would not be located above a well, pit, swamp, mound, tank, vault, or unmarked sewer line and therefore there would be no impact or risk to life and property associated with a well, pit, swamp, mound, tank vault, or unmarked sewer line.

Comment to Question VIe: The Proposed Project would not be located above a landfill and therefore there would be no impact or risk to life and property associated with undocumented fill soils or landfills.

Comment to Question VIf: The Proposed Project has no sewer system requirements and as a result, there would be no impact related to the capability of the on-site soil to support septic tanks or alternative disposal systems.

VII. HAZARDS AND HAZARDOUS MATERIALS

1. Setting

Government Code Section 65962.5, mandates that the California Environmental Protection Agency (CalEPA) develop and maintain an updated Hazardous Waste and Substances Site List (Cortese List). The requirements of Government Code Section 65962.5 are met by CalEPA with a number of separate lists provided by the appropriate regulatory agency, including the Department of Toxic Substances Control (DTSC), the San Francisco Regional Water Quality Control Board (RWQCB), and the California Integrated Waste Management Board's (CIWMB). These lists are used as planning documents by State and local agencies, and developers.

Two parcels on the Project Site are listed on the RWQCB's Leaking Underground Fuel Tank (LUFT) database: 7825 San Leandro Street, the American Brass & Iron (ABI) Foundry, is on the LUFT list for diesel fuel oil and additives; 8255 San Leandro Street, the SF Oakland Auto Truck Plaza, is listed for automotive gasoline.¹⁸ These two sites are under the oversight of the Alameda County Health Care Services Agency, Environmental Health Division. Some clean-up efforts have already been conducted at these two properties, including excavation of petroleum-contaminated soil and installation of groundwater monitoring wells.

¹⁷ Northgate Geotechnical Group, *Geotechnical Investigation Bridge Replacement Project*, March 2007.

¹⁸ State Water Quality Control Board, *Leaking Underground Storage Tanks Report for Alameda County*, http://www.geotracker.waterboards.ca.gov/reports/chsc_report.asp, accessed September 28, 2006.

A sediment characterization effort was conducted for the Project Site in April 2005.¹⁹ The purpose of the sampling activities was to characterize the sediments accumulated in the creek to determine appropriate off-site disposal options. The sediment samples were collected at depths ranging between 1 to 1.5 feet below the sediment surface (i.e., within the section of sediment to be removed as part of the Proposed Project). The results indicated the presence of low levels of petroleum hydrocarbons, metals, and select volatile organic compounds at concentrations below the California Human Health Screening Levels (CHHSLs) established by the DTSC and the Environmental Screening Levels (ESLs) established by the RWQCB, San Francisco Region, for commercial land use settings. Based on these data, the sediments to be removed as part of the Proposed Project are deemed acceptable for disposal at a non-hazardous Class II solid waste landfill. Recommended disposal locations include the Keller Canyon Class II Landfill in Pittsburg, or the Forward Class II Landfill in Manteca.

According to standard practice, a Health and Safety Plan would be prepared for the Proposed Project to address appropriate handling of sediments excavated from the Elmhurst Creek and to protect workers during construction. A Creek Protection Plan, prepared pursuant to the City of Oakland Creek Protection Permit guidelines, would outline additional guidelines to address litter, erosion, and debris collection during the Proposed Project activities. A qualified environmental professional would inspect the Project Site during work activities to ensure that all applicable laws, regulations, guidelines, and permit conditions are followed. The Oakland Fire Services Agency, Hazardous Materials Management Program requires a standard review prior to the issuance of a grading permit, this is discussed further in SCA-49, on page 44.

In addition the following Standard Condition of Approval would be implemented:

SCA-9: Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

¹⁹ Innovative and Creative Environmental Solutions (ICES). 2005. Sediment Characterization, 8255 and 8261 San Leandro Street, Oakland, California. April 26.

Construction activities at the Project Site would involve the standard use of fuels and lubricants that are considered potentially hazardous materials. The Project Sponsor would be required to comply with all hazardous materials regulations, which are codified in Title 8 of the California Code of Regulations (CCR), and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code to reduce the risk to human health and to the environment from the routine use of potentially hazardous substances. These regulations must be implemented by employers/businesses, as appropriate for any construction project, and are monitored by the State (e.g., Cal/OSHA in the workplace or DTSC for hazardous waste) and/or local jurisdictions (e.g., the Oakland Fire Services Agency and the Alameda County Health Care Services Agency, Environmental Health Department).

2. Environmental Checklist and Discussion

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 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"/>
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, and would result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments to Questions VIIa and b: The Proposed Project would entail the dredging and removal of sediments contaminated with low levels of petroleum hydrocarbons, metals, and select volatile organic compounds; however, concentrations are below the California Human Health Screening Levels (CHHSLs) established by the DTSC and the Environmental Screening Levels (ESLs) established by the RWQCB, San Francisco Region, for commercial land use settings. As a result, the sediments to be removed as part of the Proposed Project would be disposed at a non-hazardous Class II solid waste landfill. Recommended disposal locations include the Keller Canyon Class II Landfill in Pittsburg, or the Forward Class II Landfill in Manteca.

Since the Project would involve the transport of sediments contaminated with hazardous materials, the following Standard Condition of Approval is incorporated:

SCA-10: Hazards Best Management Practices:

Prior to commencement of demolition, grading or construction.

The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage and disposal of chemical products used in construction.
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. The applicant is responsible to avoid, eliminate delays with the unexpected discovery of contaminated soils with hazardous materials.

SCA-49: Site Review by the Fire Services Division

Prior to the issuance of demolition, grading or building permit

The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

SCA-50: Phase I and/or Phase II Reports

Prior to issuance of a demolition, grading, or building permit

Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

SCA-51: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment

Prior to issuance of any demolition, grading or building permit

The project applicant shall submit a comprehensive assessment report, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

SCA-52: Environmental Site Assessment Reports Remediation

Prior to issuance of a demolition, grading, or building permit

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
- b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
- c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

SCA-55: Other Materials Classified as Hazardous Waste

Prior to issuance of any demolition, grading or building permit

If other building materials or stored materials classified as hazardous waste by State or federal law is present, the project applicant shall submit written confirmation that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

SCA-56: Health and Safety Plan per Assessment

Prior to issuance of any demolition, grading or building permit

If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

Satisfactory compliance with the City of Oakland Standard Conditions of Approval listed above would ensure that construction-related hazardous materials would be properly handled. Thus, the Proposed Project would pose a less than-significant hazard to the public or the environment.

Comment to Question VIIc: The Proposed Project is not located within a quarter mile of a school. The nearest school is located approximately 0.62 mile to the northeast. Further, while the Proposed Project would have emissions from equipment with diesel engines, these emissions would be of short duration and minimal. Therefore, there would be no impact from the Proposed Project to any existing or proposed school sites in the vicinity.

Comment to Question VIIId: Two parcels on the Project Site are listed on the RWQCB's Leaking Underground Fuel Tank (LUFT) database: 7825 San Leandro Street, the American Brass & Iron (ABI) Foundry, is on the LUFT list for diesel fuel oil and additives; 8255 San Leandro, the SF Oakland Auto Truck Plaza, is listed for automotive gasoline.²⁰

As discussed above, sediment characterization efforts identified the presence of low levels of petroleum hydrocarbons, metals, and select volatile organic compounds at concentrations below the California Human Health Screening Levels (CHHSLs) established by the DTSC and the Environmental Screening Levels (ESLs) established by the RWQCB, San Francisco Region, for commercial land use settings. Based on these data, the sediments to be removed as part of the Proposed Project are deemed acceptable for disposal at a non-hazardous Class II solid waste landfill. Recommended disposal locations include the Keller Canyon Class II Landfill in Pittsburg, or the Forward Class II Landfill in Manteca.

²⁰ State Water Quality Control Board, Leaking Underground Storage Tanks Report for Alameda County, http://www.geotracker.waterboards.ca.gov/reports/chsc_report.asp, accessed September 28, 2006.

The Proposed Project is short-term and would improve the quality of the Project Site by removing sediments containing low levels of contaminants and by removing vegetation and debris that promote the growth of rat and other rodent populations. The Proposed Project would not expose or otherwise affect upland portions of the adjacent properties listed on the LUFT database, and would not create conditions that would alter the distribution or migration of contamination identified on the adjacent properties. Therefore, the LUFT status of the adjacent properties does not materially affect the Proposed Project, and the Proposed Project represents a less than significant risk to human health and the environment.

According to standard practice, a Health and Safety Plan would be prepared for the Proposed Project to address appropriate handling of sediments excavated from the Creek and to protect workers during construction and maintenance activities. A Creek Protection Plan, prepared pursuant to the City of Oakland Creek Protection Permit guidelines, would outline additional guidelines to address litter, erosion, and debris collection during the Proposed Project activities. A qualified environmental professional would inspect the Project Site during work activities to ensure that all applicable laws, regulations, guidelines, and permit conditions are followed.

Construction activities at the Project Site would involve the standard use of fuels and lubricants that are considered potentially hazardous materials. The Project Sponsor would be required to comply with all hazardous materials regulations, which are codified in Title 8 of the California Code of Regulations (CCR), and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code to reduce the risk to human health and to the environment from the routine use of potentially hazardous substances. These regulations must be implemented by employers/businesses, as appropriate for any construction project, and are monitored by the State (e.g., Cal/OSHA in the workplace or DTSC for hazardous waste) and/or local jurisdictions (e.g., the Oakland Fire Services Agency and the Alameda County Health Care Services Agency, Environmental Health Department).

For the reasons discussed above, the Proposed Project would not significantly expose people or the environment to a hazard or hazardous materials.

