

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. **Project Title:** Oak to Ninth Avenue Mixed Use Development
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:** Margaret Stanzione, Strategic Planning Coordinator
phone: (510) 238-4932
e-mail: mstanzione@oaklandnet.com
4. **Project Location:** Oak to Ninth Avenue (area bounded by the Oakland Estuary, the Embarcadero, Fallon Street and 10th Avenue

APN No's: 0000-0430-001-02, portion of 0000-0430-001-04, 0000-0460-003, 0000-0460-004, 0000-0465-002, and portion of 0000-0470-002
5. **Project Sponsor's Name and Address:** Oakland Harbor Partners
4670 Willow Road, Suite 200
Pleasanton, CA 94588
6. **General Plan Designation:** Estuary Policy Plan Designation: Planned Waterfront District (PWD-1)
7. **Zoning:** M-40 Heavy Industrial Zone
S-2/S-4 Civic Center Zone/Design Review Overlay
8. **Description of Project:**

Project Area. The proposed project area is located along the Oakland Estuary and is bounded by the Embarcadero between Fallon Street and Tenth Avenue in Oakland and south of Interstate 880 (I-880) (see Figure 1). Jack London Square and District are located to the northwest of the project area, and Brooklyn Basin is located to the southeast of the project area.

Project Description. The entire project site is approximately 62 acres of waterfront property owned by the Port of Oakland. The proposed project includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, 3,500 structured parking spaces, approximately 27 acres of public open space, two renovated marinas, and a wetlands restoration area. The project is proposed to be constructed in phases over approximately ten years. The site is currently occupied by a combination of commercial, warehouse and light industrial services. The existing buildings on the site will be demolished, with the exception of a portion of the Ninth Avenue Terminal shed building, Estuary Park, and the Jack London Aquatic Center. The site is primarily zoned M-40 Heavy Industrial with a small portion zoned S-2/S-4 Civic Center/Design Review. The General Plan land use designation is the Estuary Policy Plan's Planned Waterfront District (PWD-1). As it pertains to the project areas, construction of the proposed project will require consideration of amendments to the City of Oakland Estuary Policy Plan, a rezoning of the property because it is not currently designated for residential or commercial uses, approval of a subdivision map, design review approval, a development agreement, and possibly other City approvals/actions. In addition, approvals or permits may also be required from other agencies for activities such as modifications to the shoreline, demolition of structures, site remediation, wetlands restoration, local and regional access (Caltrans), and possibly other activities. One or more parcels in the project area may be listed on the "Cortese List" of hazardous waste sites (Government Code Section 65962.5).

The proposed project requires action by the City of Oakland. This Initial Study is intended to address potential environmental impacts associated with construction and operation of the project including construction of the proposed project and obtainment of all necessary zoning, grading and building permits, and any other discretionary actions required by the City of Oakland and other governmental agencies, including but not limited to a General Plan Amendment, Rezoning, Planned Unit Development, Subdivision, Design Review, and Development Agreement. This Initial Study may also be used by other responsible agencies, including BCDC, Caltrans, and the Port of Oakland.

FIGURE 1
LOCATION MAP

FIGURE 2
ILLUSTRATIVE DEVELOPMENT PLAN

9. **Surrounding Land Uses and Setting:** The project area is along the Oakland Estuary, between Fallon Street and Tenth Avenue, within less than a mile from downtown Oakland. To the northwest of the project area lie commercial uses of Jack London Square, warehouse and live-work lofts in the Jack London District, The Landing residential development, and the Amtrak station. The northern surrounding area, beyond I-880, land uses include Laney College Campus, Union Pacific Railroad, and the San Antonio District which is a neighborhood with residential uses of various densities and commercial uses along the main corridors of International Boulevard and 12th Street. To the southeast lie hotel and retail uses along Brooklyn Basin. Along the western border of the project area lies the City's Estuary Park/Aquatic Center.

The project area is located adjacent to The Embarcadero and Interstate 880 (I-880), about one-half mile of the Lake Merritt BART Station, and about a mile from the 12th Street/City Center BART Station. The Oakland/San Francisco Ferry, which is located near the western boundary of Jack London Square, and the Amtrak station are northwest of the project area. AC Transit routes within the vicinity of the project site include Transbay Lines OX, S, SA, SB and Local Lines 35X and 36X along Embarcadero Street.