Comments to Questions VIIe and f: The Proposed Project is not located within the Oakland International Airport Master Plan area and further, the concentrations of contaminants identified at the site are below the California Human Health Screening Levels (CHHSLs) established by the DTSC and the Environmental Screening Levels (ESLs) established by the RWQCB, San Francisco Region, for commercial land use settings and therefore do not present a safety hazard for people working or residing in the Project area. The Proposed Project is not located near a private air strip.

Comments to Questions VII g and h: Because construction equipment would be minimal and used for only short durations, the Proposed Project would not change the existing traffic circulation network in the vicinity, and would therefore not affect any emergency response plan or evacuation plan.

VIII. HYDROLOGY AND WATER QUALITY

1. Setting

The Project Site is a 550-foot linear portion of a creek corridor located in an industrial area of the City of Oakland. Average annual rainfall in the area is about 17.42 inches per year, with about 88 percent occurring between the months of December and April.²¹ Monthly mean maximum temperature is 72.7 degrees Fahrenheit and occurs during September; monthly mean minimum temperature is 43.5 degrees Fahrenheit and occurs during December.²²

Surface Water

The Project Site is a tidally influenced reach of the Elmhurst Creek corridor that is unlined and heavily vegetated. Directly upstream of the Project Site, Elmhurst Creek is enclosed in an underground box culvert with a cross-sectional area of about 98 cubic feet that extends further upstream for about 800 feet. Directly downstream of the Project Site, Elmhurst Creek flows into a vegetated trapezoidal channel actively maintained by the County of Alameda and Alameda County Flood Control and Water Conservation District (ACFCWCD). The top of the bank is about 10 feet above mean sea level.

The accumulation of sediment and debris, which originate from the upstream areas, have been deposited in the Project Site and reduced the stormwater conveyance capacity of this section of Elmhurst Creek causing the creek to overtop its banks and flood the adjacent properties. In particular, Monterey Mechanical, adjacent to the Project Site on the east/southeast, is regularly affected by moderate to severe flooding.

Like many creeks in the greater Bay Area, Elmhurst Creek has been placed into culverts, channelized, and otherwise modified to convey flood flows. Historically, the headwaters of Elmhurst Creek were near International Boulevard. Currently, the watershed is drained by storm drains and engineered channels that eventually drain into San Leandro Creek just above San Leandro Bay.

Elmhurst Creek has a defined bed, bank, and channel, and is about 25 feet wide in the Project Site (see Figure 3a and 3b, Existing and Proposed Channel). Surface water was present at the time of a September 2006 field survey, with velocities at approximately 0.5 cubic feet per second (0.5 cfs). Because of tidal influences from the San Francisco Bay, water is likely brackish (i.e., a mix of fresh and saltwater). Overall water quality appears poor; the presence of dense vegetation and surface algae throughout most of the Project Site may create high biochemical oxygen demand as this plant material decomposes. Water depth varied from approximately 3 inches at the eastern end to approximately 2 feet at the western terminus.

²¹ Western Regional Climate Data Center. Oakland WSO AP, California (046335) 1971-2000 Monthly Climate Summary. <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6335>. Accessed May 11, 2007.

²² Western Regional Climate Data Center. Oakland WSO AP, California (046335) 1971-2000 Monthly Climate Summary. <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6335>. Accessed May 11, 2007.

The nearest receiving waterbody for potential stormwater discharges from the Project Site is the San Francisco Bay (Bay). The Bay is currently listed as impaired by chlordane, DDT, dieldrin, furan compounds, dioxin compounds, PCBs, dioxin-like PCBs, mercury, selenium, and exotic species.²³ Chlordane, DDT, and dieldrin are historic pesticides currently banned by the USEPA. Furan and dioxin compounds pollution are from atmospheric sources. PCB pollution is considered to come from unknown non-point sources. Selenium sources include industrial point sources, agriculture, and resource extraction. Mercury pollution comes from industrial and municipal point sources, resource extraction, atmospheric deposition, natural sources, and non-point source pollution.

Groundwater

The East Bay Plain Subbasin of the Santa Clara Valley Groundwater Basin²⁴ underlays the Project Site. The East Bay Plain Subbasin is bounded on the west by San Francisco Bay, by San Pablo Bay to the north, and by the Hayward Fault to the east with the southern boundary defined as the northern boundary of the Alameda County Water District.²⁵ Sources of recharge are rainfall infiltration, stream seepage, pipe leakage, agriculture return water, and subsurface inflow.²⁶ Groundwater typically flows from the Hayward Fault towards the Bay following the direction of topography and buried stream channels.²⁷ Depth to local groundwater is about 6 feet below ground surface at the Proposed Site²⁸.

Groundwater designated existing uses in Oakland include municipal supply, agriculture, and industrial and process use.²⁹ However, the practical use is limited by several factors, including a) readily available high quality imported surface water, b) high salts in shallow bay margin groundwater, c) potential for saltwater intrusion, and d) contamination in shallow aquifers in some localized areas. Shallow groundwater use is limited in artificial fill and shallow bay-margin deposits in Richmond and

²³ California State Water Resources Control Board. 2006. Proposed 2006 CWA Section 303(d) List of Water Quality Limited Segments: San Francisco Bay Regional Board. SWRCB Approval Date October 25, 2006; USEPA approval of all but Walnut Creek toxicity, November 30, 2006

²⁴ California Department of Water Resources. 2003. Groundwater Basins in California. http://www.groundwater.water.ca.gov/bulletin118/basin_maps/index.cfm; Statewide Groundwater Basin Map with Subbasins Version 3 (October, 2003). Accessed 12/14/2006

²⁵ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

²⁶ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

²⁷ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

²⁸ Categorical Exemption Analysis for the Elmhurst Creek Sediment Removal and Maintenance Project. 2006. City of Oakland.

²⁹ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

Oakland because these units are largely saturated by brackish Baywater.³⁰ Overall, sustainable yields are low because of low recharge potential.³¹

The most frequent current use of groundwater is for irrigation from “backyard” private shallow wells for over 4,000 homeowners for irrigation, 10 businesses for industrial purposes, and by several users to irrigate a few parks, golf courses, cemeteries and schools.³² Only six permitted drinking water supply systems are located in the area: three in Hayward, two in San Leandro, and one in the Oakland Hills above the East Bay Plain Groundwater Basin. There are no permitted water supply systems north of Oakland.³³

In 1996, Regional Board Staff reviewed the General Plans for the East Bay Plain Cities of Alameda, Albany, El Cerrito, Berkeley, Emeryville, Hayward, Oakland, Piedmont, Richmond, and San Leandro, along with the Alameda County Resource Conservation District, the ACFCWCD, the North Richmond Shoreline, and Alameda County. None of these cities had any plans to develop local groundwater resources for drinking water purposes, because of existing or potential saltwater intrusion, contamination, or poor or limited quantity.³⁴ Only the City of Hayward is currently developing groundwater as an emergency drinking water supply.³⁵

Groundwater in this area is close to the Bay and tidally influenced. Therefore, no groundwater gradient is defined and flow directions are varied depending upon tidal conditions, local precipitation, and groundwater recharge. Soil and groundwater near the Project Site have been contaminated by leakage from underground fuel storage tanks. The adjacent AB&I Foundary site is listed on both the RWQCB Leaking Underground Storage Tank (LUFT) database and the State Water Resources Control Board (SWRCB) Spills, Leak, Investigation, and Clean-up (SLIC) list (See Hazards and Hazardous Materials, Section VII). All leaking underground storage tanks have been removed, however both soil and groundwater contamination remain. Areas of unimpacted soil and groundwater exist between the contaminated site and the Project Site. However, some groundwater contamination with MTBE has been identified in a well between the contaminated site and Elmhurst Creek.

³⁰ California Department of Water Resources. 2004. California Groundwater Bulletin 118 San Francisco Bay Hydrologic Region, Santa Clara Valley Groundwater Basin, East Bay Plain Subbasin. February 2004

³¹ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

³² California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

³³ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

³⁴ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

³⁵ California Regional Water Quality Control Board San Francisco Bay Region Groundwater Committee. 1999. East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, California. June 1999

Federal Permits

Any project that proposes to fill or otherwise physically alter creeks, wetlands, or other waters requires a number of federal, state and, in some cases, local permits before it can proceed.

Clean Water Act Section 401 Certification

The Federal Clean Water Act, in Section 401, specifies that states must certify that any activity subject to a permit issued by a federal agency, such as the Corps, meets all state water quality standards. In California, the State Board and the regional boards are responsible for taking certification actions for activities subject to any permit issued by the Corps pursuant to Section 404 (or for any other Corps' permit, such as permits issued pursuant to Section 10 of the Rivers and Harbors Act of 1899). Such certification actions, also known as 401 certification or water quality certification, assure that the activity subject to the federal permit complies with state water quality standards, issuing a 401 certification with conditions, denying 401 certification, or denying 401 certification without prejudice, should procedural matters preclude taking timely action on a 401 certification application.

Regional boards or their executive officers may issue 401 certifications. The State Board issues 401 certifications for projects that will take place in two or more regions. The regulations governing California's issuance of 401 certifications were updated in 2000, and are contained in Sections 3830 through 3869 of Title 23 of the California Code of Regulations.³⁶ Under the current regulations, the state may no longer waive certification. The San Francisco Bay Regional Board has produced a combined 401 certification/waiver of WDRs application form to ensure that applicants do not need to file both a report of waste discharge and an application for 401 certification.

Army Corps of Engineers 404 Permit

A nationwide permit (NWP) is a form of the Corps' 404 general permit, which authorizes a category of activities under the Nationwide Permit Program. 401 certification is necessary for all of the Corps' NWPs whether a project proponent must report its activity to the Corps or not. The State Board, by letter dated March 12, 2002, has certified a number of NWPs for all of California, subject to conditions notification requirements specified in that letter.³⁷ The regional boards are responsible for issuing 401 certification for all NWPs not certified by the State Board.

City of Oakland Municipal Code

The City of Oakland Municipal Code provides additional regulatory protection of surface and groundwater through compliance with Section 15.04.780 California Building Code Appendix Chapter 33(amended), Section 3304, Section 3304.4.4, and Section 3304.11. These Sections pertain to grading and excavation of fill soils and specifically outline the requirements of the Grading Permit application.

³⁶ State Water Resources Control Board. Laws and Regulations. http://www.waterboards.ca.gov/water_laws/index.html. Updated 12/28/06. Viewed on May 24, 2007

³⁷ State Water Resources Control Board. Nationwide Permit. <http://www.waterboards.ca.gov/news/index.html> updated 4/23/07, Viewed on May 24, 2007

Additional creek protection, storm water management and discharge control is codified in Sections 13.16.100, 13.16.110, 13.16.120, 13.16.150, 13.16.170, 13.16.190 and 13.16.200. The goal of these sections is to reduce pollutants in storm water and protect the natural flow of water in creeks. This is accomplished, in part, through compliance with Best Management Practices.

2. Environmental Checklist

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
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"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create or contribute substantial runoff which would be an additional source of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) 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, that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) 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 type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a substantial risk of loss, injury or death involving flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a Creek, river or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Would the Proposed Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
m) Fundamentally conflict with 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"/>

3. Discussion

Comment on Question VIIIa: The nearest receiving waterbody for potential stormwater discharges from the Project Site is the San Francisco Bay. The San Francisco Bay is currently listed as impaired by chlordane, DDT, dieldrin, furan compounds, dioxin compounds, PCBs, dioxin-like PCBs, mercury, selenium, and exotic species. Chlordane, DDT, and dieldrin are historic pesticides currently banned by the USEPA. Furan and dioxin compounds pollution are from atmospheric sources. PCB pollution is considered to come from unknown non-point sources. Selenium sources include industrial point sources, agriculture, and resource extraction. Mercury pollution comes from industrial and municipal point sources, resource extraction, atmospheric deposition, natural sources, and non-point source pollution. The Proposed Project would have the potential to contribute pollutants and sediment to receiving waters during initial clearing and ongoing maintenance.

The Proposed Project would be subject to Alameda Countywide NPDES Municipal Stormwater Permit (NPDES Permit Order R2-2003-0021 CAS0029831). The Proposed Project would also have to comply with the Water Quality Control Plan for the San Francisco Bay Region, any applicable TMDLs (mercury, diazinon, copper, and PCBs), and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Plan or SIP) (Resolution No. 2000-015, March 2000). The existing NPDES permit incorporate measures determined by the San Francisco Bay Regional Water Quality Control Board (RWQCB) to be protective of receiving water quality. No industrial NPDES permit or other NPDES permits are applicable to the Proposed Project.³⁸

³⁸ USEPA. Envirofacts Data Warehouse: Water. http://oaspub.epa.gov/enviro/ef_home2.water. Updated April 26, 2007

In addition, the following the City of Oakland Standard Condition of Approvals are required:

SCA-11: Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

- a) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

SCA-12: Erosion, Sedimentation, and Debris Control Measures

Prior to issuance of demolition, grading, or construction-related permit

The project applicant shall submit an erosion and sedimentation control plan for review and approval by the City. All work shall incorporate all applicable “Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP’s for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

- a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.

- b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- d) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlets nearest to the creek side of the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- e) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- f) Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
- g) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- i) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- j) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek.
- k) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).

- l) Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of Planning and Zoning.
- m) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.

Due to the nature of the work, some heavy equipment may be needed for work in and near the creek channel. The Creek Protection Plan prepared for the project will include a construction management plan which will regulate the type of equipment used, where it is used and how long it is used, in order to minimize impacts to the creek. Additionally, only hand tools will be used for post construction monitoring and maintenance work and access by workers in the channel and wetland area will be avoided if possible or minimized to the maximum extent possible.

There are no other existing individual or general waste discharge requirements (WDRs) associated with the Project Site and operations.

The Proposed Project involves maintenance activities within Elmhurst Creek, some of which would occur below the MHW. Maintenance activities involving soil disturbances, vegetation and tree removal, dredging, stockpiling, and bank shaping activities could result in increased erosion and sedimentation to surface waters. To minimize erosion or excess sedimentation, the Proposed Project would: (a) use two temporary dams that would isolate the work area from upstream and downstream segments of the creek; (b) use a winged-culvert design that would minimize erosion immediately downstream of the culvert; and (c) berm the stockpile area to contain sediment within the stockpile area.

The City is responsible for maintaining stormwater discharge standards set under the authority of the Clean Water Act (CWA). The City requires that all projects implement construction Best Management Practices where best management practices guidelines or requirements have been adopted by any Federal, State, regional, and/or city agency with jurisdiction for such adoption.

All dischargers are subject to regulation under the Porter-Cologne Act including both point and NPS dischargers. All current and proposed non-point source discharges must be regulated under WDRs, waivers of WDRs, or a basin plan prohibition, or some combination of these administrative tools. The RWQCBs have primary responsibility for issuing WDRs. The RWQCBs may issue individual WDRs to cover individual discharges or general WDRs to cover a category of discharges. WDRs may include effluent limitations or other requirements that are designed to implement applicable water quality control plans, including designated beneficial uses and the water quality objectives established to

protect those uses and prevent the creation of nuisance conditions. As in a basin plan prohibition, a WDR may specify certain conditions under which, or areas where, the discharge of waste or certain types of waste will not be permitted.

The Proposed Project would require temporary dewatering of the reach under improvement. This would involve routing upstream around the Project Site according to the Proposed Project Dewatering Program. An upstream and downstream dam would effectively isolate the Project Site from off-site runoff and runoff during construction. Upstream water would be piped around the Project Site. The outlet of this pipe would be installed directly into the downstream channel bottom and capped with an energy dissipation device to prevent erosion at the outlet. This dewatering operation would not be considered a discharge to land or surface water and would not require an individual WDR. A plan for the dewatering, including a schematic graphic showing the location of the dams, pumps and other dewatering devices is included in the Creek Protection plan for this project.

However, the following City of Oakland Standard Conditions of Approval would be required for the project since it requires a Creek Protection Permit and dewatering or diversion of water:

SCA-13: Creek Dewatering and Aquatic Life

Prior to the start of and ongoing throughout any in-water construction activity

- a) If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain aquatic life below the dam or other artificial obstruction.
- b) The project applicant shall hire a biologist to relocate all fish/amphibians within the work site, with all necessary State and Federal permits, prior to dewatering. Captured fish/amphibians shall be moved to the nearest appropriate site on the stream channel downstream. The biologist/contractor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, or state listed species of special concern.

SCA-14: Creek Dewatering and Diversion

Prior to the start of any in-water construction activities

The project applicant shall develop and implement a detailed dewatering and diversion plan for review and approval by the Building Services Division. All proposed dewatering and diversion practices shall be consistent with the requirements of the Streambed Alteration Agreement issued by the California Department of Fish and Game.

- a) If installing any dewatering or diversion device(s), ensure that construction and operation of the devices meet the standards in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- b) Construct coffer dams and/or water diversion system of a non-erodable material which will cause little or no siltation. Maintain coffer dams and the water diversion system in place and functional throughout the construction period. If the coffer dams or water diversion system fail, repair immediately based on the recommendations of a qualified environmental consultant. Remove devices only after construction is complete and the site stabilized.
- c) Pass pumped water through a sediment settling device before returning the water to the stream channel. Provide velocity dissipation measures at the outfall to prevent erosion.

Dewatering of base-flow water may be required during construction. According to the Proposed Project Dewatering Plan, this would involve a sump pump to Baker Tanks where water would be stored until tested and disposed of in an approved facility. The sump pump will be placed in an open-topped plastic enclosure partially sunk into the channel bed in order to minimize disturbance of silts and sediments during pumping. Water from the Baker Tanks would be sampled for characterization prior to disposal. If construction dewatering is required and disposal would be to land or surface water, an individual Waste Discharge Requirement (WDR) would be required and need to be obtained. Storage of potential dewatering water in Baker Tanks would allow for adequate testing and assurance that disposal would be conducted in compliance with any potential WDRs that may need to be obtained. Thus, the Proposed Project would not violate any WDRs.

The Proposed Project would involve land disturbance activities (clearing, grading, grubbing) on less than one-acre of land surface for maintenance of the Elmhurst Creek channel through the Project Site and replacement of the upstream free-span bridge with a box culvert and concrete road decking. Consequently, the Proposed Project would not be subject to the Construction NPDES General Permit. The Proposed Project would, however, disturb more than 10,000 square feet of land surface and would therefore be subject to the Alameda Countywide Clean Water Program (ACCWP) Stormwater Quality Management Plan Requirements. These include implementation of Best Management Practices for protecting surface water and complying with the NPDES permit.

In addition to the Standard Conditions of Approval described above, the following performance standards apply to all ACCWP member agencies (including the City of Oakland) for all construction activity including clearing, grading and excavation activities that result in the cumulative disturbance of 10,000 or greater square feet of land that would discharge stormwater to the municipally owned storm drain system.³⁹ A member agency may consider a project exempt from these performance standards if it would disturb less than 10,000 square feet of land and it does not cause a substantial or potentially-substantial adverse change in the quantity and/or quality of stormwater runoff generated from the site considering all four of the following conditions:

- The size of the project is negligible;

³⁹ Alameda Countywide Clean Water Program. Stormwater Quality Management Plan July 2001- June 2008

- The amount of land disturbed is insignificant;
- The potential impact on stormwater quality and quantity is insignificant; and
- The intensity of the construction activity is minimal.