10. **Actions for Which This Initial Study May Be Applied Without Limitation:**

- General Plan Amendment
- Rezoning
- Planned Unit Development under Section 17.122
- Subdivision
- Development Agreement under Section 17.138
- Design Review
- BCDC Permit
- Port Agreements
- Implementation of mitigation measures, as required

11. **Environmental Factors Determined To be Less than Significant:** As noted in the following evaluation, the following environmental factors have been determined to be less than significant and will not require further analysis in the EIR:

- Agricultural Resources
- Mineral Resources

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, 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 have been added to the 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.

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.

Signature

Date

Margaret Stanzione
Strategic Planning Coordinator

For Claudia Cappio
Development Director

EVALUATION OF ENVIRONMENTAL IMPACTS

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments to I.b:

The proposed project would not result in any substantial adverse effect on scenic resources since the project area is not located within or near a state scenic highway. The Alameda County General Plan Scenic Route Element identifies nearby I-880 as a scenic route, but the designation applies only to unincorporated areas of the County and not to portions within the City of Oakland. Although the Caltrans Scenic Route Program identifies the Oakland segment of I-580 as a designated California Scenic Route, the project area is more than 2 miles from I-580.

Comments to I.a, c, and d:

As the proposed project would entail the development of new and taller buildings in the Oak to Ninth Avenue, the project EIR will evaluate the impacts of the proposed project on scenic vistas, visual quality, and light and glare.

Sources:

Project Description and Plans.
California Department of Transportation, California Scenic Highway Program,
<http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>, accessed November 6, 2002.
Site visit.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
II. AGRICULTURAL RESOURCES -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<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 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 checked="" type="checkbox"/>

Comments to II.a, b, and c:

The proposed project would not result in impacts on agricultural resources as the project area is located in a developed, industrial area of Oakland that does not include agricultural uses. The project area, as with the majority of developed land in the City of Oakland, is designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as Urban and Built-Up Land (Department of Conservation, 1998).

Sources:

Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
State of California, Department of Conservation, Map of Prime Farmland in Alameda County, 1998.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
III. AIR QUALITY -- Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

e) Create objectionable odors affecting a substantial number of people?

Comments to III.a, b, c, d, and e:

The project EIR will evaluate the air quality impacts of the proposed project during construction, and air quality impacts from any project operations and project-related increases in vehicle traffic.

Sources:

Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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IV. BIOLOGICAL RESOURCES - - Would the project:

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?

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?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Comments to IV.a, b, c, d, e, and f:

The project EIR will evaluate the potential impacts of the proposed project on biological resources.

Sources:

Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.
Site visit.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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V. CULTURAL RESOURCES -- Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments to V.a, b, c, and d:

The project EIR will evaluate the impacts of the proposed project on cultural and historic resources, (i.e. Ninth Avenue Terminal).

Sources:

Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VI. GEOLOGY AND SOILS -- Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the 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 for the area or based on other substantial evidence of a known fault? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil creating substantial risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments to VI.a(i), a(ii), a(iii), a(iv), b, c, d, and e:

The project EIR will evaluate the potential impacts of the proposed project on geology and soils.

Sources:

Oakland General Plan, Environmental Hazards Element, September 1974.
Oakland Environmental Factors Analysis, Technical Report #6, October 1995.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments to VII.a, b, c, and d:

The project EIR will evaluate the potential impacts of the proposed project on hazardous materials.

Sources:

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to VII.e and VII.f:

Oakland International Airport (OIA) is located approximately 8 miles southeast of the project area and therefore would not be affected by the proposed project. No other public airport, public use airport, or private airstrip is located within two miles of the project area.

Sources:

Thomas Brothers, *The Thomas Guide: San Francisco, Alameda and Contra Costa Counties*, 1999.
Oakland Zoning Regulations, 1966, as amended through April 2001.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments to VII.g:

The project EIR will evaluate the potential impacts of the proposed project on an adopted emergency response or evacuation plan.

Sources:

Project Description and Plans.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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?