Furthermore, the Proposed Project would be subject to a number of permit conditions described in the environmental settings section, including Clean Water Act Section 401 Water Quality Certification, Army Corp of Engineers 404 General Permit, California Department of Fish and Game Streambed Alteration Agreement (1602), City of Oakland Municipal Code requiring a Grading Permit, Erosion and Sediment Control Plan, compliance with stormwater BMPs to reduce stormwater pollution, Creek Protection Permit and Plan, and a Hydrology Report. These permits and permit conditions would assure minimization of potential pollutants in stormwater and that water quality would not be violated.

In addition, the following City of Oakland Development Standards apply to all projects that involve a Category III and IV Creek Protection permit:

SCA-15: Creek Protection Plan

<http://www.oaklandpw.com/creeks>

Prior to and ongoing throughout demolition, grading, and/or construction activities

- a) The approved creek protection plan shall be included in the project drawings submitted for a building permit (or other construction-related permit). The project applicant shall implement the creek protection plan to minimize potential impacts to the creek during and after construction of the project. The plan shall fully describe in plan and written form all erosion, sediment, stormwater, and construction management measures to be implemented on-site.
- b) If the plan includes a stormwater system, all stormwater outfalls shall include energy dissipation that slows the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains.

SCA-16: Regulatory Permits and Authorizations

Prior to issuance of a demolition, grading, or building permit within vicinity of the creek

Prior to construction within the vicinity of the creek, the project applicant shall obtain all necessary regulatory permits and authorizations from the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game, and the City of Oakland, and shall comply with all conditions issued by applicable agencies. Required permit approvals and certifications may include, but not be limited to the following:

- a) U.S. Army Corps of Engineers (Corps): Section 404. Permit approval from the Corps shall be obtained for the placement of dredge or fill material in Waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act.
- b) Regional Water Quality Control Board (RWQCB): Section 401 Water Quality Certification. Certification that the project will not violate state water quality standards is required before the Corps can issue a 404 permit, above.
- c) California Department of Fish and Game (CDFG): Section 1602 Lake and Streambed Alteration Agreement. Work that will alter the bed or bank of a stream requires authorization from CDFG.

SCA-17: Creek Monitoring

Prior to issuance of a demolition, grading, or building permit within vicinity of the creek

A qualified geotechnical engineer and/or environmental consultant shall be retained and paid for by the project applicant to make site visits during all grading activities; and as a follow-up, submit to the Building Services Division a letter certifying that the erosion and sedimentation control measures set forth in the Creek Protection Permit submittal material have been instituted during the grading activities.

SCA-18: Creek Landscaping Plan

Prior to issuance of a demolition, grading, or building permit within vicinity of the creek

The project applicant shall develop a final detailed landscaping and irrigation plan for review and approval by the Planning and Zoning Division prepared by a licensed landscape architect or other qualified person. Such a plan shall include a planting schedule, detailing plant types and locations, and a system for temporary irrigation of plantings.

- a) Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed

- along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.
- b) All landscaping indicated on the approved landscape plan shall be installed prior to the issuance of a Final inspection of the building permit, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.
 - c) All landscaping areas shown on the approved plans shall be maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or impervious surfaces shall occur only on approved areas.

Thus, the Proposed Project would not violate any WDRs or water quality standards and impacts would be less than significant.

Comment on Question VIIIb: The Proposed Project would not create any additional wells within the local or regional groundwater aquifer and would not increase groundwater demand. The Project Site is served by the East Bay Municipal Utilities District, primarily surface water, for its potable water supply. Any irrigation requirements for establishment of vegetation following construction would be temporary. Existing water supplies may be used for these landscaped areas, but the amount of landscaping is small and irrigation would be temporary until vegetation is established. About 252 square feet of impervious surface would be created by installation of the culvert improvement under the upstream road crossing, which would not reduce potential groundwater recharge because the existing bottom soil is a stiff and very stiff silty and sandy clay (bay mud) that would have minimal infiltration rates. The Proposed Project may require dewatering of base flow during construction, but this dewatering would be temporary and the existing streambed soils are dense and likely to have limited infiltration rates for groundwater recharge. Therefore, the Proposed Project would not substantially alter the amount of impervious area or groundwater use and therefore alteration of the groundwater recharge potential and lowering of the local groundwater table level would be less than significant.

Comment on Question VIIIc: The Proposed Project would involve land disturbance activities (clearing, grading, grubbing) on more than 10,000 square feet of land surface. For these activities, the Project sponsors would be required to obtain a City Grading Permit and Creek Protection Permit, prepare an Erosion and Sediment Control Plan and Creek Protection Plan, and comply with the Alameda Countywide Clean Water Program Stormwater Quality Management Plan Requirements. The stockpile of excavated soil would be contained behind three perimeter barriers composed of 3-foot high berms of clean earth and fiber rolls, to prevent transport of sediment. Filter fabric berms would be maintained to prevent any potential stockpile runoff from entering the storm drain inlets that the stockpile might drain to. The stockpile would also be covered by tarps in the event of rain, further reducing potential erosion and sediment transport. Project features and compliance with the existing requirements and permits would assure that potential erosion associated with the Proposed Project would be less than significant. Excavated soil would be stockpiled.

Comment on Question VIII d: The Proposed Project would alter the local hydrology of the Project Site and vicinity compared to existing conditions by restoring the conveyance capacity and stability of this reach of Elmhurst Creek. A hydraulics study⁴⁰ of the Proposed Project, using the HEC-RAS (U.S. Army Corps of Engineers Hydraulic Engineering Center River Analysis System) model, shows that when Elmhurst Creek flow is about 220 cubic feet per second (cfs) at the Mean Higher High tide (MHH tide) in the San Francisco Bay, channel improvements would reduce the channel water surface elevation (WSE) by almost 2 feet at the culvert outlet entering the Project Site. For the 2-year storm event (at MHH tide), the Proposed Project reduces the WSE by about 0.7 feet at the upstream location of the Project Site. For the 10-year storm event, WSE at the upstream boundary of the Proposed Project would be reduced by only about 0.18 feet. The effect of the Proposed Project on the 2- and 10-year storm events is shown in Figure 1C. For all storm events modeled, there was no change in WSE at the downstream railroad bridge crossing; in other words, flow downstream and off-site is not affected by the Proposed Project. This is because the railroad bridge acts as an effective hydraulic control to flow further downstream. For all storm events modeled, WSE at the upstream location modeled, the beginning of the approximately 800-foot culvert discharging into the Project Site, the WSE was reduced by about the same amount as at the upstream end of the Project Site. Therefore, the Proposed Project would not increase the storm flow WSE either upstream, downstream, or within the Project Site and would therefore not cause or contribute to on- or off-site flooding.

Comments on Questions VIII e and f: The Proposed Project would not create or contribute to additional substantial sources or runoff. The Proposed Project would not add additional impervious surfaces or increase the runoff from upland areas. The buffer strip along the restored reach section would likely reduce the amount of runoff entering the creek. Replacement of the section of this reach with a concrete bottom culvert would not alter existing runoff because this area is currently already under the existing access road. Therefore, there would be no alteration in site runoff and no impacts associated with increased runoff.

Comment on VIII g: Adjacent areas currently have contaminated soils and groundwaters. This is an existing condition and presence of contaminated soil and base-flow waters in the Project Site would be an existing condition. All excavated soils would be stockpiled and the stockpile contained with three layers of runoff protection (see Comment on VIII c.). The stockpiled material would also be placed on visqueen to prevent the leaching of water decontaminated from the stockpile to groundwater. Stockpiled material would also be tested prior to disposal in accordance with the waste management facility's regulations. Consequently, there would be no impact associated with excavated soils.

Furthermore, the Proposed Project would not alter the existing potential for contaminated groundwater to degrade surface water quality. The existing condition of contaminated groundwater; plume direction, speed of movement, levels of contamination, and potential impacts on nearby surface waters would not be altered by the Proposed Project. If dewatering of base-flow water is required during construction, all water would be pumped to Baker Tanks, stored until disposal, and tested prior to disposal in an approved manner.

⁴⁰ HIS Hydrologic Systems, Draft Report Elmhurst Creek, Hydraulic Model, February 2005 and Monterey Mechanical, Untitled Memo Re: Elmhurst Creek, Monterey Mechanical, August 24, 2005 and

Therefore, there would be no impact of the Proposed Project on groundwater quality or surface water quality associated with the existing LUFT, SLIC, and other potential hazardous materials conditions.

Comment on VIIIh: The Proposed Project would not place housing within the 100-year flood hazard area and there would be no impact.

Comment on VIIIi: The Proposed Project would install a concrete culvert under the road crossing at the upstream boundary of the Project Site. This culvert would include side wings to prevent the back-swirl erosion currently occurring when upstream flow discharges into the Project Site. This culvert would be exactly the same size as the existing opening; it would simply include a concrete bottom at the as-built grade (0 feet above mean seal level) of the creek and connect with the existing approximately 800-foot concrete-bottom lined culvert upstream at the same elevation (0 feet above mean seal level). The culvert wings would be placed within the existing bank lines and would not encroach upon the existing creek channel. The culvert structure would not encroach upon the existing open area under the road or within the creek channel, but would provide sufficient support for the overhead traffic. As discussed under Project Description, on page 2, the Proposed Project would not change conditions on the Project Site during a 100-year flood event. Therefore no impact would occur and no mitigation would be required.

Comment on VIIIj: The Project Site is located within a FEMA defined Zone B: “areas between the limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.”⁴¹ The Project Site is located within two dam failure inundation zones: Dunsmuir Reservoir and Lake Chabot.⁴² Therefore the Project Site could experience flooding because of a dam failure. During construction, a long-arm excavator would be used to excavate the channel and no personnel would work within the channel for excavation operations. However, personnel would work within the channel for installation of the culvert, base-flow sump pump, revegetation, grading, and other minor operations. After construction, no personnel would be allowed in the channel except as necessary for vegetation monitoring and maintenance, according to the Revegetation Monitoring and Maintenance Plan. Furthermore, the City Municipal Code prevents issuance of a Grading Permit unless sufficient flood mitigation has been incorporated in the Proposed Project design when a site is located in a designated Flood Hazard Area.⁴³

⁴¹ FEMA. Fema Issued Flood Maps. California, Alameda County, City of Oakland. FIRM Flood Insurance Rate Map, City of Oakland, California, Alameda County, Panel 25 of 45, Community-Panel Number 065048 0025 B, Effective Date September 30, 1982. Accessed May 11, 2007.

⁴² Association of Bay Area Governments. 2004. Interactive ABAG (GIS) Maps Showing Dam Failure Inundation; ABAG Geographic Information Systems Hazard Maps: Dam Failure Inundation Areas. <http://www.abag.ca.gov/bayarea/eqmaps/damfailure/damfail.html> Accessed May 11, 2007.

⁴³ City of Oakland Municipal Code. Sec. 3304.4.8.2 Permit Application--Related to Flood Hazard Area. No Grading Permit shall be issued for any site located in a designated flood Hazard Area unless the grading plan provides for mitigation measures relative to the Projected flood hazard. The mitigation methods are subject to the review and approval of the Director of Planning and Building.

The City of Oakland imposes the following Conditions of Approval for structures within the 100-year Floodplain:

SCA-19: Regulatory Permits and Authorizations

Prior to issuance of a demolition, grading, or building permit

Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.

SCA-20: Structures within a Floodplain

Prior to issuance of a demolition, grading, or building permit

- a) The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established of a 100-year flood event.
- b) The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.

Therefore, potential exposure of people or structures to a substantial risk of loss, injury or death involving flooding would be less than significant.

Comment on VIIIk: The Project Site is not located near any isolated bodies of water, and thus is not subject to inundation by seiche, seismically-induced waves in lakes and reservoirs. The Project Site is not subject to potential tsunami impacts, large ocean waves induced by seismic activity, since it is not located within a tsunami evacuation area and is located more than 2.5 miles inland from the Bay.⁴⁴ The Project Site is not located in any landslide hazard area⁴⁵ or below gradient of a debris-flow source area⁴⁶ and would therefore not be susceptible to mudflows. Therefore, the Proposed Project would have no impacts related to seiche, tsunami, or mudflow.

Comment on VIIIk: The Proposed Project would substantially alter the existing drainage pattern of the Project Site but it would not increase the rate or amount of flow entering or leaving the Project Site. The existing Project Site conditions currently contribute to siltation and localized flooding on an annual basis. The Proposed Project would restore the channel conveyance capacity and increase detention within this reach of Elmhurst Creek but would not contribute to upstream or downstream

⁴⁴ Association of Bay Area Governments. 2004. Interactive ABAG Tsunami Information: Tsunami Evacuation Planning Map for San Francisco & San Mateo Counties

<http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html>. Accessed May 11, 2007

⁴⁵ Association of Bay Area Governments. 2004. Interactive ABAG Landslide Hazard Maps and Information; ABAG Geographic Information Systems Hazard Maps: CGS Earthquake-Induced Landslides.

<http://www.abag.ca.gov/bayarea/eqmaps/landslide/index.html>. Accessed May 11, 2007

⁴⁶ Association of Bay Area Governments. 2004. ABAG Landslide Hazard Maps and Information: Debris Flow Source Areas. <http://www.abag.ca.gov/bayarea/eqmaps/landslide/index.html>. Accessed May 11, 2007

flooding (See Comment on H.4). Existing channel banks would be laid back to a more stable form, less susceptible to bank erosion. The reconfigured channel would also be stabilized with native vegetation according to the Conceptual Revegetation Plan. Furthermore, the Project Sponsors would be required to obtain a City Grading Permit and Creek Protection Permit, prepare an Erosion and Sediment Control Plan and Creek Protection Plan, and comply with the Alameda Countywide Clean Water Program Stormwater Quality Management Plan Requirements. Consequently, any alteration of Project Site drainage patterns effects on erosion, siltation, or flooding, both on- or off-site would be less than significant.

Comment on VIII m: Based on the CEQA thresholds promulgated by the City of Oakland, the Proposed Project would have a significant impact if it would (a) discharge a substantial amount of pollutants into a creek; (b) significantly modify the natural flow of the water or capacity; (c) deposit substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endanger public or private property or threaten public health or safety. The Proposed Project would significantly modify the existing flow and capacity of the water in Elmhurst Creek such that Proposed Project would require a Creek Protection Permit. However, the Proposed Project is within an area that is tidally influenced and therefore exempt from the ACCWP Hydromodification Management Plan (as required by the Municipal NPDES permit). Given that the Proposed Project would restore the natural conveyance capacity of Elmhurst Creek and stabilize the bed and banks to prevent further erosion, mitigate loss of conveyance capacity, and provide some quality native plant riparian habitat, the Proposed Project would not have a significant impact with respect to modification of the natural creek flow or capacity. The Project Sponsor is also preparing a Creek Protection Plan to comply with protection of the Creek Protection ordinance for their Creek Protection Permit

With regard to pollutant discharge and/or deposition of sediments, the following Standard Conditions of Approval would be incorporated:

SCA-64: Site Design Measures for Post-Construction Stormwater Pollution Management

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

- Minimize impervious surfaces, especially directly connected impervious surfaces;
- Utilize permeable paving in place of impervious paving where appropriate;
- Cluster buildings;
- Preserve quality open space; and
- Establish vegetated buffer areas.

Ongoing

The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.

SCA-65: Source Control Measures to Limit Stormwater Pollution

Prior to issuance of building permit (or other construction-related permit)

The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

SCA-66: Post-Construction Stormwater Pollution Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater pollution management plan shall include and identify the following:
- All proposed impervious surface on the site;
 - Anticipated directional flows of on-site stormwater runoff; and
 - Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - Source control measures to limit the potential for stormwater pollution; and
 - Stormwater treatment measures to remove pollutants from stormwater runoff.

- b) The following additional information shall be submitted with the post-construction stormwater pollution management plan:
- Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater pollution management plan.

SCA-67: Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

With the incorporation of these Standard Conditions of Approval, and given that this is a restoration project, and given that no threats to public health or safety would result, potential Proposed Project impacts would be less than significant.

4. Conclusion

Existing regulatory requirements would reduce all potential impacts to less than significant levels. The Project Sponsor is already preparing a Hydrology Report, Creek Protection Plan, Conceptual Revegetation Plan, Construction Dewatering Plan present, and other associated reports and will comply with existing permit conditions.

The Proposed Project would be subject to the Alameda Countywide Clean Water Program requirements (Alameda Countywide Municipal NPDES Permit), City Municipal Code, Clean Water Act 401 Permit conditions, Army Corps of Engineers 404 Permit conditions, and California Department of Fish and Game 1602 Streambed Alteration Agreement conditions. Existing conditions hazardous materials contaminated sites and characteristics, located on properties adjacent to the Project Site, would not be affected by the Proposed Project. Furthermore, there would be no potential for increased stormwater runoff from the Proposed Project and no adverse effect on on- or off-site flooding. Consequently, there would be no significant impacts of the Proposed Project on hydrology or water quality related issues.

IX. LAND USE

1. Setting

The Project Site is a 550-foot linear portion of a creek corridor located in an industrial area of the City of Oakland. The site is designated as General Industrial/Transportation by the Oakland General Plan and is zoned Heavy Industrial (M-40). Land uses surrounding the Project Site are industrial in nature and include the SF-Oakland Auto Truck Plaza (a truck stop/service station) on the north, Monterey Mechanical (a contractor and metal fabricator) on the east, Bay Area Truck Driving School on the south, railroad tracks for the Southern Pacific Railroad on the west, and by the AB&I iron foundry on the west/northwest. At the east end of the Project Site, the creek runs under a bridge/culvert. The bridge at the east end of the Project Site allows vehicles to access the truck driving school, and the bridge at the west end of the Project Site provides rail access across the creek (Southern Pacific Railroad). Interstate 880 is located approximately 2,000 feet west of the Project Site. The Bay Area Rapid Transit (BART) aerial track is located approximately 200 feet east of the Project Site.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a fundamental conflict between adjacent or nearby land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 and actually result in a physical change in the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments to Questions IXa – c: The Proposed Project would not physically alter the existing land use and would therefore not physically divide an established community. It would also not create conflicts with adjacent or nearby land uses or any applicable land use plans, policies, or regulations. The Proposed Project would have no significant impact related to land use and planning.

Comment to Question IXd: The Proposed Project would alter the natural environment at the Project Site; however, the site is not under the jurisdiction of any habitat conservation plan or natural community conservation plan. Therefore it would not conflict with any established plans or cause an impact to land use.

4. Conclusion

The Proposed Project would not alter the existing land use of the Project Site, it would solely entail maintenance of Elmhurst Creek and thus would have no impact on the division of the community surrounding the Proposed Project. As the Proposed Project would not physically change the existing land use, it would not conflict with existing land use plans, policies, or regulations and the Project would have no impact on land use.

X. MINERAL RESOURCES

1. Setting

The Project Site is riparian corridor surrounded by industrial activity. The exploratory borings drilled at the existing bridge (at the boundary with Monterey Mechanical) encountered the following conditions:

- 3 to 5 feet of stiff and very stiff silty clay fill;
- At the east end of the bridge, 5 feet of soft and medium stiff silty clay (Bay Mud) was encountered below the fill. No Bay mud was encountered at the west end of the bridge;
- Beneath the Bay Mud and the fill at the west end of the bridge, generally stiff and very stiff and sandy clays were found that extended 27 feet below the ground surface (bgs);
- Dense gravelly and silty sands were encountered in both boring at 27 feet bgs and extended to the bottom of the borings at 27.5 and 29.5 feet bgs.