Comments to VII.h:

The project area is within an urbanized area of Oakland and not located near any forested or grass-covered wildlands. Any new structures built on the proposed development sites would be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Sources:

Project Description and Plans

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VIII. HYDROLOGY AND WATER QUALITY - - Would the project:

a) Violate any water quality standards or waste discharge requirements?

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)?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f) Otherwise substantially degrade water quality?

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| g) 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Result in inundation by seiche, tsunami, or mudflow? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments to VIII.a, b, c, d, e, f, g, h, i, and j:

The project EIR will evaluate the impacts of the proposed project on hydrology and water quality.

Sources:

Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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IX. LAND USE AND PLANNING -- Would the project:

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to IX.a:

The proposed project would redevelop existing sites within the existing Oak to Ninth Avenue area that is along The Embarcadero between Fallon Street and Tenth Avenue. As the project would redevelop existing sites with industrial and maritime uses, the proposed project would not physically divide an established community.

Comments to IX.b:

The project EIR will evaluate the proposed project in relation to the applicable land use plans, policies, and regulations, including those in the Land-Use and Transportation Element; Estuary Policy Plan; Open Space, Conservation and Recreation Element; and Historic Preservation Element.

Comments to IX.c:

The proposed project area is located in an area that is not governed by any habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

Sources:

Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Estuary Policy Plan, June 1999.
Project Description and Plans.
Site visit.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. MINERAL RESOURCES -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 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 checked="" type="checkbox"/> |

Comments to X.a and X.b:

The proposed project would be located in an industrial area and would result in the development of a residential community with retail uses. The project area has no known existing mineral resources. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resource.

Sources:

Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.
Site visit.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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XI. NOISE -- Would the project result in:

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|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to XI.a, b, c, and d:

The project EIR will evaluate the noise impacts associated with the proposed project, both during construction and from any project operations and project-related increases in vehicle traffic.

Comments to XI.e and XI.f:

The project area is located approximately 8 miles northwest of the Oakland International Airport and therefore, the proposed project would not expose employees or patrons to excessive noise levels. No other private or public use airport or airstrip is located within 2 miles of the project area.

Sources:

Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments to XII.a, b, and c:

The project EIR will evaluate the impacts of the proposed project on population and housing.

Sources:

Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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XIII. PUBLIC SERVICES - - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:

a) Fire protection?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Police protection?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Schools?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) Parks?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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e) Other public facilities?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments to XIII.a, b, c, d, e:

The project EIR will evaluate the impacts of the proposed project on public services.

Sources:

Oakland General Plan, Land Use and Transportation Element, March 1998.
Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Oakland Community Services Analysis, Technical Report #5, October 1995.
Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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XIV. RECREATION - - Would the project:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments XIV.a and XIV.b:

The project EIR will evaluate the impacts of the proposed project on recreation as part of the public services analysis.

Sources:

Oakland General Plan, Open Space, Conservation and Recreation Element, June 1996.
Project Description and Plans.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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XV. TRANSPORTATION/TRAFFIC - - Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic that is substantial in relation to the existing 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)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments XV.c:

The project area is located approximately 8 miles from the Oakland International Airport and therefore would not have an impact on air traffic patterns. No other public or private airport or airstrip is located within 2 miles of the project area.

Comments XV.a, b, d, e, f, and g:

The project EIR will evaluate the project’s potential transportation/traffic impacts, including circulation and parking impacts, and potential conflicts with adopted policies, plans, or programs supporting alternative transportation.

Sources:

Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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XVI. UTILITIES AND SERVICE SYSTEMS - - Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments to XVI.a, b, c, d, e, f, and g:

The project EIR will evaluate the impacts of the proposed project on utilities and service systems.

Sources:

Oakland General Plan, Land Use and Transportation Element, March 24, 1998.
Oakland Community Services Analysis, Technical Report #5, October 1995.
Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation Incorporated	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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XVII.MANDATORY FINDINGS OF SIGNIFICANCE

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|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments to XVII.a, b, and c:

The project EIR will evaluate the potential impacts to biological and historical resources. The proposed project could result in both cumulatively considerable impacts and substantially adverse effects on human beings. Thus, potential impacts of the proposed project will be evaluated in the project EIR.