The Project Site is not designated as a Regionally Significant Construction Aggregate Resource by the State Mining and Geology Board⁴⁷ and Proposed Project activities would not alter any existing mineral resources located at the Project Site; only excess sediment and vegetation would be removed.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments to Questions Xa and b: The Proposed Project is located in an urban, industrialized area. The Proposed Project would not include quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any non-renewable natural resource. The City of Oakland General Plan Open Space, Conservation, and Recreation Element does not identify the Project Site as a mineral resource recovery site.⁴⁸ Thus, the Proposed Project would have no impact.

⁴⁷ City of Oakland. 1996. General Plan Open Space, Conservation, and Recreation Element.

⁴⁸ City of Oakland. 1996. General Plan Open Space, Conservation, and Recreation Element

4. Conclusion

The Proposed Project would have no impact on known significant mineral resources.

XI. NOISE

1. Setting

The Project Site is located in an industrial area and is surrounded by noise sources such as the SF-Oakland Auto Truck Plaza (a truck stop/service station), Monterey Mechanical (a contractor and metal fabricator), the Bay Area Truck Driving School, the Southern Pacific Railroad, and the AB&I iron foundry. Additional noise sources in the Project vicinity include Interstate 880, which is located approximately 2,000 feet west of the Project Site and the BART aerial track, which is located approximately 200 feet east of the Project Site. Noise generated by the Proposed Project would result from short-term construction activities, including dredging, excavation, bank shaping, and channel realignment, and construction activities associated with extending or replacing the existing box culvert and overlying bridge. In general, construction equipment causes intermittent noise levels in the range of 80 to 90 dBA at a distance of about 50 feet. The Project is expected to last six weeks and therefore impacts from construction noise would be extremely limited.

Given the site's industrial setting, there are few sensitive receptors in the Project area. There are two day care centers, located approximately 2,000 feet (0.38 miles) north and east of the Project Site and two schools located approximately 3,250 feet (approximately 0.62 mile) to the northeast.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generate noise levels in excess of standards established in the Oakland general plan or applicable standards of other agencies (e.g., OSHA)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Violate the City of Oakland Noise Ordinance (Oakland Planning Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all noise -related Standard Conditions of Approval imposed: During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, will noise levels received by any land use from construction or demolition exceed the applicable nighttime operational noise level standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
d) Violates 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
g) Result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Conflicts 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments on Questions Xa-d, and i: Implementation of the Proposed Project would result in a temporary increase in ambient noise levels in the Project vicinity, above levels existing without the Proposed Project, due to noise from construction equipment. Dredging, excavation, bank shaping, and channel realignment, and construction activities associated with extending or replacing the existing box culvert and overlying bridge would all cause temporary increases in ambient noise levels. The Proposed Project would be required to implement the City's standard Conditions of Approval for noise. These conditions include the following:

SCA-21: Noise

- a) The Project Applicant would require construction contractors to limit standard construction activities to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. Pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8 a.m. and 4:00 p.m. Monday through Friday.
 - b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Department.
 - c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
 - d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
 - e) No construction activity shall take place on Sundays or Federal holidays.
 - f) Construction activities include, but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
2. To reduce daytime noise impacts due to construction, the Project Sponsor would require construction contractors to implement a site-specific noise reduction program, subject to City review and approval, which includes the following measures:
- a) 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.)

- b) Impact tools (*e.g.*, jack hammers and pavement breakers) 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.
 - c) 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.
 - d) If feasible the noisiest phases of construction shall be limited to less than 10 days at a time.
3. Prior to the issuance of each building permit, along with the submission of construction documents, the Project sponsor shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:
- a) A procedure for notifying the City Building Services Division staff and Oakland Police Department (during regular construction hours and off-hours);
 - b) A sign posted on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
 - c) The designation of an on-site construction complaint and enforcement manager for the Project;
 - d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
 - e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site Project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

With the adoption of these standard measures, the Proposed Project's impacts are considered to be less than significant.

Comment to Question XIe: The Proposed Project is zoned M-40 and therefore would not generate perceptible vibrations, therefore there would be no impact from vibration-causing activities.

Comment to Question XIIf: The residences located nearest to the Project Site are approximately 2,000 feet away (0.38 miles) with several buildings in between the residences and the noise sources. At this distance, the noise generated by Proposed Project activities would likely attenuate to an interior noise

level less than 45 dBA. Further, the limited duration of the Proposed Project would further limit impacts on residences from noise.

Comment to Question XIg: The Proposed Project only includes construction activities and ongoing maintenance for five years. There would be no permanent increase in ambient noise levels in the Project vicinity and therefore the Proposed Project would have no impact on ambient noise levels.

Comments to Questions XIh-XIj: The Proposed Project is not located within an airport land use plan or in the vicinity of a private airstrip. Therefore, the Proposed Project would not result in increased noise exposure impacts from airport operations.

XII. POPULATION AND HOUSING

1. Setting

The Proposed Project involves clearance and ongoing maintenance of Elmhurst Creek and does not include any residential components that would impact population or housing. There would be an estimated 2 to 15 construction workers and it is assumed that they would come from the local community and that the Proposed Project would not create jobs or require worker housing.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Induce substantial population growth in a manner 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments on Questions XIIa-c: Implementation of the Proposed Project would involve short-term clearance and maintenance of a creek and would not directly or indirectly increase population growth, or displace existing housing or people. Therefore the Project would have no impact on population and housing.

4. Conclusion

The Proposed Project would not result in substantial increases in population and would thus have a less than significant impact on population growth. The Proposed Project would not result in the displacement of housing or persons as there are no housing facilities at the Project Site.

XIII. PUBLIC SERVICES

1. Setting

Fire Protection. The Oakland Fire Department (OFD) currently operates 25 fire stations, which provide comprehensive fire prevention and fire code enforcement, fire suppression, emergency medical services, and community emergency preparedness to the City of Oakland. Water for fire-fighting purposes is transported by East Bay Municipal Utility District from reservoirs in the Oakland hills through the District's supply system. Each fire station within the OFD is capable of providing fire protection, fire rescue, and emergency medical services 24 hours a day, year-round.

Police Protection. The Oakland Police Department provides crime prevention and policing services within the city, including the Project Site.

Schools. The Oakland Unified School District (OUSD) operates the City's public school system, which includes 42 childcare centers, 63 elementary schools, 14 middle schools, three alternative middle schools, six high schools, six alternative high schools, and one special education school.

Libraries. The Oakland Public Library system has operated libraries in the City of Oakland since 1878. It operates 15 branches, a Main Library, a Second Start Adult Literacy Program, the Bookmobile, and the African-American Museum and Library.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:					
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comment on XIIIa, Fire Protection and Police Protection. The OFD and OPD already serve the existing Project Site and no physical changes are proposed that would alter service to the site or demand for services. Construction activities would be shore-term in duration and would not increase demand for protection services. Therefore, the Proposed Project would have no impact on Project area police and fire protection services would be less than significant.

Comment on XIIIa, Schools and Libraries. The Proposed Project would not result in a change in population and therefore demand for schools and libraries would be unchanged and there would be no impact to schools and libraries.

4. Conclusion

The Proposed Project involves short-term clean-up of Elmhurst Creek and would have no impact on fire and police protection or schools and library facilities.

XIV. RECREATION

1. Setting

The Project Site is located in an industrial area of Oakland and the Proposed Project would not generate increased use of any parks or open spaces.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments on Questions XIVA and b: Because the Proposed Project would not generate development or new residents, it would not increase the use of or demand for neighborhood or recreational facilities. As a result, the Proposed Project would have no impact on recreational facilities in the Project area.

4. Conclusion

The Proposed Project would not cause an increase in the use of existing neighborhood parks and regional parks such that substantial physical deterioration of the recreational facilities would occur. Additionally, there would be no need to construct new or expand existing recreational facilities as a result of the Proposed Project.

XV. TRAFFIC

1. Setting

From I-880, contractors would access the site via Hegenberger Road and San Leandro Street. Maintenance activities are expected to span six weeks, during which time traffic would be generated from construction workers coming to and from the site daily and from the delivery of heavy equipment and plants for re-vegetation efforts. As the Proposed Project is anticipated to last approximately six weeks, the traffic generated by the Proposed Project would be minimal. Further, the small size of the site (40 feet by 550 feet) limits the number of employees and equipment working at any given time.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Cause an increase in traffic which is substantial in relation to the 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 capacity of the street system? Specifically:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) At a study, signalized intersection which is located outside the Downtown area, the project would cause the level of service (LOS) to degrade to worse than LOS D (i.e.,E)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) At a study, signalized intersection which is located within the Downtown area, the project would cause the LOS to degrade to worse than LOS E (i.e., F)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) At a study, signalized intersection outside the Downtown area where the level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds, or degrade to worse than LOS E (i.e., F)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) At a study, signalized intersection for all areas where the level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more, or degrade to worse than LOS E (i.e.F),	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the total intersection average vehicle delay to increase by two (2) or more seconds, or (b) an increase in average delay for any of the critical movements of four (4) seconds or more; or (c) the volume-to-capacity (“V/C”) ratio exceeds three (3) percent (but only if the delay values cannot be measured accurately)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi) At a study, unsignalized intersection, the project would add ten (10) or more vehicles and after project completion satisfy the Caltrans peak hour volume warrant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
b) A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project contributes five (5) percent or more of the cumulative traffic increase as measured by the difference between "Existing" conditions and the year 2010/2015 (or Year 2025/2030) with "Project" conditions and results in a substantial increase in traffic. More specifically, the project must contribute five (5) percent or more of the incremental growth and exceed at least one of the intersection-related thresholds listed above in threshold #i through #vii above. ⁴⁹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Cause a roadway segment on the Metropolitan Transportation System to operate at LOS F or increase the V/C ratio by more than 3% for a roadway segment that would operate at LOS F without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Substantially increase hazards due 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in less than two emergency access routes for streets exceeding 600 feet in length?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Fundamentally conflict with adopted policies, plans, programs supporting alternative transportation (e.g., bus turnouts, bicycle routes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Generate added transit ridership that would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) 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?					
ii) Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains?					
iii) 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?					

⁴⁹ Consult with the City of Oakland's Planning and Zoning Division regarding the appropriate Congestion Management Agency model and the short-term and long-term cumulative years.

3. Discussion

Comment on Questions XVa-c: As discussed above, the Proposed Project would generate construction-related traffic only and as a result, traffic increases associated with the Proposed Project would be limited to six weeks in duration. The amount of traffic generated by the Proposed Project would be very small as a result of the low demand for construction workers, given the small size of the project site and the limited number of equipment needed to complete the project. Only a few employees (2 to 15) would be needed each day to perform the described maintenance activities, which would generate a less than significant amount of additional truck trips each day. Further, the increase in traffic would be eliminated upon completion of the Proposed Project and would not comprise a cumulative impact. The Proposed Project is not located downtown and therefore has no impact on thresholds associated with that area alone.

Comment on Question XVd: The Proposed Project does not involve any elements that would require altering air traffic patterns. Thus, the Proposed Project would not result in any impacts to aircraft traffic patterns.

Comment on Question XVe: The Proposed Project would not create any traffic hazards on area roadways and would not impact pedestrians, motor vehicles, or bicycles. However, construction period traffic, including use of construction equipment could be disruptive to local roadways, therefore the following condition of approval is required:

SCA-22: Traffic Management

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby project which could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the appropriate City of Oakland agencies. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid traffic peak hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment and vehicles (must be located on the project site).
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and

Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.

- e) Provision for accommodation of pedestrian flow.

Compliance with this Standard Condition of Approval would reduce any traffic hazard impact to a less than significant level.

Comment on Question XVf: Implementation of the Proposed Project would not cause any emergency access to be restricted. All Proposed Project activities would take place off of city streets, adjacent to the creek and would not alter the access to emergency routes.

Comments on Questions XVg and h: The Project would not conflict with the City of Oakland General Plan Traffic element or any other adopted plan as the Project would not alter alternative transportation facilities or demand for such facilities.

4. Conclusion

The Proposed Project would have only limited, short term impacts on local traffic and would not impact any area roadways or intersections significantly or in the long term. There would also be no impact on air traffic patterns. Given the short duration of the Project, no mitigation measures are required.

XVI. UTILITIES AND SERVICE SYSTEMS

1. Setting

The Project Site does not currently use or require any utilities or service systems and after completion of the Proposed Project, no demand for such services is anticipated. The Proposed Project would involve clearing sediment, vegetation, and debris from Elmhurst Creek, which would generate approximately 2,000 cubic yards of accumulated sediment and vegetation. This sediment would be disposed of at a local area landfill. Recommended disposal locations include the Keller Canyon Class II Landfill in Pittsburg, or the Forward Class II Landfill in Manteca.

2. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
b) Require or result in 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 providers' 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Violate applicable federal, state and local statutes and regulations relating to energy standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Discussion

Comments to Questions XVIa and d: The Project would not generate any wastewater and therefore would have no wastewater treatment requirements.

Comment to Question XVIIb: The Proposed Project would involve clearing sediment, vegetation, and debris from Elmhurst Creek, which collects storm water. The Project would increase the size of the creek and therefore the volume of water capable the creek can contain. As a result, the Project would improve the local storm water capacity and beneficially impact storm water drainage facilities.

Comment to Question XVIc: The Project Site would require the use of small amounts of water for dust control; however, the demand for watering would be short-term (during the construction period) and minimal.

Comments to Questions XVIe and f: The Proposed Project would generate approximately 2,000 cubic yards of accumulated sediment and vegetation for disposal at a local area landfill. Recommended disposal locations include the Keller Canyon Class II Landfill in Pittsburg, or the Forward Class II Landfill in Manteca, both of which are active and have adequate capacity to handle the waste generated by the Proposed Project.⁵⁰

Comments to Questions XVIg and h: The Proposed Project’s energy needs are limited to diesel fuel. No long term energy service is required at the Project Site and therefore the Project would have no impact on energy service providers and it would not violate any energy standards.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

1. Environmental Checklist and Discussion

<i>Would the Project:</i>	<i>Requires Further Analysis in EIR</i>	<i>Less than significant With Mitigation Incorporated</i>	<i>Less than significant with Standard Conditions of Approval</i>	<i>Less than significant Impact</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Discussion

Comment on XVIIa. The Project Site is significantly degraded and contains no sensitive species or wildlife communities. All of the trees on the Project Site would be removed as part of the Proposed

⁵⁰ http://alliedwasteservicesofcontracostacounty.com/facilities_keller_canyon.cfm. Accessed on May 24, 2007
<http://www.ciwmb.ca.gov/SWIS/SiteListing.asp?VW=SWISNO&OUT=HTML&PG=INV&COUNTY=&NAME=forward&FAC=&OPSTATUS=®STATUS=&LEA=>. Accessed on May 24, 2007.

Project and new landscaping would also be provided. As discussed in Sections IV.A, Aesthetics, and Section IV.D, Biology, there would be less than significant impacts related to tree removal. The Proposed Project would achieve long-term goals of improving the health and functionality of the creek. The Project's short-term disadvantages such as short-term impacts to existing vegetation, air emissions, noise, and traffic would be offset by the long-term improvements in the overall health of the Project Site.

Comment on XVIIb. The Proposed Project would not contribute to cumulative impacts in the region due to the extremely limited Project schedule and scope. Creek maintenance activities would span six weeks and Project Site conditions would be relatively the same before and after Project completion. This Project would beneficially impact the functionality of the creek and impacts to resources such as air quality, noise, and traffic would be so minimal that it would not contribute to cumulative impacts.

Comment on XVIIc. Adverse impacts to humans that may be associated with the Proposed Project are related to hazardous materials, flooding hazards, air quality, and noise. As discussed in the preceding sections in this Initial Study, impacts related to these resource areas would be less than significant.

3. Conclusion

All other impacts, as addressed in this document, would be less than significant, with the incorporation of the City of Oakland's Standard Conditions of Approval as cited throughout this Initial Study. The City of Oakland's Standard Conditions of Approval are included as Appendix A of this document.

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APPENDICES

Appendix A

Plant Species at the Project Site

Appendix A: Plant Species at the Project Site.

Scientific Name	Common Name
<i>Amaranthus retroflexus</i>	Redroot pigweed
<i>Atriplex triangularis</i>	Spearscale
<i>Avena fatua</i>	Wild oat
<i>Bromus catharticus</i>	Rescue grass
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Convolvulus arvensis</i>	Field bindweed
<i>Conyza bonariensis</i>	Asthmaweed
<i>Conyza canadensis</i>	Horseweed
<i>Cynodon dactylon</i>	Bermuda grass
<i>Cyperus eragrostis</i>	Tall flatsedge
<i>Epilobium brachycarpum</i>	Annual fireweed
<i>Eschscholzia californica</i>	California poppy
<i>Foeniculum vulgare</i>	Sweet fennel
<i>Fraxinus latifolia</i>	Oregon ash
<i>Gnaphalium luteo-album</i>	Clammy cudweed
<i>Kickxia elatine</i>	Fluellin
<i>Lactuca serriola</i>	Prickly lettuce
<i>Lepidium latifolium</i>	Perennial pepperweed
<i>Lolium perenne</i>	Perennial ryegrass
<i>Medicago polymorpha</i>	California bur-clover
<i>Melilotus alba</i>	White sweet-clover
<i>Paspalum dilatum</i>	Dallisgrass
<i>Physalis philadelphica</i>	Tomatillo
<i>Picris echioides</i>	Bristly ox-tongue
<i>Plantago major</i>	Common plantain
<i>Poa pratensis</i>	Kentucky bluegrass
<i>Polygonum arenastrum</i>	Common knotweed
<i>Polygonum persicaria</i>	Lady's thumb
<i>Polypogon monspeliensis</i>	Annual beardgrass
<i>Raphanus sativus</i>	Wild radish
<i>Rumex pulcher</i>	Fiddle dock
<i>Salix lucida</i> ssp. <i>lasiandra</i>	Pacific willow
<i>Schoenoplectus acutus</i> var. <i>occidentalis</i>	Tule
<i>Schoenoplectus robustus</i>	Robust bulrush
<i>Solanum americanum</i>	Black nightshade
<i>Sonchus asper</i>	Sow thistle
<i>Triglochin maritima</i>	Seaside arrowgrass

Appendix B

Sensitive Species in Project Vicinity

Appendix B: Sensitive Species in Project Vicinity.

List generated from the California Department of Fish and Game's *California Natural Diversity Database* (commercial version 3.1.3. Information dated September 1, 2006) and the California Native Plant Society's *Inventory of Rare and Endangered Plants* (online version v7-06c).

Scientific Name	Common Name	Status² (Fed/CA/other)	General Habitat	Habitat Suitability/Likelihood of Occurrence³
Plants				
<i>Astragalus tener</i> var. <i>tener</i>	Alkali milk-vetch	none/none/1B.2	Valley and foothill grasslands (adobe clay soils); alkaline vernal pools. Bloom period March to June; recorded occurrences between 1-60 meters in elevation.	None. Lack of suitable habitat and soil substrates.
<i>Chorizanthe robusta</i> var. <i>robusta</i>	Robust spineflower	FE/none/1B.1	Cismontane woodland (openings), Coastal dunes, Coastal scrub/sandy or gravelly soils; Bloom period April through September; recorded occurrences between 3 and 300 meters in elevation.	None. Lack of suitable habitat; species not observed during appropriately timed field survey.
<i>Cordylanthus maritimus</i> ssp. <i>palustris</i>	Point Reyes bird's-beak	none/none/1B.2	Marshes and swamps (coastal salt); Bloom period June through October; recorded occurrences between 0 and 10 meters in elevation.	Unlikely. Lack of suitable habitat; species not observed during appropriately timed field survey.
<i>Fritillaria liliacea</i>	Fragrant fritillary	none/none/1B.2	Cismontane woodland, Coastal prairie, Coastal scrub, Valley and foothill grassland/often serpentinite; Bloom period February through April; recorded occurrences between 3 and 410 meters in elevation.	None. Lack of suitable habitat and soil substrates likely precludes the presence of this species.
<i>Horkelia cuneata</i> ssp. <i>sericea</i>	Kellogg's horkelia	none/none/1B.1	Closed-cone coniferous forest, Chaparral (maritime), Coastal scrub/sandy or gravelly openings; Bloom period April through September; recorded occurrences between 10 and 200 meters in elevation.	None. Lack of suitable habitat; species not observed during appropriately timed field survey. Project Site outside of known elevational range for this species.

Scientific Name	Common Name	Status² (Fed/CA/other)	General Habitat	Habitat Suitability/Likelihood of Occurrence³
<i>Sanicula maritima</i>	Adobe sanicle	none/CR/1B.1	Chaparral, Coastal prairie, Meadows and seeps, Valley and foothill grassland/clay, serpentinite; Bloom period February through May; recorded occurrences between 30 and 240 meters in elevation.	None. Lack of suitable habitat and soil substrates likely precludes the presence of this species. Project Site outside of known elevational range for this species.
<i>Suaeda californica</i>	California seablite	FE/none/1B.1	Marshes and swamps (coastal salt); Bloom period July through October; recorded occurrences between 0 and 15 meters in elevation.	Unlikely. Lack of suitable coastal salt marsh habitat likely precludes the presence of this species; species not observed during appropriately timed field survey.
Invertebrates				
<i>Danaus plexippus</i>	Monarch butterfly	none/none/none Winter Roosts	Occurs in many open habitats including fields, meadows, weedy areas, marshes, and roadsides. Winter roost sites are typically located in wind-protected groves of trees near water and nectar sources.	None. Status applies to winter roost sites of which the site does not have suitable roost trees.
<i>Euphydryas editha bayensis</i>	Bay checkerspot butterfly	FT/none/none	Shallow, serpentine-derived or similar soils that support the plants on which the caterpillars (larvae) feed. The primary larval host plant is dwarf plantain (<i>Plantago erecta</i>) followed by Indian paintbrush or purple owl's clover (<i>Castilleja exserta</i> spp. <i>exserta</i>).	None. Lack of suitable host plants precludes the presence of this species along Elmhurst Creek.
Amphibians				
<i>Ambystoma californiense</i>	California tiger salamander	FT/CSC/none	Annual grasslands and valley foothill oak habitats for aestivation; vernal pools, seasonal wetlands, and stock ponds for breeding habitat.	None. Historic (1880s) record within CNDDB.

Scientific Name	Common Name	Status² (Fed/CA/other)	General Habitat	Habitat Suitability/Likelihood of Occurrence³
Birds				
<i>Athene cunicularia hypugea</i>	Western burrowing owl	none/CSC/none	Prefers burrows adjacent to open grassland and ruderal habitats. Dependent upon ground squirrels and other burrowing animals to provide burrows; also uses culverts and debris piles as alternate refuges.	None. Lack of suitable burrows along Elmhurst Creek; no suitable foraging habitat and species not observed during surveys conducted in September 2006.
<i>Charadrius alexandrinus nivosus</i>	Western snowy plover	FT/CSC/none	Nests on sandy beaches of the ocean, bays, salt ponds, and larger lakes.	None. Lack of suitable habitat along Elmhurst Creek.
<i>Geothlypis trichas sinuosa</i>	Saltmarsh common yellowthroat	none/CSC/none	Fresh and saltwater marshes, thick continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Low. Species not observed during surveys conducted in September 2006. Habitat considered marginal quality because it lacks multi-species complexity.
<i>Laterallus jamaicensis coturniculus</i>	California black rail	none/ST/none	Found in tidal salt marshes where pickleweed is the primary vegetation. Also found in fresh water and brackish marshes at low elevations.	None. Suitable habitat is not generally present, no pickleweed and limited foraging habitat.
<i>Melospiza melodia pusillula</i>	Alameda song sparrow	none/CSC/none	Tidal salt marsh habitats along the edge of the Bay and streams where tidal flow affects the vegetation.	Low. Lack of suitable nesting or foraging habitat along Elmhurst Creek; species not observed during surveys conducted in September 2006.
<i>Rallus longirostris obsoletus</i>	California clapper rail	FE/SE/none	Saltwater and brackish marshes often crossed by tidal sloughs in the San Francisco Bay. Usually closely associated with pickleweed.	None. No suitable foraging or nesting habitat along Elmhurst Creek.
Mammals				
<i>Reithrodontomys raviventris</i>	Salt-marsh harvest mouse	FE/SE/none	Found only in saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed saline emergent wetland is required habitat.	None. Lack of pickleweed habitat precludes the presence of this species along Elmhurst Creek; species not observed during surveys conducted in September 2006.
<i>Scapanus latimanus parvus</i>	Alameda Island mole	none/CSC/none	Endemic to Alameda Island.	None. Restricted to Alameda Island.

<i>Scientific Name</i>	Common Name	Status² (Fed/CA/other)	General Habitat	Habitat Suitability/Likelihood of Occurrence³
<i>Sorex vagrans halicoetes</i>	Salt-marsh wandering shrew	none/CSC/none	Found only in saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed saline emergent wetland is required habitat.	None. Lack of pickleweed habitat likely precludes the presence of this species along Elmhurst Creek.

NOTES:

1-Special Status Species: Animals that were included in this table have a ranking of CSC or higher. Special-status plants that were included in this table have a CNPS ranking of List 2 or higher.

2-Status:

Federal

- FE Federally listed as Endangered
- FT Federally listed as Threatened

State

- SE State listed as Endangered
- ST State listed as Threatened
- CR California rare
- CFP California Department of Fish and Game designated "Fully Protected"
- CSC California Department of Fish and Game designated "Species of Special Concern"

Other

- CNPS 1A Presumed extinct in California.
- CNPS 1B California Native Plant Society (CNPS) Ranking. Defined as plants that are rare, threatened, or endangered in California and elsewhere.
- CNPS 2 California Native Plant Society (CNPS) Ranking. Defined as plants that are rare, threatened, or endangered in California, but more common elsewhere.

CNPS Threat Code Extension

- .1 Species seriously endangered in California
- .2 Species fairly endangered in California
- .3 Species not very endangered in California

3-Likelihood of Occurrence: CDFG Natural Diversity Database (CNDDDB)

Likelihood of occurrence evaluations

- A rating of "known" indicates that the species has been observed on the site.
- A rating of "high" indicates that the species has not been observed, but sufficient information is available to indicate suitable habitat and conditions are present on-site and the species is expected to occur on-site.
- A rating of "moderate" indicates that it is not known if the species is present, but suitable habitat exists on site.
- A rating of "low" indicates that species was not found during biological surveys conducted to date on the site and may not be expected given the species' known regional distribution or the quality of habitats located on the site.
- A rating of "none" or "unlikely" indicates that the taxa would not be expected to occur on the project site because the site does not include the known range or does not support suitable habitat.

California Natural Diversity Database, 2006

Appendix C

Tree Survey

Appendix C: Tree Survey.

ELMHURST CREEK SEDIMENT REMOVAL and MAINTENANCE PROJECT Initial Study/Negative Declaration

On Monday, September 3, 2007 EIP/PBS&J staff biologist, Chris Bronny visited the project site to observe and record the diameters of the trunks of the trees to be removed as a part of the Project.

The trees at the Project Site include one single stem pine tree (*pinus sp*), one single stem Oregon ash (*Fraxinus latifolia*), three multi-stemmed Oregon ash (*Fraxinus latifolia*) and one multi-stemmed Pacific willow (*Salix lucida* spp. *lansiandra*). Trunk diameters are listed in Table 1, below.

Table 1: Tree Trunk Diameters				
Species		Number of Stems	Diameter (in inches)	Total Diameter for Tree
Pine	(<i>pinus sp</i>)	1	4.3	4.3 inches
Oregon ash	(<i>Fraxinus latifolia</i>)	3	6.7, 7.3, 8.2	22.2 inches
Oregon ash	(<i>Fraxinus latifolia</i>)	12	3.4, 3.1, 1.0, 1.0, 1.0, 1.0, 3.5, 5.0, 3.8, 4.6, 3.4, 2.9, 1.8, 5.1, 4.4.	46.0 inches
Oregon ash	(<i>Fraxinus latifolia</i>)	3	11.6, 2.6, 5.9	20.1 inches
Oregon ash	(<i>Fraxinus latifolia</i>)	1	1.0	1.0 inches
Pacific willow	(<i>Salix lucida</i> spp. <i>lansiandra</i>)	4	5.7, 5.2, 7.2, 6.8	24.9 inches

Tree diameters were measured at breast height, which is 4.5 feet from the ground. Given the City of Oakland Tree Removal Permit requirements, a Tree Removal Permit will be required for the pine(*pinus sp*), the three multi-stemmed Oregon ash (*Fraxinus latifolia*), and the one multi-stemmed Pacific willow (*Salix lucida* spp. *lansiandra*).